

MEETING OF SEPTEMBER 15, 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, SEPTEMBER 15, 2010 AT 7:00 PM

President Marsh opened the meeting at 7:00 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

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

ABSENT: None.

Councilwoman Castellano: suggests to suspend the meeting to go to Public Portion and a second by Councilwoman Mason and Councilman Russo.

10-588

A PROCLAMATION CONGRATULATING MISS MERYL KURLAND WHO WAS PLACED 2ND IN THE 14TH ANNUAL ESSAY CONTEST HELD STATEWIDE IN NEW JERSEY, 'WHAT MY PARENTS MEAN TO ME'

WHEREAS, our nation commemorates and recognizes the important role that parents play in raising children on **Parents' Day**, the fourth Sunday of every July; and

WHEREAS, the residents of the City of Hoboken understand and embrace the importance of promoting responsible parenting in our society; and

WHEREAS, the New Jersey Parents Foundation sponsored the 14th annual state-wide essay contest for youth to write about "**What My Parents Mean To Me**" in which more than 120 applicants participated; and

WHEREAS, through her heartfelt essay, Meryl Kurland demonstrated her love and appreciation for her parents and their dedication to raising their daughter; and

WHEREAS, Meryl Kurland of the Elysian Charter School was the 2nd Place Winner in her age category;

NOW, THEREFORE, BE IT PROCLAIMED, that I DAWN ZIMMER, Mayor of the City of Hoboken, do hereby congratulate and commend Meryl Kurland for her award-winning

essay and thank her parents, Richard and Susan Kurland, for serving as outstanding role models for parents in our community.

Received and Filed.

10-589

RESOLUTION APPOINTING MARK A. TABAKIN, ESQ., OF THE FIRST OF WEINER LESNIAK, LLP INTERIM CORPORATION COUNSEL

WHEREAS, the City of Hoboken requires the immediate services of Interim Corporation Counsel to represent the interests of the City of Hoboken; and

WHEREAS, the City of Hoboken has reviewed the qualifications of Mark A. Tabakin, of the law firm Weiner Lesniak, LLP, and has determined that he, his firm and its supporting staff can provide these services for the City of Hoboken in an efficient manner; and

WHEREAS, this type of work constitutes a professional services 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 has undertaken a request for qualifications process to appoint Corporation Counsel by October 6, 2010; and

WHEREAS, the Firm's initial proposal was deemed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1-et. seq. of the Code of the City of Hoboken) on or about May 19, 2010; 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 Mark A. Tabakin, Corporation Counsel until the City appoints Corporation Counsel through the pending Request for Qualifications process at a per diem rate of \$430 per day; and

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

1. A contract for Interim Corporation Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

Mark A. Tabakin, Esq.
Weiner & Lesniak LLP
629 Parsippany Road
P.O. Box 438
Parsippany, New Jersey 07054

Such contract shall not exceed sixty-five hundred dollars (\$6,500) through October 6, 2010.

2. This agreement shall be effective 15 September 2010 and terminate 6 October 2010.
3. The Mayor is hereby authorized to execute a contract with Weiner Leseniak, LLP for professional legal services 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.
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:11-1 et seq.
5. This resolution shall take effect immediately.

The speakers who spoke: Patricia Waiters, Lane Bajardi, Don Pelicano.

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

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

---Nays: None.

---Abstain: Mason.

PUBLIC PORTION

The following members of the public spoke at the "Public Portion" of the meeting: Gene Drayton, Eddie Cruz, Jaz Conlon, Muni Tahzib, Tim Occhipinti, Jonathan Meeka, Edna Bracey, Nino Pepe, Lou Melendez, John Aguiar, Gerald Scher, Walter Brown, Ronald Sinocini, Lina Corea, Terry La Bruno, Elaine DePinto, Margaret O'Brien, Arlette Braxton, Elisa Guzman, Helen Hirsch, Diane Kinley, Patricia Waiters, Vince Lombardi, Ken Ferrante, Edwin Pantosa, Jