

MEETING OF AUGUST 11, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, AUGUST 11, 2010 AT 7:00 PM

President Marsh opened the meeting at 7:03 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

The Council President then called for the Salute to the Flag.

The Clerk then called the roll:

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

ABSENT: Castellano.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 141A OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING PERMITS" (Z-48)

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

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

President Marsh moved that the hearing be closed.

Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

President Marsh then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT: 1

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

---Nays: None.

---Absent: Castellano.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND TRAFFIC” **(Z-49)**

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

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

President Marsh moved that the hearing be closed.

Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

President Marsh then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT: 1

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

---Nays: None.

---Absent: Castellano.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “PARKING FOR HANDICAPPED” **(Z-50)**

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

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

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

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

President Marsh then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT: 1

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

---Nays: None.

---Absent: Castellano.

AN ORDINANCE AMENDING SECTION 59A-5 AND 6 DESIGNATING THE APPROPRIATE AUTHORITY FOR PURPOSES OF PROMULGATING RULES AND REGULATIONS TO GOVERN THE POLICE FORCE (Z-52)

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

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

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

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

President Marsh then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 - ABSENT: - 1

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

---Nays: None.

---Absent: Castellano.

PETITIONS AND COMMUNICATIONS

10-530

PROCLAMATION ACKNOWLEDGING THE 90TH ANNIVERSARY OF THE RATIFICATION OF THE 19TH AMENDMENT, GUARANTEEING WOMEN'S RIGHT TO VOTE.

WHEREAS, politics and government have been always been, and always will be, an essential factor in Hoboken's social fabric; and

WHEREAS, to participate in this governmental process we encourage all residents to register to vote and turn out at the polling place each Election Day; and

WHEREAS, August 26th, 2010 marks the **90th Anniversary of the Ratification of the 19th Amendment**, guaranteeing women's right to vote; and

WHEREAS, this year's **90th Anniversary** of the single greatest expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

WHEREAS, it was the hope of our Foremothers, highlighted by the efforts of New Jerseyan Alice Paul, who fought and died for **Women's Suffrage** that future generations of women would use that hard-won vote to make our world better and to fight for equality and justice for women;

NOW, THEREFORE, BE IT PROCLAIMED, that I, **DAWN ZIMMER**, Mayor of the City of Hoboken, declare that August 26, 2010, the **90th Anniversary of the Constitutional affirmation of women's right to vote and participate in the electoral process in the United States**, be celebrated by the governing body as well as educational institutions, workplaces, and civic organizations with programs, events, performances and other special ceremonies worthy of this uniquely important and historic occasion.

Received and Filed.

10-531

CONGRATULATING EMPIRE COFFEE AND TEA COMPANY ON BEING NAMED AS HAVING THE BEST COFFEE IN NEW JERSEY BY INSIDE JERSEY MAGAZINE

WHEREAS, the Empire Coffee and Tea Company was founded in 1908 and since that time has provided high quality coffees and teas to discerning patrons in the metropolitan area; and,

WHEREAS, the City of Hoboken is fortunate to have within the borders one of only two Empire Coffee and Tea Co. locations, at 338 Bloomfield Street; and

WHEREAS, Hoboken residents have long known that Empire Coffee and Tea Co. is a great place to shop for a wonderful selection of coffees, teas, gourmet gift baskets, and related products; and,

WHEREAS, the magazine “Inside Jersey” has recently issued its “Best of NJ” edition, which ranks the best in casual dining, restaurants, lifestyle, nightlife, music and shopping to be found in the Garden State; and,

WHEREAS, based upon the votes of its readers, Inside Jersey magazine has just selected Empire Coffee and Tea Co. as having the best coffee in the entire State of New Jersey, an outstanding achievement considering the high level of competition from the hundreds of coffee shops located throughout the State; and,

WHEREAS, it is appropriate and warranted that the elected leadership of the community bring attention to the many local businesses, such as Empire Coffee and Tea Co., which provide superior products and services to the people of our City, improving our quality of life and making Hoboken a more attractive place to live, work and raise a family.

WHEREAS, it should also be noted that a number of other distinguished Hoboken establishments were also recognized by Inside Jersey as being among the best in our State, including Dino & Harry’s Steakhouse, Carlo’s Bakery, Maxwell’s and the W Hoboken.

NOW, THEREFORE, I, ELIZABETH A. MASON, Councilwoman for the Second Ward **ANGELO GIACCHI COUNCILMAN OF THE SIXTH WARD** of the City of Hoboken, where Empire Coffee does business together with the rest of the **City Council** recognize, congratulate and commend the Empire Coffee and Tea Company, along with its owners, Paul Shaytin and Abbe Rivers, for being named as having the “best coffee in New Jersey” by Inside Jersey magazine, and wish them continued success in their future endeavors.

Received and Filed.

10-532

APPLICATIONS FOR MISCELLANEOUS LICENSES

Raffle-----	1
Vendors -----	1
Mechanical Amusement Devices-----	2
Taxi, Livery, and Limosines Drivers-----	45
Taxi Owner Transfer-----	1

- Councilman Lenz moved that the licenses be granted.
- Motion duly seconded by Councilman Russo.
- Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT -1
- Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
- Nays: None.
- Absent: Castellano.

REPORTS OF CITY OFFICERS

10-533

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of July 2010 - \$12,258,337.41 (Abatements totals - \$4,638.95)

---Received and filed.

10-534

A report of the Municipal Court indicating receipts for the month of July 2010 as \$452,439.16.

---Received and filed.

10-535

Bid results for 10-09: Landscape and Park Maintenance and 10-23: SFY 2010 Road Improvements on Friday July 30, 2010.

---Received and filed.

CLAIMS

10-536

Total for this agenda \$1,503,893.69

PAYROLLS

10-537

For the two week period starting July 8 – July 28, 2010

Regular Payroll	O/T Pay	Pay
\$1,482,470.75	\$39,968.78	\$1,631,885.63

For the two period starting July 22-August 11, 2010

Regular Payroll	O/T Pay	Pay
\$1,495,495.24	\$36,039.74	\$1,823,117.83

RESOLUTIONS

Presented and Read

10-538

---By Councilman Russo

RESOLUTION NAMING THE CORNER OF FIFTH AND ADAMS STREET “ GUSTOSO’ S BREAD WAY” AS A TRIBUTE TO THE GUSTOSO FAMILY FOR SERVING HOBOKEN RESIDENTS FOR OVER SEVENTY YEARS

WHEREAS, The City of Hoboken honors institutions, businesses and residents who have brought fame and positive attention to the “ Mile Square City” and who have positively impacted the lives of others; and

WHEREAS, Gustoso’ s Bread was founded on Fifth Street between Adams and Jefferson Streets over 75 years ago by Salvatore Gustoso who was born in 1892 and immigrated to America from Italy as a young man and started his business; and

WHEREAS, Gustoso’ s Bread grew in popularity with all Hoboken residents and celebrities alike. Frank Sinatra, Jimmy Roselli, Paul Sorvino were some of the few celebrities sighted at Gustoso’ s Bread; and

WHEREAS, the bakers included over the years, Salvatore’ s son, Lewis “ Sonny” Gustoso, his daughter, Nancy “ Babe” Gustoso. Later in years Sonny’ s wife and oldest son, Salvatore, took over the baking and again his son, Jerry after him; and

WHEREAS, Gustoso’ s Bread was a small family business for many years in the neighborhood and served residents for over seventy five years; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby declare that the corner of Fifth Street between Adams and Jefferson Streets be named “ Gustoso’ s Bread Way” to honor the **Gustoso family** as our entire community salutes their business for serving Hoboken residents for over seventy five years.

The speaker who spoke: Linda Gustoso.

---Motion duly seconded by Councilwoman Mason

---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

10-539

---By President Marsh

RESOLUTION APPROVING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEEHAWKEN FOR SHARED GARAGING OF PUBLIC WORKS VEHICLES AND STORAGE OF PUBLIC WORKS PARTS

WHEREAS, N.J.S.A. 40A:65-1 *et seq.* authorizes any local governmental unit to enter into a contract with any other local governmental unit to provide for shared services that any party to such agreement is empowered to render within its own jurisdiction; and

WHEREAS, the **City of Hoboken** and the **Township of Weehawken** have agreed, pursuant to a Memorandum of Understanding (annexed hereto as **Exhibit A**), to share in the garaging of Public Works vehicles and storage of parts in conjunction with the Public Works operations of both municipalities at a mutually accommodating premises located at 1714-1716 Willow Avenue in Hoboken, New Jersey; and

WHEREAS, such services, and the sharing of such services fall within the definitions enumerated in the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-3, and promote the purposes of the Act, N.J.S.A. 40A:65-2; and

WHEREAS, it is the desire of the Council of the City of Hoboken to authorize the terms of the Memorandum of Understanding, and to direct the formation of a formal executed contract expressing said terms.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute a formal contract, in compliance with N.J.S.A. 40A:65-7, expressing mutually agreeable terms, as found in the Memorandum of Understanding; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to take any other actions necessary to complete and realize the intent and purpose of this resolution; and

BE IT FURTHER RESOLVED that the City Clerk maintain a copy of the Memorandum of Understanding and the subsequent executed contract at the Office of the City Clerk for viewing by the public; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this resolution, the Memorandum of Understanding, and the executed contract to the Division of Local Government Services in the Department of Community Affairs for informational purposes, pursuant to N.J.S.A. 40A:65-4(b).

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

The speakers who spoke: Perry Belfiore, Lane Bajardi, Helen Hirsch, Stephanie Rhodes.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 - NAYS: 0 -ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

10-540

---By Councilman Lenz

RESOLUTION APPOINTING VICTOR A. AFANADOR, ESQ. AS SPECIAL LEGAL COUNSEL – RENT LEVELING LITIGATION

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel for to serve as litigation counsel for the Rent Leveling and Stabilization Board for the City of Hoboken; and,

WHEREAS, the City of Hoboken has reviewed the qualifications of Victor A. Afanador, Esq. of the firm Lite DePalma Greenberg, LLC and has determined that this attorney can provide these services for the City of Hoboken in an efficient manner; and,

WHEREAS, this special expertise and knowledge provides a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

WHEREAS, Victor A. Afanador, Esq. will be required to abide by the “ pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and:

**Victor A. Afanador, Esq.
LDG Attorneys at Law
Lite DePalma Greenberg, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102**

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$150.00 per hour based on actual time and expenses; and, in the amount not to exceed Fifty Thousand (\$50,000.00) Dollars for these services; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT - 1

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

--Nays: None.
--Absent: Castellano.

10-541

--By Councilman Lenz

RESOLUTION AUTHORIZING A CONTRACT WITH THE BUZAK LAW GROUP, LLC AS SPECIAL COUNSEL IN DEFENSE OF APPEAL BY KANE PROPERTIES, LLC OF DENIAL OF DEVELOPMENT APPLICATION BY THE CITY COUNCIL

WHEREAS, on March 24, 2010 the City Council considered and denied the development application of Kane Properties, LLC, which application was on appeal from the Zoning Board of Adjustment, appealed by Skyline Condominium Association Inc.; and which denial was memorialized May 5, 2010; and

WHEREAS, Kane Properties, LLC has appealed said action by the City Council to the Superior Court of New Jersey, Docket No.HUD-L-3395-10; and

WHEREAS, Edward J. Buzak of the Buzak Law Group LLC represented the City Council in all matters relative to the appeal before the City Council because of the inability of Michael B. Kates, Corporation Counsel, to do so, being precluded by his representation of Skyline Condominium Corporation Inc. prior to his becoming Corporation Counsel and when Skyline opposed the application of Kane Properties, LLC before the Zoning Board in 2009; and

WHEREAS, because of his experience in the matter and his special expertise and knowledge, Edward J. Buzak, Esq. is the logical and appropriate choice to continue the represent the City Council in this matter, and as a professional service defined by N.J.S.A. 40A:11-2(b), is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, The Buzak Law Group LLC will be required to abide by the “ pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in an amount not to exceed Seven Thousand Five Hundred (\$7,500.00) Dollars for the services of the Buzak Law Group, LLC and Edward J. Buzak, Esq. as special legal counsel defending the appeal of Kane Properties, LLC; and,

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$150.00 per hour based on actual time and expenses; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

The speaker who spoke: Helen Hirsch.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-542

---By Councilman Lenz

RESOLUTION AMENDING AND EXTENDING APPOINTMENT OF GORDON N. LITWIN OF ANSELL ZARO GRIMM & AARON AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, since August 7, 2007 Gordon Litwin of Ansell Zaro Grimm & Aaron P.C. has served as special legal counsel for redevelopment relating to the sale of the DPW Garage site at Observer Highway and Willow Avenue; and

WHEREAS, the appointment of Gordon Litwin and his firm expired on June 30, 2010, and the closing of title not having been consummated but anticipated to take place on August 13, 2010, the Administration therefore seeking to extend this contract to a term expiring no later than December 31, 2010; and

WHEREAS, a previous extension of the law firm’ s contract for the period March 17, 2010 to and through June 30, 2010, at a hourly rate of One Hundred Forty (\$140.00) dollars, budgeted \$15,000.00 dollars, of which \$6,118.07 has been paid for services to and through May 31, 2010, leaving an unexpended balance of \$8,881.93; and

WHEREAS, considering the possibility of either a problematic closing or additional legal services to assure a closing of title and conveyance of the property to SHG Hoboken Urban Renewal Associates, LLC, the Council deems it prudent to allocate an additional sum for legal services in the transitional budget and Gordon Litwin of Ansell Zaro Grimm & Aaron P.C. will be required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, funds will be available for the services upon the adoption of the transitional budget;

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council

concurring) that the existing professional services contract of Gordon Litwin, Ansell Zaro Grimm & Aaron P.C. be, and the same is hereby extended to December 31, 2010; and

BE IT FURTHER RESOLVED that a sum not to exceed \$15,000.00 dollars be allocated to said legal services in accordance with the following fee schedule:

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

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and

BE IT FURTHER RESOLVED that this resolution shall take effect retroactive to July 1, 2010 and terminate on December 31, 2010; and

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**Gordon Litwin of Ansell Zaro Grimm & Aaron P.C.
60 Park Place, Suite 1114
Newark, New Jersey 07102**

The speaker who spoke: Lane Bajardi.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-543

---By Councilman Lenz

RESOLUTION APPOINTING LENOX CONSULTING AS FUNDING AND GRANT-WRITING CONSULTANTS TO THE CITY OF HOBOKEN

WHEREAS, the City of Hoboken requires the services of Lenox Consulting to assist in Citywide efforts to obtain funding and grants for City projects; and,

WHEREAS, the City of Hoboken has reviewed the qualifications of Lenox Consulting and used the services of Lenox Consulting on a short term project specific basis to

determine its effectiveness, and has determined that this consulting firm can provide City-wide funding and grant-writing services for the City of Hoboken in an efficient manner; and,

WHEREAS, this type of work constitutes a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, Lenox Consulting's proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires competitive negotiation for Professional Service contracts; and,

WHEREAS, funds for this agreement are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and Lenox Consulting to provide funding and grant-writing assistance for City-wide projects as set forth above;

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

1. A contract for Funding and Grant-Writing Services for the City of Hoboken shall be prepared and executed with the following vendor:

Lenox Consulting
60 Roseland Avenue
Caldwell, NJ 07006

Such individual shall be paid a monthly rate of Four Thousand (\$4000.00) dollars per month, with a total amount not to exceed Twenty Four Thousand (\$24000.00) dollars.

2. This agreement shall be effective 1 July 2010 and terminate 31 December 2010.
3. The Mayor is hereby authorized to execute a contract with Lenox Consulting for professional funding and grant-writing consulting services on behalf of the City of Hoboken for City-wide projects, and the Mayor is further authorized to take any other actions necessary to complete and realize the intent and purpose of this resolution.
4. The City Clerk shall publish notice of this resolution in one newspaper authorized by law to publish the City's legal advertisements as required by N.J.S.A. 40A:11-5(1)(a) and shall keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.
5. This resolution shall take effect immediately.

The speaker who spoke: Helen Hirsch.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

--Yeas: Council persons Bhalla, Cunningham, Giacchi, Lenz, Mason, Mello, Russo, and President Marsh.
--Nays: None.
--Absent: Castellano.

10-544

---By Councilman Lenz

RESOLUTION APPOINTING “PAY –TO-PLAY” REFORM COMPLIANCE OFFICER FOR THE CITY OF HOBOKEN

WHEREAS, the City Code of the City of Hoboken requires a “ Pay –to-Play” Reform Compliance Officer, at Section 20A-22; and

WHEREAS, the “ Pay-to-Play” Reform Compliance Officer was incorporated into the City Code in 2008, as a result of a settlement agreement between the City of Hoboken and the People For Open Government; and

WHEREAS, to date there has not been an appointment to the position of “ Pay-to-Play” Reform Compliance Officer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the firm of Kates Nussman Rapone Ellis & Farhi, LLP, by and through the individual appointment of Alysia M. Smickley, Esq is hereby appointed as the “ Pay-to-Play” Reform Compliance Officer for the City of Hoboken; and

BE IT FURTHER RESOLVED that no additional compensation shall be provided to the firm or the individual appointee as a result of this appointment; and

BE IT FURTHER RESOLVED that said appointment shall begin immediately and shall terminate on December 31, 2010.

The speakers who spoke: Lane Bajardi, Helen Hirsch.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None

Absent: Castellano, Mason.

10-545

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER (“ PACO”) FOR THE CITY OF HOBOKEN

WHEREAS, there exists a need for a Public Agency Compliance Officer (P.A.C.O.) for the City of Hoboken, pursuant to N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27-1 et. seq.; and

WHEREAS, the State Department of Treasury Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (DDC), N.J.A.C. 17:27-1 et. seq. requires that the rules commonly known as “ affirmative action” be followed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the firm of Kates Nussman Rapone Ellis & Farhi, LLP, by and through the individual appointment of Alysia M. Smickley, is hereby appointed as the Public Agency Compliance Officer for the City of Hoboken; and

BE IT FURTHER RESOLVED that no additional compensation shall be provided to the firm or the individual appointee as a result of this appointment; and

BE IT FURTHER RESOLVED that said appointment shall begin immediately and shall terminate on December 31, 2010.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-546

---By Councilman Lenz

THIS RESOLUTION CONFIRMS THE CITY OF HOBOKEN’ S SUPPORT OF THE HOBOKEN VOLUNTEER AMBULANCE CORPS BY VIRTUE OF AN SIX (6) MONTH TOTAL CONTRIBUTION OF ONE HUNDRED FORTY-SIX THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$146,365.00)

WHEREAS, the City Council desires to support the Hoboken Volunteer Ambulance Corps. (HVAC); and,

WHEREAS, the City of Hoboken will appropriate the sum \$146,365.00 in their Fiscal Transition period budget ending 31 December 2010 for the HVAC, as a municipal contribution toward the support of the HVAC; and,

WHEREAS, \$126,365.00 of this total appropriation to the HVAC will be allocated towards payment of the annual general liability insurance coverage for the HVAC; and

WHEREAS, this payment being payable and due during the City’ s transition budget period from the General Liability line item (T0-01-30-400-010); and,

NOW, THEREFORE, BE IT RESOLVED, that the remaining \$20,000, as contribution for operating expenses of the HVAC, will be disbursed as follows: the City Chief Financial Officer shall upon adoption of this Resolution pay to the order of the HVAC the sum of \$20,000.00 as its contribution due in the SQ 2010.

BE IT FURTHER RESOLVED, that the \$20,000.00 for this payment is available in the approved Temporary Transition Budget line item appropriation titled, Unclassified, Hoboken Volunteer Ambulance Corps, Account # T0-01-25-260-020.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-547

---By Councilman Lenz

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A CONDITIONAL DESIGNATION AGREEMENT WITH P&D HOBOKEN, LLC INCLUDING PROVISIONS FOR AN ESCROW DEPOSIT TO DEFRAY THE COSTS OF THE CITY

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the City desires that a portion of the land located in the Northwest Redevelopment Area, also known as Block 95, Lots 17 & 18 on the Tax Map of the City of Hoboken (hereinafter “Project Site”), be redeveloped in accordance with the Northwest Redevelopment of the Project Site; and

WHEREAS, P&D Hoboken, LLC has submitted a Pre-Submission Form proposing the redevelopment of the Project Site; and

WHEREAS, the City and Redeveloper desire to negotiate a Redevelopment Agreement to resolve all issues including, but not limited to, the Project Description and the Project Schedule to redevelop the Project Site in accordance with the requirements of the Redevelopment Plan; and

WHEREAS, the City requires that Redeveloper pay the reasonable costs incurred by the City associated with the review of Redeveloper’s proposal, drafting and negotiation of a Redevelopment Agreement and all other costs and expenses related to this matter prior to the execution of a Redevelopment Agreement (should such an Agreement be executed), or the determination by Hoboken that such an Agreement cannot be executed (should that result occur); and

WHEREAS, a form of agreement between the parties has been executed by P&D Hoboken, LLC to provide for the conditional designation of P&D Hoboken for a ninety day period during which the negotiation of a Redevelopment Agreement will take place and a check payable to the City of Hoboken has been submitted in the amount of \$15,000, representing the initial escrow deposit.

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute the **CONDITIONAL DESIGNATION AGREEMENT BY AND BETWEEN THE CITY OF HOBOKEN AND P&D HOBOKEN, LLC**, in the form attached hereto as Schedule A.

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

---Absent: Castellano, Mason.

10-548

---By Councilman Lenz

RESOLUTION GRANTING PERMISSION TO LEXENT METRO CONNECT TO INSTALL TELECOMMUNICATIONS FACILITIES ALONG, UNDER AND OVER THE PUBLIC RIGHT-OF-WAY

WHEREAS, Lexent Metro Connect (Lexent) is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal communications commission (FCC); and

WHEREAS, Lexent, which is a public utility and common carrier, has requested approval to install telecommunications facilities in Hoboken rights-of-way which are considered a deregulated service pursuant to NJBPU and FCC; and

WHEREAS, pursuant to N.J.S.A. 48:3-18 and 48:3-19 agreements must obtain municipal consent to use poles and conduits. Lexent is seeking to lease conduit space and access to poles from other utilities, particularly Verizon New Jersey Inc.; and, Verizon has required that Lexent obtain City of Hoboken's approval as a condition of such access, pursuant to N.J.S.A. 48:3-19.

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

FURTHER RESOLVED, that:

1. Permission and authority are hereby granted to Lexent enter into an agreement with Verizon to install telecommunications facilities on existing utility poles or within existing underground conduits located in the public right-of-way in the City of Hoboken, in order to provide telecommunications services to the public, and to operate, maintain and repair said facilities, subject to the following:

A. The facilities shall be installed in existing underground conduit and/or onto existing utility poles in the public right-of-way.

- B. Lexent, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
- C. Lexent, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- D. Such permission be and is hereby given upon the condition and provision that Lexent, its successors and assigns, not only indemnify and hold harmless the City of Hoboken, its officers, agents and servants from any claims whatsoever arising from or in any way connected to the acts or omissions of Lexent in use of the public right-of-way but shall agree on behalf of the City to defend any action at law or equity which may be brought against the City upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the City.
- E. In no event shall either party be liable to the other or to any third party, whether in contract, tort, by indemnity or otherwise, for any punitive, special, indirect, incidental or consequential damages or any lost business damages in the nature of lost revenues or profits. Notwithstanding any provision contained herein, neither the City nor Lexent shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- F. Lexent hereby agrees to indemnify, defend and hold the City and its officials, officers, agents and employees against and from all suits, demands, claims, damages, or costs of suit and defense (including reasonable attorney fees), including but not limited to workers' compensation claims by the employees of Lexent or its sub-contractors, to which the City or its aforesaid officials, officers, agents and employees may be put by reason of injury or damage to the person or property of others resulting from defective materials used or furnished by Lexent, or from any carelessness or negligence of, or wrongful act or omission by Lexent or its agents, employees or sub-contractors arising from Lexent's performance in connection with the permission and consent granted herein, that causes such injury or loss.
- G. In addition to the aforesaid indemnity agreement, Lexent, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the City, in the amount of at least \$5,000,000, inclusive of umbrella coverage, bodily injury and property damage arising out of any one incident. Proof of said coverage, naming the City as an insured and including the indemnification clause in Section D shall be filed with the City Clerk prior to the installation of any plant. The City shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section. Said insurance shall not be subject to cancellation or change until thirty (30) days after the City Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- H. Such permission is hereby given upon the further condition that in the use of the public right-of-way Lexent, its successors and assign, shall become subject to any lawful Ordinance or Resolution now or hereinafter adopted by the City.

- I. Such permission is hereby given upon the condition that Lexent shall obtain all applicable permits which may be required by the City, and shall comply with, and bear the expenses of, all applicable City requirements regarding traffic control and police supervision while any work in the public right-of-way is occurring.
- J. Lexent shall be responsible for the repair of damage to paving, existing utility lines, or any surface or substance installations, etc., arising from the construction, installation or maintenance of said facilities.
- K. Lexent's use of the public right-of-way is conditioned on compliance with all City codes including but not limited to Chapter 141A, dealing with Parking and Chapter 168 dealing with use of streets and sidewalks.

NOW THEREFORE BE IT RESOLVED, that this resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-549

---By Councilman Lenz

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT FOR ALCOHOL AND DRUG ABUSE PREVENTION

WHEREAS, the City Council of the City of Hoboken, New Jersey, County of Hudson, State of New Jersey recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the City Council of the City of Hoboken further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City of Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson;

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

1. The City Council of the City of Hoboken does hereby authorize submission of an application by the Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse for a grant for the calendar year 2011 in the amount of \$40,261.00.
2. The City Council of the City of Hoboken acknowledges the terms and conditions for administering the Municipal Alliance grant, including a \$10,066.00 City cash match, the administrative compliance and audit requirements.

The speaker who spoke: Perry Belfiore.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-550

---By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE TERMINATION OF THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOBOKEN AND MONROE CENTER DEVELOPMENT L.L.C.

WHEREAS, THE Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. as amended and supplemented (the “Act”), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in order to stimulate redevelopment, the Council of the City of Hoboken (“City Council”) by resolution designated certain properties in the City as areas in need of redevelopment in accordance with the Act; and

WHEREAS, on May 20, 1998, the City Council by ordinance adopted the Northwest Redevelopment Plan (“Plan”) which has been amended from time to time, and which sets forth the plan for the redevelopment area; and

WHEREAS, on October 4, 2000, the City Council adopted a Resolution designating Monroe Center Development L.L.C. as Redeveloper of a portion of the Northwest Redevelopment Area; and

WHEREAS, June 18, 2001, the City executed a Redevelopment Agreement (“Agreement”) with Monroe Center Development, L.L.C. and;

WHEREAS, Monroe Center Development, L.L.C. subsequently obtained approvals from the Hoboken Planning Board to construct the project in five (5) phases, consisting of residential, commercial, parking and dedicated open space also known as “Village West”, and

WHEREAS, the Agreement contained, among other things, a schedule by which Monroe Center Development, L.L.C. was obligated to undertake the redevelopment of the various phases of the redevelopment project within twenty-four (24) months from the date of the 2001 Agreement and to complete the construction within sixty (60) months thereafter; and

WHEREAS, on November 7, 2007, the City Council adopted a Resolution to provide a ten (10) month extension to complete the construction of Phase I of the “Village West” development; and

WHEREAS, as of this date of this Resolution, Phase I of the “Village West” portion of the project has not been completed and construction has not taken place on any of the other four Phases of the project; and

WHEREAS, proceedings in Bankruptcy Court of the United States of America regarding various phases of the project are currently ongoing; and

WHEREAS, Monroe Center Development, L.L.C. has failed to comply with the obligations set forth in the Redevelopment Agreement; and

WHEREAS, on May 21, 2010, Special Redevelopment Counsel for the City of Hoboken notified Monroe Center Development, L.L.C. by letter that Monroe Center Development L.L.C. was in default of its obligations as contained in the Agreement and demanded that Monroe Center Development, L.L.C. cure the defaults and comply with the obligations as set forth in the Agreement (“Notification”) (a copy as Schedule 1); and

WHEREAS, on June 21, 2010, Monroe Center Development, L.L.C. responded to the Notification by, among other things, denying it was in default, requesting an indefinite extension of time to comply with its obligations and declining to agree to cure the defaults cited in the Notification (a copy is attached as Schedule 2_); and

WHEREAS, on July 8, 2010, Special Redevelopment Counsel for the City again notified Monroe Center Development, L.L.C. of the defaults of its obligations and demanded that Monroe Center Development, L.L.C. cure the defaults and come into compliance with its obligations provided and requested a further opportunity to cure the defaults and to provide any additional factual information to consider before a recommendation of termination is made to the City Council(“Second Notification”) (a copy of the Second Notified is attached as Schedule 3); and

WHEREAS, Monroe Center Development, L.L.C. has failed to respond to the Second Notification and has failed and refused to cure the default of its obligations under the Agreement and remains in default of its obligations under the Agreement; and

WHEREAS, no additional response has been provided to Special Redevelopment Counsel and he has recommended that the City Council adopt a Resolution to authorize the termination of the Agreement; and

WHEREAS, termination of the Agreement with Monroe Center Development, L.L.C. and termination of Monroe Center Development, L.L.C. status as the designated redeveloper of the Northwest Redevelopment Area would facilitate the ability of the City of Hoboken to obtain another redeveloper or redevelopers to undertake and complete the redevelopment of this project, which is of major importance and significance to the economic, environmental and cultural well being of the City;

NOW, THEREFORE it is hereby resolved by the City Council as follows:

1.A further extension of time to comply with the obligations of the Redevelopment Agreement is rejected because Monroe Center Development, L.L.C. has failed to demonstrate sufficient reasons to support an extension of time; has failed to demonstrate that it has the financial and managerial capability to implement the project; has failed to present credible proposed schedule of activities to bring the project to completion and cure the defaults and the City Council hereby determines that it is not in the public interest to grant an extension of time to complete the project; and

2.The City’s Redevelopment Counsel, Maraziti, Falcon & Healey, is hereby authorized and directed to notify Monroe Center Development, L.L.C. that its designation as the designated redeveloper for the Northwest Redevelopment Area is terminated.

3.The City’s Special Redevelopment Counsel, Maraziti, Falcon & Healey is hereby authorized and directed to notify Monroe Center Development, L.L.C. on behalf of the City that the Redevelopment Agreement is terminated and that the City does not waive any of its rights and remedies under the Agreement.

4.Staff and consultant to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

5. This Resolution shall be effective immediately.

---Motion duly seconded by President Marsh.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-551

---Councilman Mello

RESOLUTION Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvements to Various Streets, Fiscal Year 2011.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Hoboken City-000386 to the New Jersey Department of Transportation on behalf of the City of Hoboken,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Giacchi.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-552

---By Councilman Mello

RESOLUTION: Approval to submit a grant application and execute a grant agreement for the Centers of Place Program with the New Jersey Department of Transportation for the Washington Street Pedestrian Improvements, Fiscal Year 2011.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as COP-2011-Hoboken City-00038 to the New Jersey Department of Transportation on behalf of the City of Hoboken,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance

---Motion duly seconded by Councilman Giacchi.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None

---Absent: Castellano.

10-553

---By Councilman Mello

RESOLUTION: Approval to submit a grant application and execute a grant agreement for the Bikeway Grant Program with the New Jersey Department of Transportation for the City-Wide Bike Lane Improvements, Fiscal Year 2011.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2011-Hoboken City-00078 to the New Jersey Department of Transportation on behalf of the City of Hoboken,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Giacchi.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano

10-554

RESOLUTION: Approval to submit a grant application and execute a grant agreement for the Safe Streets to Transit Program with the New Jersey Department of Transportation for the Hudson Place and Hudson Street Intersection Improvements, Fiscal Year 2011.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2011-Hoboken City-00062 to the New Jersey Department of Transportation on behalf of the City of Hoboken,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Giacchi.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent; Castellano.

10-555

---By Councilman Lenz

THIS RESOLUTION RATIFIES THE ACTION OF THE ADMINISTRATION TO ADVERTISE FOR AN AUCTION OF ABANDONED VEHICLES/SURPLUS EQUIPMENT/BICYCLES TO BE HELD ON 6 AUGUST 2010.

WHEREAS, the Purchasing Agent, Department of Administration requests authorization of the Council to dispose of abandoned vehicles/surplus equipment/bicycles, that are in the possession of the Hoboken Police Department, Department of Environmental Services, and/or the Hoboken Parking Utility for over thirty days, the said authorized pursuant to provision of N.J.S.A. 39:10A-1 and

NOW, THEREFORE, BE IT RESOLVED, the Purchasing Agent, Department of Administration of his duly authorized representative is hereby authorized to expose for sale at Public Auction, Friday, 6 August 2010, at 11 A.M. in the Court Room in City Hall, the vehicles/equipment set forth on the attached list pursuant to law.

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-556

---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment of taxes has been made on property listed below: and

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 11,955.44**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QRT/YEAR</u>	<u>AMOUNT</u>
MET LIFE HOME LOANS C/O TOTAL MORTGAGE SOLUTIONS, LP ATT: REFUND DEPT 1555 WALNUT HILL LANE STE 200-A IRVING, TEXAS 75038	66/9/C0012	517-521 JACKSON ST	2/10	\$ 1,562.53
CHASE HOME FINANCE, LLC 3415 VISION DRIVE COLUMBUS, OH 43219-6009	86/1/C0306	800 JACKSON ST	2/10	\$ 4,100.40
CHASE C/O CORELOGIC 1 CORELOGIC WESTLAKE, TX 76262	178/7/C00GF	223 PARK AVE	4/09	\$ 2,970.76
ROOPAN, V RAJIV & AMISHA PATEL 1125 MAXWELL LANE #731 HOBOKEN, NJ 07030	261.03/1/C0731	1125 MAXWELL LANE	3/10	\$ 1,561.14
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS	261.03/1/C1006	1125 MAXWELL LANE	4/09	\$ 1,760.61

---Motion duly seconded by Councilman Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1

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

---Nays: None.

---Absent: Castellano.

10-557

---By President Marsh

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

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

WHEREAS, the City of Hoboken previously reviewed the qualifications of Neil Jiorle, L.S.R.P. of Weston Solutions, Inc., 205 Campus Drive, Edison, New Jersey 08837, and previously determined that this Licensed Site Remediation Professional can provide expedited high quality environmental testing, reporting and remediation services for the City of Hoboken; and

WHEREAS, the City Council previously approved a project specific contract for professional environmental engineering and site remediation services with Neil Jiorle of Weston Solutions, Inc; and

WHEREAS, it has now become necessary for the City to obtain the expertise of a Licensed Site Remediation Professional for additional services which were not included in the previous contract with Weston Solutions, Inc. including, but not limited too, exploration of foundation structures, collection and evaluation of subsurface soil samples, transport and disposal of investigative wastes, sampling and analysis of contaminates, permitting for and installation of additional groundwater monitoring wells, sampling and analysis of groundwater, reporting of results, and professional environmental services at meetings and conferences; and

WHEREAS, this type of works constitutes a professional service as defined by N.J.S.A. 40A:11-2(b) and as such is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the City Council hereby determines that the following provisions and services on behalf of the City are essential and must be completed as soon as possible; and

WHEREAS, Neil Jiorle and Weston Solutions, Inc. will be required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as 20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, funds are available for this purpose in the TY 2010 introduced/adopted budget.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and Weston Solutions, Inc. to provide the services of Neil Jiorle as a licensed site remediation professional, for the project set forth above; and

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

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

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

2. Such individual shall be paid in an amount not to exceed Forty Eighty Thousand Dollars (\$48,000.00).
3. This agreement shall be effective immediately upon execution and shall terminate upon completion of the project.
4. The Mayor is hereby authorized to execute a contract with Weston Solutions, Inc. for the services of Neil Jiorle, as described herein, and all other necessary documents on behalf of the City of Hoboken and to take any other actions necessary to complete and realize the intent and purpose of this resolution.
5. The City Clerk shall publish notice of this resolution in one newspaper authorized by law to publish the City' s legal advertisements as required by N.J.S.A. 40A:11-5(1)(a) and shall keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.
6. This resolution shall take effect immediately.

--Motion duly seconded by Councilman Bhalla.

--Adopted by the following vote: YEAS: 7 - NAYS: 0 – ABSTAIN – 1 - ABSENT -1

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

--Nays: None.

--Abstain: Mason

--Absent: Castellano.

ORDINANCES

Introduction and First Reading

10-558

Z-53

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 196-63 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “ZONING – APPLICATION AND ESCROW FEES”

WHEREAS, the current application fees associated with development applications do not adequately represent the costs associated with the administration of planning and zoning; and

WHEREAS, the current escrow fees associated with development applications do not adequately represent the costs associated with professional services relating to planning and zoning applications; and

WHEREAS, the result of the inadequate current fees has been a significant deficiency in administrative funding through application fees; and

WHEREAS, the result of the inadequate current escrow fees has been a severe and repetitive deficiency in the available escrow to pay outstanding professional service fees for individual development applications; and

WHEREAS, the City Council of the City of Hoboken, in an effort to minimize administrative losses, and to alleviate administrative efforts to obtain outstanding debts from individual development applicants, and to eliminate delinquent professional service invoices relating to development applications, has determined increases in application fees and escrow fees are necessary.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows:

SECTION ONE: AMENDMENTS

The body of Section 196-63, entitled “ Application and Escrow Fees” is hereby deleted in its entirety and replaced with the following table:

ACTION REQUESTED	PROJECT TYPE	PROJECT SIZE	APPLICATION FEE	ESCROW FEE
SITE PLAN, PUD, CONDITIONAL USE APPROVAL Minor site plan (per § 196-26A(1)(b))	residential	3-9 dwelling units	\$500.00	\$5,000.00
	non-residential	3,000-4,999 sq ft	\$500.00	\$5,000.00
	other	per § 196-26	\$500.00	\$5,000.00
Preliminary site plan, PUD, conditional use	residential	10+ dwelling units	\$750 plus \$50/dwelling unit	\$10,000 plus \$100/dwelling unit
	non-residential	under 5,000 sq ft	\$750.00	\$5,000.00
	non-residential	5,000-9,999 sq ft	\$1,000 plus \$50/1,000 sq ft	\$7,500.00
	non-residential	10,000-24,999 sq ft	\$1,500 plus \$50/1,000 sq ft	\$10,000.00
	non-residential	25,000 sq ft and over	\$2,000 plus \$50/1,000 sq ft	\$15,000.00
Final site plan	all	all	50% of preliminary	50% of preliminary
Amendment	or			

extension of preliminary or final site plan or conditional use approval	all	all	\$500.00	\$2,500.00
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APPEALS, INTERPRETATIONS, VARIANCES				
Appeals, per N.J.S.A. 40:55D-70a	all	all	\$300.00	\$1,000.00
Interpretations, per N.J.S.A. 40:55D-70b	all	all	\$300.00	\$1,000.00
Hardship variance, per N.J.S.A. 40:55D-70c	all	all	\$300 for first \$150 for each additional	\$1,000 if NOT part of site plan \$3,000 if part of site plan
Use variance, per N.J.S.A. 40:55D-70d	all	all	\$500 for first \$250 for each additional	\$1,000 if NOT part of site plan \$3,000 if part of site plan

OTHER FEES				
Special meeting request	all	all	\$1,000.00	NONE
Informal or concept review	all	all	\$400.00	\$500.00
Redevelopment plan amendment	all	all	\$2,500.00	\$5,000.00

ZONING REVIEW	residential	1-4 dwelling units	\$100.00	NONE
	residential	5+ dwelling units	\$100 plus \$25/dwelling unit over 4	NONE
	non-residential	under 5,000 sq ft	\$100.00	NONE
	non-residential	5,000-9,999 sq ft	\$200.00	NONE
	non-residential	10,000-49,999 sq ft	\$400.00	NONE
	non-residential	50,000 sq ft and over	\$500.00	NONE

HISTORIC PRESERVATION REVIEW	residential	1-4 dwelling units	\$50.00	NONE
	residential	5+ dwelling units	\$35.00/dwelling unit	NONE
	non-residential	all	\$50.00/1,000 sq ft	NONE

SUBDIVISION	minor or major	all	\$5/lot	NONE
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SECTION TWO: 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 THREE: 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 FOUR: EFFECTIVE DATE

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

SECTION FIVE: 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.

---President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **SEPTEMBER 1, 2010 AT 7:00 P.M.**

---Motion duly seconded by Councilman

---Adopted by the following vote: YEAS: 8 – NAYS: 0 -ABSENT - 1

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

---Nays: None.

---Absent: Castellano.

10-559
Z-54

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 5 OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "VEHICLES AND TRAFFIC" – OVERNIGHT PARKING OF COMMERCIAL VEHICLES PROHIBITED.

WHEREAS, pursuant to Chapter 190 of the City of Hoboken Administrative Code, parking regulations are enumerated, including parking restrictions on commercial vehicles; and

WHEREAS, the Council has the authority to amend the commercial vehicle parking regulations, pursuant to N.J.S.A. 39:4-197(1)f.

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

Section One: Amendments

The following amendments are hereby made to Section 190-5:

§ 190-5. Overnight parking of commercial vehicles prohibited.

A. For purposes of this §190-5, commercial vehicles are defined as follows:

1. **Large commercial vehicles** are defined as those weighing more than 4.5 tons or those less than 4.5 tons with a height of more than 9.5 feet including installed accessories and/or a cargo area/work platform more than 14 feet in length.
2. **Medium commercial vehicles** are defined as those weighing less than 3.5 tons, less than 9.5 feet in height including installed accessories and/or a cargo area/work platform less than 14 feet in length.
3. **Light commercial vehicles** are defined as those weighing less than 2.5 tons and a cargo area/work platform that is less than the height of the vehicle cab and no more than 9 feet in length.

~~A~~B. In accordance with the ~~provisions~~ definitions of this § 190-5A, no person, firm or corporation shall park any truck, bus, semitrailer, pole trailer, tractor or large commercial vehicle ~~having a registered weight of four (4) tons~~ upon any municipal street from the hours of 8:00 p.m. to 8:00 a.m. on any day of the week. Such prohibition shall extend and include any construction and/or excavation vehicles not occupying a bona fide job site.

C. Overnight parking of medium and light commercial vehicles owned by residents is limited to no more than two and one per household, respectively. Alternatively, one household may park on-street overnight a maximum of one medium and one light commercial vehicle.

~~B~~D. The posting of " No parking overnight for trailers, buses, trucks and commercial vehicles" signs shall be deemed to be notice to the owner and/or operator thereof.

Section Two: Repeal of Inconsistent Provisions

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

Section Three: 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 Four: Effective Date

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

Section Five: 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.

---President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **SEPTEMBER 1, at 7:00 PM.**

---Motion duly seconded by Councilman Giacchi.

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

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

---Nays: None.

---Absent: Castellano, Lenz.

10-560

Z-55

AN ORDINANCE TO AMEND CHAPTER 180A OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED, "LIMOUSINES AND LIVERIES"

WHEREAS, Chapter 180A of the current Code of the City of Hoboken is at variance with the recently amended State statutes regarding limousines; and,

WHEREAS, the language, rules and regulations of Chapter 180A of the current Code of the City of Hoboken have become antiquated and outdated; and,

WHEREAS, it is in the City's best interest, to support the safety, health and welfare of the residents of the City of Hoboken to update the City Code to reflect modern issues and comply with State statutes.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken as follows:

SECTION ONE:

Chapter 180A of the City Code of the City of Hoboken is hereby amended in its entirety as follows (additions noted with underline, deletions noted with strikethrough):

CHAPTER 180A LIMOUSINES ~~AND LIVERIES~~
ARTICLE I
General Provisions

- § 180A-1. Definitions.
- § 180A-2. Compliance with state law; insurance requirement.
- § 180A-3. Limousine ~~and livery vehicle~~ license required.
- § 180A-3.1. Leased vehicles.
- § 180A-3.2. Livery Licenses Converted to Limousine Licenses
- § 180A-4. Limousine ~~and livery~~ license application procedure; renewal.
- § 180A-5. Issuance of limousine ~~or livery~~ license.
- § 180A-6. Transfer of limousine ~~or livery~~ license.
- § 180A-6.1. Temporary transfer of vehicles.
- § 180A-7. Suspension and revocation of limousine ~~or livery~~ license.
- § 180A-8. Limousine ~~or livery~~ driver's license required.
- § 180A-9. Limousine ~~or livery~~ driver's license application procedure.
- § 180A-10. Investigation of applicant for limousine ~~or livery~~ license.
- § 180A-11. Consideration of application; appeal of denial.
- § 180A-11.1. Temporary licenses.
- § 180A-12. Issuance of limousine ~~or livery~~ driver's license; term of license; renewal.
- § 180A-13. Suspension and revocation of limousine operator's ~~or livery driver's~~ license.
- § 180A-14. Compliance with other laws.
- § 180A-15. Vehicle equipment and maintenance.
- § 180A-15.1. Reporting of accidents; other reports required.
- § 180A-16. Use for illegal or immoral purposes prohibited.
- § 180A-17. Solicitation of passengers; maximum number of passengers.
- § 180A-17.1. Operation of noncertified limousine or livery vehicle.
- § 180A-17.2. Limousine rates.
- § 180A-18. Register of license holders.
- § 180A-19. Standing in certain locations prohibited.
- § 180A-20. Behavior of drivers.
- § 180A-21. Operation by unlicensed drivers prohibited.
- § 180A-22. Restrictions on operations.
- § 180A-23. Lost articles.
- § 180A-24. Enforcement.
- § 180A-25. Hearings.

- § 180A-26. Promulgation of rules and regulations; distribution.
§ 180A-27. Violations and penalties.

ARTICLE II

**Limousine and Livery Drivers'
Rules and Regulations**

- § 180A-28. Table of drivers' rules and regulations.
§ 180A-28.1. Fines for violation of drivers' rules and regulations.

ARTICLE III

**Limousine and Livery Owners'
Rules and Regulations**

- § 180A-29. Table of owners' rules and regulations.
§ 180A-29.1. Fines for violations of owners' rules and regulations.

GENERAL REFERENCES

- Parking permits —See Ch. 141.
Taxicabs —See Ch. 179A.
Shuttle Buses —See Ch. 180
Vehicles and traffic —See Ch. 190.

ARTICLE I General Provisions

§ 180A-1. Definitions.

The following words and phrases when used in this chapter have the meanings as set out herein:

CRUISING —The driving of any ~~livery or~~ limousine vehicle on the streets, alleyways or other public places of the city in search of or soliciting prospective passengers for hire.

DIRECTOR —The Director of the Department of Administration.

DIVISION OF TAXI AND LIMOUSINE LICENSING —The Division Head of the Division of Taxi and Limousine Licensing shall be the person designated by the Director of Transportation and Parking Utility ~~Business Administration~~ of the City of Hoboken to act as Division Head of the Division of Taxi and Limousine Licensing.

HEARING —A public hearing at which the licensee shall be given an opportunity to appear personally and be represented by his chosen counsel and be heard and to present evidence on his behalf or otherwise answer the charges against him.

HOLDER —A person to whom a limousine license ~~or livery~~ has been issued.

INSPECTOR —The person or persons empowered or designated by the Transportation and Parking Utility to perform inspections pursuant to this chapter.

LICENSE INSPECTOR —~~The Inspector of License in the Department of Business Administration~~

LIMOUSINE ~~OR LIVERY~~ OPERATOR —Any person holding a valid current driver's license equivalent to a New Jersey commercial driver's license Class ~~D~~ C or above, as

~~required by the State of New Jersey Motor Vehicle Commission, with passenger endorsement to operate a motor vehicle carrying eight (8) or more passengers.~~

LIMOUSINE VEHICLE —Any automobile or motor car which is issued special registration plates bearing the word "limousine" pursuant to section 12 of P.L. 1979, c.224 (C.39:3-19.5) and is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than fourteen (14) passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four (4) passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. A limousine shall not include a vehicle owned and operated directly or indirectly by a business engaged in the practice of mortuary science when that vehicle is used exclusively for providing transportation related to the provision of funeral services.

LIVERY VEHICLE —Any vehicle which has been issued omnibus or livery license plates by the State of New Jersey, ~~has received a livery license by the City of Hoboken,~~ is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than five (5) passengers, not including the driver. Pursuant with N.J.S.A. 48:16-13.1, all vehicles within the City previously defined as livery vehicles shall hereinafter be defined as limousines. Wherever the term livery vehicle is used in this Chapter it shall have the same meaning and be subject to the same requirements as a limousine. Pursuant to N.J.S.A. 48:16-13.1, all vehicles within the City previously defined as livery vehicles shall hereinafter be defined as limousines. Wherever the term livery vehicle is used in this Chapter it shall have the same meaning and be subject to the same requirements as a limousine.

PERSON —Any individual, a corporation or other legal entity, a partnership or any incorporated association but does not include a child of less than six (6) years of age.

TRANSFER —To sell, transfer or in any other manner dispose of a limousine ~~or livery~~ license. Where the license is in the name of a corporation or other legal entity, any change in ownership or control of the corporate entity holding holder the license shall constitute a "transfer" of the license held in the name of said corporation or other legal entity. The Division of Taxi and Limousine Licensing shall determine what constitutes a change in control.

§ 180A-2. Compliance with state law; insurance requirement.

A. In order to ensure the safety of the public, it shall be unlawful for the holder to operate or cause to permit a limousine ~~(or livery)~~ vehicle to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-13 to -22.7 and the Acts amendatory or supplemental thereto, which includes, but is not limited to the purchase of an insurance policy from a company duly licensed to transact business under the insurance laws of this state in the sum of one million five hundred thousand dollars (\$1,500,000.) against loss by reason of the liability imposed by law upon every limousine ~~(or livery)~~ owner for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of ownership, maintenance or use of the limousine ~~(or livery)~~ vehicle ~~in the case of a livery vehicle the same insurance limits which apply to a taxicab in the City of Hoboken shall also apply to liveries.~~

B. The owner shall furnish the Division of Taxi and Limousine Licensing with evidence of compliance with this section and that the premium for the full period of the licensing year

has been paid. Each policy shall contain an endorsement providing for thirty (30) days written notice from the insurance company to the City of Hoboken in the event of any change in the policy or cancellation of the policy. Each limousine (or livery) license shall become effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts specified herein.

C. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two (2) business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder's insurance companies.

§ 180A-3. Limousine and livery vehicle license required.

A. No person shall operate or permit to be operated a ~~livery vehicle or~~ limousine providing service on an intra-municipal, point to point basis within the City without having first obtained a license from the Division of Taxi and Limousine Licensing. This requirement is in addition to the requirement that a limousine owner, whose principal place of business is within the City, obtain a license from the Division of Taxi and Licensing in accordance with N.J.S.A. 48:16-17.

B. No license to operate shall be issued or renewed unless the holder thereof has paid the annual license fee of ~~seven hundred~~ fifty dollars (\$750.) for each limousine service and ten dollars (\$10.) for each limousine license and ~~an annual fee of seven hundred fifty dollars (\$750.) for every livery vehicle to be operated under said license~~. Said license shall be for the year ending on March 31 and shall be in addition to any other fees or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his operation and control.

C. Each limousine licensed by the City of Hoboken shall be required to pay an annual administrative fee of seven hundred dollars (\$700.) to cover administrative costs including, but not limited to, City vehicle inspections and limousine law enforcement.

D. Each person issued a limousine ~~or livery~~ operator's license by the City of Hoboken shall, as a condition to continue maintenance of such license, submit each of his limousine ~~or livery~~ vehicles for a full mechanical and vehicle inspection once a year during the one-year period of his license pursuant to a schedule established by the City of Hoboken. Such inspection shall be conducted by an Inspector of the Division of Taxi and Limousine Licensing at the Hoboken Police Department and/or New Jersey Motor Vehicle Commission. In the event that city inspectors report that any vehicle is in need of repair, the licensee shall repair the same within thirty (30) days of the inspection and shall resubmit the vehicle for reinspection, plus submit a written report or invoice specifying the services performed and parts furnished to correct the condition noted in the prior inspection report. The term "in need of repair" shall include but is not limited to the following:

- (1) That the glass (windows and/or windshield) is cracked, chipped or scratched or that the glass in the mirrors is cracked.
- (2) That the horn does not function properly so as to produce a sound audible for two hundred (200) feet.
- (3) That the emergency brake does not hold the vehicle when parked on a grade.
- (4) That the foot brake does not hold the vehicle when parked on a grade and that it does not have sufficient reserve pedal.
- (5) That the headlights, taillights, stoplights and directional lights do not turn on and off when operated by the control in the vehicle or are otherwise broken or defective.
- (6) That the windshield wipers do not rotate back and forth with sufficient pressure when turned on and do not stop when turned off by the control in the vehicle.

- (7) That the tires have damage, ply separation, breaks or cuts and do not have at least two thirty-seconds (2/32) inch of tire tread.
- (8) That a defroster does not function properly so as to produce a temperature in excess of fifty degrees Fahrenheit (50° F.).
- (9) That any door for entering into or out of the vehicle is damaged to the extent that it does not fully swing for convenient passenger ingress or egress.

§ 180A-3.1. Leased vehicles.

Any license for a vehicle leased, rented or held under any similar legal arrangement may be licensed as a limousine ~~or livery vehicle~~, subject to the following conditions:

- A. The vehicle, ~~and~~ owner, and lessee must meet all the terms of this chapter.
- B. The lease rental agreement or legal documents evidencing the arrangement under which the vehicle is held must be submitted to the Division of Taxi and Limousine Licensing prior to a license being issued.
- C. The vehicle must be held under the exclusive control of the lessee for the entire lease period, which must be at least as long as the license period. There shall be no sharing of vehicles between partnerships, corporations, organizations, associations or any combination thereof during the period of a license. Any such sharing will immediately void the Hoboken limousine ~~or livery~~ license granted for that vehicle.

§ 180A-3.2 Livery Licenses Converted to Limousine Licenses

A. Pursuant to the definition of N.J.S.A. 48:16-13.1, all autocabs within the City of Hoboken currently designated as livery vehicles shall be redesignated as limousines. The City of Hoboken shall convert all current livery licenses to limousine licenses and all current livery operator's licenses to limousine operator's licenses to comply with N.J.S.A. 48:16-13.1. Upon the next renewal after this subsection takes effect, any livery license or livery operator's license shall be converted to a limousine license or limousine operator's license.
B. The holder of such livery license or livery operator's license shall be obligated to meet all requirements for obtaining a limousine license and/or limousine operator's license under this Chapter prior to conversion by the City of Hoboken, except that:

(1) Any livery vehicle licensed by the City of Hoboken on the date of adoption of this amendment shall be exempt from the four (4) year requirement of Section 180A-15(F) and the licensed livery vehicle shall be entitled to be operated for the remainder of the aggregate total of twenty-four (24) months allowed under the law prior to this amendment.

(2) Once livery vehicles covered by the exemption listed in Section 180A-3.2B(1) are replaced, whether it be at the end of the twenty-four (24) month period or sooner, the replacement vehicle and its corresponding license shall immediately become subject to the requirements of Section 180A-15(F) without limitations.

C. As of the date of enactment of this subsection, no new or renewal livery license or livery operator's licenses shall be granted by the City of Hoboken.

§ 180A-4. Limousine ~~and livery~~ license application procedure; renewal.

A. In addition to the requirements of N.J.S.A. 48:16-17, application for a license shall be filed with the Division of Taxi and Limousine Licensing upon forms provided by the City of Hoboken, and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position whatever their title.
- (2) The year, type and model of the vehicle for which the license is desired.
- (3) The number of persons the vehicle is capable of carrying.

(4) Such further information as the Division of Taxi and Limousine Licensing of the City of Hoboken may require.

B. The annual application for renewal of limousine ~~or livery~~ licenses and limousine operator's licenses shall be filed not later than thirty (30) days prior to the expiration date. Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.

§ 180A-5. Issuance of limousine ~~or livery~~ license.

The Division of Taxi and Limousine Licensing is hereby created. The head of this division shall be designated by the Director of Transportation and Parking Utility Business Administration of the City of Hoboken to serve at a commensurate salary. The division head of the Division of Taxi and Limousine Licensing shall be responsible for the enforcement of this section and Chapter 179A of the ordinances of the City of Hoboken pertaining to Taxi and Limousine service.

If the Division Head of the Division of Taxi and Limousine Licensing finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this chapter, the Division of Taxi and Limousine Licensing shall issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Division of Taxi and Limousine Licensing shall take into consideration the character, experience and responsibility of the applicant.

A. Until March 31, 2011, the number of outstanding livery licenses shall be limited to a total of twenty-five (25) liveries. As of March 31, 2011 all outstanding livery licenses shall be converted to limousine licenses. Any outstanding livery licenses that have not been converted by the holder as of March 31, 2011 shall be revoked, and the holder thereof shall not be entitled to conversion to a limousine license.

B. The number of outstanding limousine licenses shall be limited to a total of fifty (50) limousines. The number of outstanding limousine license shall be limited to a total of seventy-five (75), fifty (50) of which were outstanding, active and assigned and twenty-five (25) which shall be converted from the City's outstanding active assigned livery licenses. In the event a livery license holder shall fail to convert their outstanding livery license to a limousine license on or before March 31, 2011 the City reserves the right to, but shall not be obligated to sell the remaining available limousine licenses in accordance with the New Jersey Public Contract Law.

§ 180A-6. Transfer of limousine ~~or livery~~ license.

A. No limousine ~~or livery~~ license may be sold, assigned or otherwise transferred without the prior written consent of the City Council. No limousine ~~or livery~~ license shall be mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financial transaction.

B. A limousine license holder shall at no time drive a limousine licensed by a different limousine license holder. Such conduct shall result in both limousine licenses being suspended, or, after a hearing, revoked.

§ 180A-6.1. Temporary transfer of vehicles.

It shall be unlawful for any person licensed under the provisions of this chapter to voluntarily permit any other person to drive or operate a limousine ~~or livery~~ under such license.

§ 180A-7. Suspension and revocation of limousine ~~or livery~~ license.

A. Licenses issued under the provisions of this chapter may be suspended or, after hearing, revoked by the Division of Taxi and Limousine Licensing if the holder thereof has:

(1) Violated any of the provisions of this chapter.

(2) Violated any ordinance of the City of Hoboken or the laws of New Jersey, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

(3) Discontinued operation of a limousine license for more than thirty (30) days:

B. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

~~Prior to revocation, the holder shall be given written notice of the proposed action to be taken and the charges against him and shall be given a hearing. Notwithstanding the use of the words "suspend or after hearing, revoke" in this chapter, the Division of Taxi and Limousine Licensing may suspend and, after hearing, revoke such licenses.~~

§ 180A-8. Limousine operator' s or livery driver' s license required.

A. No person shall operate a limousine ~~or livery~~ for hire upon the streets of the City of Hoboken and no person who owns or controls a limousine ~~or livery~~ shall permit it to be so driven and no limousine ~~or livery~~ licensed by the City of Hoboken shall be so driven at any time for hire unless the driver of said limousine ~~or livery~~ shall have first obtained and shall have then in force the limousine ~~or livery~~ operator's license under the provisions of this chapter and provided, further, that said driver shall be a holder or servant, employee or agent of such holder.

B. Every person applying for a ~~license to drive a limousine~~ operator' s license ~~or livery vehicle~~ must furnish satisfactory evidence that he ~~has~~ may received a limousine ~~or livery~~ license under the New Jersey State Motor Vehicle Law.

C. Each applicant for a limousine ~~or livery~~ operator' s license under the terms of this chapter must conform to the following regulations:

(1) Be of the age of twenty-one (21) years or over and be legally authorized to work in the United States

(2) Be able to read and write the English language ~~and be a citizen of the United States.~~

§ 180A-9. Limousine ~~or livery driver' s~~ operator' s license application procedure.

A. An application for a ~~driver' s~~ an operator' s license shall be filed with the Division of Taxi and Limousine Licensing on forms provided by the City of Hoboken. Any documentation submitted in support of an application shall be original documents or legible certified copies of same. The application shall contain the following:

(1) The full name and address of the applicant.

(2) Places of residence for the preceding five (5) years.

(3) Age, height and color of eyes and hair.

(4) Place of birth and whether married or single.

(5) Previous employment and whether he has ever been convicted of a high misdemeanor, misdemeanor, violation of the Disorderly Persons Act or a violation of this chapter.

(6) Whether a driver's license, issued by any state or political subdivision thereof, ever held by him has been suspended or revoked and for what cause.

~~(7) Fingerprint impressions taken by the for the Hoboken Department of Police to conduct State and Federal background checks. The applicant shall bear any and all costs for fingerprinting.~~

~~(8) 7 The successful completion of a 5 Panel Drug & Alcohol Test administered by a third party selected by the City of Hoboken, which results shall indicate no positive test results for any controlled dangerous substance or alcohol. The cost of this test shall be at the applicant's expense.~~

~~(9) Authorization to the City of Hoboken, permitting the release of the applicant's criminal background check to the City of Hoboken.~~

~~(+ 8) A motor vehicle services record abstract indicating a driver's history from the State New Jersey Motor Vehicle Commission where the applicant's driver's license is held, which shall be no more than thirty (30) days old.~~

(9) An original or sealed copy of the Certification Letter from the Chief Administrator of the New Jersey Motor Vehicle Commission, pursuant to N.J.S.A. 48:16-22.3a, which shall state that the applicant has been approved by the State of New Jersey Motor Vehicle Commission to operate a limousine within the State limits.

B. The applicant shall furnish four (4) passport-type photographs of himself taken within thirty (30) days of the application, front view, two by two (2 x 2) inches in size.

C. Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date and that, in his opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might make him unfit for the safe operation of a limousine or livery vehicle. The examination shall be within thirty (30) days prior to the filing of the application. At the time the application is filed, the applicant shall pay to the Division of Taxi and Limousine Licensing the sum of seventy-five dollars (\$75.).

D. The annual application for renewal of limousine licenses and limousine operator's licenses shall be filed not later than thirty (30) days prior to the expiration date. Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.

§ 180A-10. Investigation of applicant for limousine ~~or livery~~ operator's license.

~~The Police Division shall conduct an investigation of each applicant for a driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Division of Taxi and Limousine Licensing.~~

A. All applicants for City of Hoboken limousine operator's licenses shall comply with N.J.S.A. 48:16-22.3a. The Division of Taxi and Limousine shall not approve any application for a limousine operator's license until the individual applicant has supplied the Division with an original or sealed copy of the Certification Letter from the Chief Administrator of the New Jersey Motor Vehicle Commission, which shall state that the applicant has been approved by the New Jersey Motor Vehicle Commission to operate a limousine within the State limits. The Division shall summarily deny a City of Hoboken limousine operator's license to any applicant who obtains a Disqualification Letter from the Chief Administrator of the New Jersey Motor Vehicle Commission.

B. The City of Hoboken shall not be entitled to any additional investigation into the criminal background of individual applicants, except that the City of Hoboken shall require a driver's abstract which it may rely on in considering the application.

§ 180A-11. Consideration of application; appeal of denial.

The Division Head of the Division of Taxi and Limousine Licensing, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a hearing to offer evidence why his application should be reconsidered.

§ 180A-11.1. Temporary licenses.

The Division of Taxi and Limousine Licensing may issue a temporary license to any applicant who has fully completed the licensing application process, has been approved by the Director of Transportation and Parking Utility Business Administration and is awaiting City Council approval of his or her license. Such temporary license shall be valid for a period

of time to be determined by the Division of Taxi and Limousine Licensing and for not longer than thirty (30) days from the date of its issuance.

§ 180A-12. Issuance of limousine ~~or livery driver's~~ operator's license; term of license; renewal.

A. Upon approval of the application for an operator's ~~a driver's~~ license by the Division of Taxi and Limousine Licensing, the Division Head shall issue a license to the applicant which shall bear the name, signature and photograph of the applicant.

B. Such license shall be in effect for the remainder of the fiscal year ending March 31. The fee for such license shall be seventy-five dollars (\$75.), and the license for every year thereafter shall be issued upon payment of seventy-five dollars (\$75.).

C. The license shall also contain the city license number and a notice that, in case of any complaint, the Division of Taxi and Limousine Licensing shall be notified of the license number of the driver. The license shall bear the signature of the Division Head of the Division of Taxi and Licensing.

§ 180A-13. Suspension and revocation of limousine ~~or livery driver's~~ operator's license.

The Division of Taxi and Limousine Licensing is hereby given the authority to suspend any operator's ~~driver's~~ license issued under this chapter upon justified complaint of any person, including a holder, for a driver failing or refusing to comply with the provisions of this chapter; provided, however, that a holder's first ~~such~~ suspension shall not exceed twenty (20) days. The Division of Taxi and Limousine Licensing is also given the authority to revoke any driver's license for failure to comply with the provision of this chapter; provided, however, that a license may not be revoked unless the driver has received notice and a copy of the charges against him and has been given a hearing. Notwithstanding the use of the words "suspend or, after a hearing, revoke" in this chapter, the Division of Taxi and Limousine Licensing may suspend *and*, after a hearing, revoke any such license.

A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

§ 180A-14. Compliance with other laws.

Every driver licensed under this chapter shall comply with all city, state and federal laws, the violation of which reflects unfavorably on the fitness of such driver to engage in public transportation; failure to do so will justify the Division of Taxi and Limousine Licensing in suspending or, after a hearing, revoking the license. If, at any time within the license year, a driver has been found guilty of a high misdemeanor or misdemeanor or has permitted his vehicle to be used for any illegal or immoral purpose, the Division of Taxi and Limousine Licensing may immediately suspend or, after a hearing, revoke the driver's license.

§ 180A-15. Vehicle equipment and maintenance.

A. No license shall be issued until said limousine ~~or livery vehicle~~ has been thoroughly inspected and found to be in a safe condition for the transportation of passengers and of good appearance.

- B. Every vehicle operating under this chapter shall be periodically inspected, at such intervals as the Division of Taxi and Limousine Licensing may direct, to ensure the continued maintenance of safe operating conditions.
- C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the Division of Taxi and Limousine Licensing.
- D. Any vehicle on the streets of the City of Hoboken in violation of this section may be removed from the street by the Hoboken Police Department Division. If the vehicle is not returned to service in accordance with the provisions of this section within ninety (90) days, the Division of Taxi and Limousine Licensing may suspend or, after a hearing, revoke the limousine ~~or livery~~ license.
- E. Color scheme of ~~livery or~~ limousine. A ~~livery or~~ limousine may be of any color other than one that will represent a taxi/hack (yellow).
- F. Vehicles used as a limousine shall be of a four-door model and shall not be more than four (4) years old. ~~Vehicles used as livery shall be of a four-door model and may not be operated in excess of an aggregate total of twenty-four (24) months.~~ Thereafter, said vehicle must be replaced ~~and/or retired~~.
- G. Upon written request, the Division of Taxi and Limousine Licensing may permit a vehicle smaller than a four-door model or more than four (4) years old ~~in use longer than an aggregate of twenty-four (24) months~~ to be licensed. Such a request shall only be granted where the vehicle is a classic, antique, vintage or otherwise unusual and rare automobile. Furthermore, such requests shall only be granted where the vehicle in question is capable of safely performing the tasks for which it is licensed.

§ 180A-15.1. Reporting of accidents; other reports required.

- A. All accidents arising from or in connection with the operation of a limousine or livery vehicles which result in death or injury to any person or in damage to any vehicle or to any property in an amount exceeding five hundred dollars (\$500.) shall be reported to the Division of Taxi and Limousine Licensing within forty-eight (48) hours from the time of the occurrence in the form of a report to be furnished by the Division of Taxi and Limousine Licensing. Copies of any police report filed or prepared as a result of the accident must also be provided to the Division of Taxi and Limousine Licensing within forty-eight (48) hours. Failure to report said accidents shall be grounds for suspension and/or revocation of the limousine license. Such reports are to be used by the Division of Taxi and Limousine Licensing in developing useful information in the prevention of transportation accidents.
- B. Whenever a limousine registered to a City of Hoboken limousine license is out of service for five (5) or more days, the limousine license holder shall report the same in writing to the Division of Taxi and Limousine Licensing with the reason therefore, the date of decommission, and the expected date of return. Prior to returning the taxicab to service, the taxicab license holder shall provide the Division with a written letter from a mechanic, on the mechanics official letterhead, stating the vehicle is safe for operation as a limousine, and the date the vehicle may return to operation.
- C. Whenever the registration and/or license plates for a limousine licensed by the City of Hoboken shall change the limousine license holder shall provide the City of Hoboken with written verification, from the State of New Jersey Department Motor Vehicle Commission, indicating the change of license plate and/or change of registration for the vehicle prior to use of the vehicle under the City of Hoboken limousine license.

§ 180A-16. Use for illegal or immoral purposes prohibited.

No holder or driver shall knowingly permit his vehicle to be used for any illegal or immoral purposes, under penalty of suspension or, after hearing, revocation of the holder or driver's license, or both, and such other penalty as may be provided.

§ 180A-17. Solicitation of passengers; maximum number of passengers.

A. Prohibited solicitation. No driver shall solicit passengers on any city street, parking lot, taxi stand or other location where vehicles may enter or stand, nor shall any driver engage in "cruising" as defined in this chapter. Furthermore, no driver shall pick up any passenger in response to a signal, hail, gesture or call, except telephone calls, made from a passenger on a city street, parking lot, taxi stand or other location where vehicles may enter or stand. A driver shall only be permitted to respond to a telephone request for a pickup. A violation of this subsection shall result in a fine of five hundred dollars (\$500.) for the first offense and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court, and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court for the second offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court for the third or subsequent offense and revocation of the owner's license for that particular vehicle.

B. Receipt and discharge of passengers on a sidewalk. Drivers shall not receive or discharge passengers in the roadway but shall pull up to the right-hand side as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-or left-hand sidewalk or side of the roadway, in the absence of a sidewalk.

C. Restrictions on the number of passengers. No driver shall permit more than four (4) passengers to be carried in a limousine ~~nor more than four (4) passengers to be carried in a livery vehicle~~. Upon written application to the Division of Taxi and Limousine Licensing requesting an inspection of a particular vehicle, the Division of Taxi and Limousine Licensing may, at his discretion, rate particular vehicles or classes of vehicles at a higher occupancy level.

§ 180A-17.1. Operation of noncertified limousine or livery vehicle.

A. It shall be unlawful for a nonlicensed limousine or livery vehicle to pick up or accept a passenger within the city for a destination within the city limits. Upon written request of a prospective passenger, the Division of Taxi and Limousine Licensing may, at his discretion, waive this rule in particular instances.

B. Limousines and livery vehicles licensed in other jurisdictions may discharge passengers at a destination within the city, provided that said passenger has been picked up by the limousine or livery vehicle outside the city.

C. Livery cars, and limousines licensed in other jurisdictions shall not cruise within the city limits to seek non-prearranged passengers. Livery cars, and limousines may only pick up a passenger within the city to be taken to a place or destination outside the city provided the passenger had personally, or through an agent, previously arranged by telephone or other means with the owner or driver of the noncertified taxicab for such a trip to the destination outside the city. Livery cars, and limousines shall be specifically prohibited from picking up fares unless they have been prearranged.

D. Any person found to be guilty of violating any provision of this section shall be punishable by a fine of not less than five hundred dollars (\$500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; And not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; And not more than one thousand dollars (\$1000.) and/or up to one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

§ 180A-17.2. Limousine and Livery Rates

A limousine ~~or livery~~ may charge any rate for its services, provided that:

A. The rate schedule is on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. The rates schedule must conform to the rules of this section. A rate schedule may be changed only once in a calendar month.

B. The current rate schedule must be posted conspicuously in the passenger compartment of the vehicle and be on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. No fee that differs, either higher or lower, from the fee set forth in the fee schedule on file with the Division of Taxi and Limousine Licensing may be charged for any trip.

§ 180A-18. Register of license holders.

The Division of Taxi and Limousine Licensing shall keep a register of the name of each holder licensed under this chapter, together with the license number and the make and description of the vehicle licensed, with the date and record of inspections made of it.

§ 180A-19. Standing in certain locations prohibited.

It shall be unlawful for any limousine ~~or livery~~ to stand in any restricted area or any area which is controlled by parking meters or at the curb within fifteen (15) feet of the entrance to any theater, hotel, restaurant or other public place.

§ 180A-20. Behavior of drivers.

The driver, while engaged in the operation of a limousine ~~or livery vehicle~~, shall behave himself in a gentlemanly manner, and he shall not use any indecent, profane or insulting language while engaged in such operation.

§ 180A-21. Operation by unlicensed drivers prohibited.

It shall be unlawful for any person owning or operating any limousine ~~or livery vehicle~~ in the City of Hoboken, licensed under the provisions of this chapter, to permit such vehicle to be operated by any person who does not hold a valid driver's license as required by this chapter.

§ 180A-22. Restrictions on operations.

Every holder of a limousine ~~or livery~~ license shall be responsible for the operation of the vehicle for which the license has been granted regardless of the legal relationship between such holder and the driver of said vehicle.

§ 180A-23. Lost articles.

Every driver of a limousine ~~or livery vehicle~~, immediately after the termination of any hiring or employment, must carefully search such vehicle for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owners, must be reported, in writing, by the driver or holder to the Division of Taxi and Limousine Licensing, with brief particulars and a description of the property, within twenty-four (24) hours after the finding thereof.

§ 180A-24. Enforcement.

The Division of Taxi and Limousine Licensing and Police Division of the City of Hoboken ~~are is~~ hereby given the authority and ~~are is~~ instructed to watch and observe the condition of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the Police Division shall report the same to the Division of Taxi and Limousine Licensing, in addition to issuing any required summons to the offending licensee the Division of Taxi and Limousine Licensing who shall order or take appropriate action.

§ 180A-25. Hearings.

All hearings under this chapter shall be conducted by the Division Head of the Division of Taxi and Limousine Licensing, and/or his or her designee.

§ 180A-26. Promulgation of rules and regulations; distribution.

The Division of Taxi and Limousine Licensing shall promulgate reasonable rules and regulations to implement this chapter and to carry out its intendments, which shall be filed with the City Clerk of the City of Hoboken. The Division of Taxi and Limousine Licensing shall cause the rules and regulations as promulgated, together with this chapter and any amendments or additions thereto, to be printed and distributed to the holders of limousine or livery licenses and to all those who in the future shall obtain such license or licenses.

§ 180A-27. Violations and penalties.

Any person found guilty of violating any of the provisions of this chapter for which no penalties have been specified may, in addition to the suspension or revocation of the license as heretofore provided, be fined not less than five hundred dollars (\$500.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

ARTICLE II Limousine ~~and Livery~~ Drivers' Rules and Regulations

§ 180A-28. Table of drivers' rules and regulations.

The following rules shall apply to all drivers of ~~livery or~~ limousine vehicles. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
101	A driver shall be clean and neat in dress and person. A driver must wear hemmed or tailored trousers that are no higher than mid-thigh and that have no holes. A female driver must wear hemmed or tailored trousers or a skirt that is no higher than mid-thigh and that has no holes. A driver must wear closed shoes or sneakers. A driver must wear a collared shirt or blouse, without holes, which, if it has buttons, must be buttoned, except for the top 2 buttons. A driver may not wear as outer clothing any of the following: underwear, tank tops, tube tops, body shirts, swim wear, bathing trunks or cut-off shorts.
102	A driver shall not smoke while carrying a passenger unless the passenger verbally consents.
103	A driver shall not operate or occupy a limousine or livery vehicle while his driving ability is impaired by either alcohol or drugs, nor while driving or occupying such limousine or livery vehicle shall he consume any alcoholic beverage or any drugs or

- narcotics which are either illegal or capable of impairing his driving ability.
- 104 A driver shall not operate a limousine ~~or livery vehicle~~ for more than twelve (12) consecutive hours.
- 105 A driver shall at all times cooperate with all law enforcement officers and authorized representatives of the Division of Taxi and Limousine Licensing and shall comply with all their reasonable requests, including but not limited to providing his name and limousine ~~and livery driver's~~ operator's license number and other documents required to be in his possession.
- 106 a. A driver shall not operate his limousine ~~or livery vehicle~~ in such a manner or at a speed which unreasonably endangers users of other vehicles, pedestrians or his passengers.
- b. A driver who knowingly or having cause to know that personal injury has been caused to another person or that damage has been caused to the property of another person due to an accident involving the driver's limousine ~~or livery vehicle~~ shall, before leaving the place where said damage or injury occurred, stop, exhibit to such other person or his limousine ~~or livery vehicle~~ operator's license and rate card and give to such other person his name, residence address, limousine ~~or livery driver's~~ operator's number, as well as the name of the vehicle's insurance carrier and the insurance policy number.
- c. A driver shall operate his limousine ~~or livery vehicle~~ at all times in full compliance with all laws, rules and regulations of the Port Authority of New York and New Jersey and any regulatory body or governmental agency having jurisdiction over motor vehicles, with respect to matters not otherwise specifically covered in these rules.
- d. A driver, while operating a limousine ~~or livery vehicle~~, shall immediately report to the owner of the vehicle any motor vehicle accident in which he is involved.
- 107 A radio shall be turned on or off at the request of the passenger. The passenger shall have the right to select the radio program. Whether or not a limousine ~~or livery vehicle~~ is hired, a radio shall be played at normal volume only, and all noise ordinances shall be complied with.
- 108 An air-conditioning and heating device in a limousine ~~or livery~~ shall be turned on or off at the request of a passenger.
- 109 A driver, while performing his duties and

responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act of omission or commission which is against the best interests of the public, even though not specifically mentioned in these rules.

- 110 A driver shall not apply for or accept more than 1 limousine operator's ~~or livery driver's~~ license without the Division of Taxi and Limousine Licensing's written permission.
- 111 A driver shall not permit any other person to use limousine operator's ~~or livery driver's~~ license while such person is operating any vehicle.
- 112 a. A driver shall not permit the limousine ~~or livery vehicle~~ to be operated for hire by another person who is not currently licensed by the Division of Taxi and Licensing as a limousine or livery driver.
- b. During the work shift, a driver shall not allow another person to operate the limousine ~~or livery vehicle~~ or occupy the driver's seat, except in the event of an emergency.
- 113 a. A driver shall not use or permit any other person to use his limousine ~~or livery vehicle~~ for any unlawful purpose.
- b. A driver shall not conceal any evidence of a crime nor voluntarily aid violators to escape arrest.
- c. A driver shall report immediately to the police any attempt to use his limousine ~~or livery vehicle~~ to commit a crime or to escape from the scene of a crime.
- 114 A driver or any person acting on his behalf shall not offer or give any gift, gratuity or thing of value to any employee, representative or member of the office of the Division of Taxi and Licensing or any public servant or any dispatcher employed at a public transportation facility.
- 115 A driver shall immediately report to the Division of Taxi and Licensing and the Hoboken Police Division any request or demand for a gift, gratuity, free service or anything of value by any employee or representative of the Division of Taxi and Licensing, any member of the City Council of Hoboken, any police officer, any dispatcher or any public servant.
- 116 A driver shall notify the Division of Taxi and Licensing, in writing, of the driver's conviction of a crime or motor vehicle offense, excluding parking violations for vehicles other than a limousine or livery vehicle, within fifteen (15) days of such conviction, and he shall deliver to the Division of

- Taxi and Licensing a certified copy of the certificate of disposition issued by the Clerk of the Court within fifteen (15) days of sentencing.
- 117 A driver shall not permit more than four passengers to ride in his limousine or livery unless the particular vehicle in question has been approved for more passengers by the Division of Taxi and Licensing or his designee pursuant to Section 180A-15F of this chapter. Children riding in any vehicle shall be considered a passenger and must comply with all car seat requirements as provided by State law.
- 118 A handicapped passenger, unable to enter or ride in the rear passenger part of the limousine ~~or livery vehicle~~ must be permitted to occupy the front seat alongside the driver. If a passenger's luggage occupies the rear passenger part of the vehicle, a passenger must be permitted to occupy the front seat alongside the driver.
- 119 a. A driver shall be courteous to passengers.
b. A driver shall comply with all the reasonable requests of a passenger, including but not limited to providing, upon request, his name and his limousine ~~or livery driver's~~ license number.
- 120 A driver shall not threaten, harass or abuse any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.
- 121 A driver shall not use or attempt to use any physical force against any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.
- 122 A driver may not use another person to solicit a passenger nor suggest to a passenger that an additional person be accepted as a passenger.
- 123 A driver shall not pick up additional paying passengers while the limousine ~~or livery~~ continues to be employed.
- 124 A driver may not, in omnibus fashion, pick up paying passengers at one (1) or more locations. A driver shall not refuse by words, gestures or any other means to take any orderly and lawful passenger to any destination within the City of Hoboken and a 25-mile radius thereof. This includes a person who is handicapped and any guide dog accompanying such person.

- 126 A driver shall not induce the hire of his vehicle by giving misleading information, including but not limited to the times of arrival and departure of trains, buses, ships, ferries, planes or other scheduled forms of transportation, the location of a building or place or the distance between two (2) points.
- 127 a. A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property.
b. Upon request of a passenger, the driver shall load or unload such property in or from the vehicle's interior or trunk compartment and shall secure such compartment.
- 128 A driver shall not sell, advertise or recommend any service or merchandise to any passenger without prior written approval from the Division of Taxi and Limousine Licensing.
- 129 A driver shall take a passenger to his destination by the shortest reasonable route, unless the passenger requests a different route or unless the driver proposes a faster alternative route to which the passenger agrees. The driver shall comply with all reasonable and lawful routing requests of the passenger.
- 130 A driver shall be required to accept United States currency or a Director-approved group voucher.
- 131 A driver shall give the correct change to a passenger who has paid the hourly or daily charge.
- 132 A driver shall give a passenger a receipt for payment of the charge when requested to do so by the passenger; such a receipt shall state the date, time, fee paid and the Division of Taxi and Licensing's Complaint Department telephone number.
- 133 A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.
- 134 A driver shall promptly answer and comply as directed with all questions, communications, directives and summonses from the Division of Taxi and Licensing or his representative. A driver shall produce his limousine ~~or livery driver's~~ operator's license and Motor Vehicle Commission (MVC) license or other documents whenever the Division of Taxi and Licensing or his representative requires him to do so.
- 135 A driver shall not knowingly operate a vehicle for hire unless such vehicle is properly licensed by the Division of Taxi and Licensing.
- 136 A driver shall comply with all restrictions endorsed by the Division of Taxi and Licensing upon his

- limousine ~~or livery driver's~~ license.
- 137 a. A driver shall not operate a limousine ~~or livery vehicle~~ in the City of Hoboken while his limousine operator's ~~or livery driver's~~ license or his motor vehicle driver's license is revoked, suspended or expired.
- b. A driver shall immediately surrender his limousine operator's ~~or livery driver's~~ license to the Division of Taxi and Licensing upon the suspension or revocation of his chauffeur's license.
- 138 A driver shall take all reasonable steps to safeguard his limousine operator's ~~or livery driver's~~ license.
- 139 A driver shall notify the Division of Taxi and Licensing, in writing, of the loss or theft of his limousine and livery driver's license within seventy-two (72) hours, exclusive of weekends and holidays.
- 140 A driver shall not alter, deface, mutilate or obliterate any portion of his limousine operator's ~~or livery driver's~~ license or the attached photograph so as to cause it to present false information or make it unreadable or unrecognizable.
- 141 A driver shall immediately surrender for replacement any unreadable or unrecognizable limousine ~~or livery driver's~~ license.
- 142 A driver shall submit four (4) prints of a new photograph to the Division of Taxi and Licensing whenever his physical appearance has substantially changed. Substantial change shall include, but not be limited to, the growth or removal of facial hair.
- 143 A driver shall report any change of mailing address to the Division of Taxi and Licensing, either in person or by registered or certified mail, return receipt requested, within seven (7) days, exclusive of weekends and holidays. Any notice from the Division of Taxi and Licensing shall be deemed sufficient if sent to the mailing address furnished by the driver.
- 144 A driver, while operating a limousine ~~or livery vehicle~~, shall not carry a weapon without the Division of Taxi and Licensing's written authorization.
- 145 A driver shall not operate a limousine ~~or livery vehicle~~ having any equipment, devices or signs not specifically specified in these rules, unless authorized, in writing, by the Division of Taxi and Licensing.
- 146 A driver shall not operate a limousine ~~or livery vehicle~~ without continuing personal inspection and

- reasonable determination that all equipment, including brakes, tires, lights and signals, is in good working order.
- 147 When a limousine ~~or livery vehicle~~ is taken out of service for repair has been repaired, and if the repairs were made by the driver, the driver shall carry the work order or receipt with him while on his work shift and deliver it to the owner at the end of that shift.
- 148 A driver, during his work shift, shall keep the vehicle's exterior and interior clean.
- 149 No driver shall charge a fee that differs from the fee schedule on file with the Division of Taxi and Licensing.
- 150 No driver shall leave the scene of any accident contrary to the laws of the State of New Jersey.
- 151 No driver shall cause his vehicle horn to sound for the purposes of signaling a passenger between the hours of 8:00 p.m. and 8:00 a.m.

§ 180A-28.1. Fines for violation of drivers' rules and regulations.

The following penalty schedule shall be in force for the violation of the rules set forth in Section 180A-28. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Schedule of Violations and Penalties

Rule No.	Penalty/Fine (minimum to maximum)	Personal Appearance Required
101	\$50.00	No
102	\$100.00	No
103	\$250.00 to \$500.00	Yes (N.J.S.A. 39:4-50)
104	\$25.00	No
105	\$50.00 to \$350.00	Yes
106a	\$100.00 to \$250.00 and/or suspension of 5 days	Yes
106b	\$100.00 to \$250.00 and/or suspension of 5 days	Yes
106c	\$50.00 to \$100.00 for a violation that governs stationary vehicles	Yes
106d	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
107	\$50.00	No
108	\$50.00	No
109	\$200.00 to \$350.00	Yes
110	\$50.00 to \$150.00 and/or suspension of 20 days	Yes
111	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
112a	\$150.00 to \$350.00 and/or suspension of 5 days	Yes

112b	\$50.00	No
113a, b and c	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
114	\$100.00 to \$250.00 and/or suspension of 10 days	Yes
115	\$100.00	No
116	\$250.00 to \$500.00	No
117	\$250.00 to \$500.00	No
118	\$50.00 to \$150.00	No
119	\$50.00	No
120	\$250.00	No
121	\$250.00 to \$500.00	No
122	\$250.00	No
123	\$150.00 to \$250.00	No
124	\$250.00 to \$500.00	No
125	\$250.00	No
126	\$100.00	No
127a and b	\$50.00 to \$100.00	No
128	\$50.00 to \$100.00	No
129	\$50.00 to \$100.00	No
130	\$50.00 to \$100.00	No
131	\$50.00 to \$100.00	No
132	\$50.00	No
133	\$50.00	No
134	\$100.00	Yes
135	\$250.00 to \$500.00	Yes
136	\$50.00 to \$100.00	Yes
137a and b	\$250.00 to \$500.00	Yes
138	\$25.00	No
139	\$25.00	No
140	\$100.00	No
141	\$25.00	No
142	\$25.00	No
143	\$100.00	No
144	\$100.00	Yes
145	\$25.00	No
146	\$50.00 to \$100.00	Yes
147	\$50.00 to \$100.00	Yes
148	\$25.00	No
149	\$250.00 to \$500.00	Yes
150	\$500.00 to \$1,000.00 and/or suspension of 30 days	Yes
151	\$100.00	No

ARTICLE III *Limousine ~~and Livery~~ Owners' Rules and Regulations*

§ 180A-29. Table of owners' rules and regulations.

The following rules shall apply to all owners of limousines ~~and livery vehicles~~. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No. Rule Specification

201 An owner shall not dispatch a limousine ~~or livery vehicle~~ not currently licensed by the city.

202 An owner who is not currently licensed shall not
advertise or hold himself out as doing business as a
limousine ~~or livery~~ or any name that would tend to
confuse the public as to the owner's license status.

203 An owner shall not cause to be dispatched a
limousine ~~or livery vehicle~~ unless the driver thereof
has a current limousine operator's ~~or livery~~
~~driver's~~ license.

204 An owner, while performing his duties and
responsibilities as a limousine ~~or livery vehicle~~
owner, shall not commit or attempt to commit,
alone or in concert with another, any act of fraud,
misrepresentation or larceny or perform any willful
act or omission which is against the best interests
of the public, although not specifically prohibited in
these rules.

205 An owner shall not use or permit any other person
to use ~~any of~~ his limousine ~~or livery vehicles~~, his
garage or his office of record for any unlawful
purpose.

206 An owner shall not conceal any evidence of crime
connected with his limousine ~~or livery vehicles~~,
garage or office of record.

207 An owner shall report immediately to the police
any attempt to use any of his limousine ~~or livery~~
~~vehicles~~ to commit a crime or flee from the scene of
a crime.

208 The owner shall inspect or cause to be inspected
the interior of the limousine ~~or livery vehicles~~
immediately after the termination of each work
shift.

209 Property found shall be taken without delay to the
Police Division, unless it can be returned to its
rightful owner within a reasonable time.

210 An owner shall not dispatch or cause to be
dispatched any limousine ~~or livery vehicle~~ from a
public street or other public area if such dispatch
will prevent the flow of pedestrians and/or
vehicular traffic or cause inconvenience or
annoyance to the public.

211 No owner of a vehicle shall permit a person to
operate that vehicle as a livery or a limousine who
does not possess a valid limousine operator's ~~or~~
~~livery driver's~~ license issued by the Division of
Taxi and Licensing of City of Hoboken.

212 No owner shall aid, assist, counsel, require, order,
mandate, suggest or in any other way knowingly
cause a driver to violate any rule of this chapter.
The fines for such an offense shall be triple the
maximum fine allowable for the offense committed
by the driver.

§ 180A-29.1. Fines for violations of owners' rules and regulations.

The following penalty schedule shall be in force for the violation of the rules set forth in Section 180A-29. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Schedule of Violations and Penalties

Rule No.	Penalty/Fine (minimum to maximum)	Personal Appearance Required
201	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
202	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
203	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
204	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
205	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
206	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
207	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
208	\$50.00 to \$150.00	No
209	\$50.00 to \$150.00	No
210	\$50.00 to \$150.00	No
211	\$250.00 to \$500.00	Yes
212	Triple fine allowed for driver offense	Yes

SECTION TWO:

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

SECTION THREE:

This Ordinance shall take effect as provided by law.

---President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **SEPTEMBER 1, at 7:00 PM.**

---Motion duly seconded by Councilman Giacchi.

---Adopted by the following vote: YEAS: 8 – NAYS: 0 -ABSENT - 2

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

---Nays: None.

---Absent: Castellano, Lenz.

Councilman Lenz has returned to the table at 9:53 PM

Councilman Giacchi leaves the table at 9:55 PM

Councilman Giacchi returns to the table at 9:58 PM

Councilman Bhalla has left the table at 10:00 PM

Councilman Bhalla has returned to the table at 10:08 PM

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Lane Bajardi, Margaret O’Brien, Patricia Waiters.

President Marsh then adjourned the meeting at 10:27 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK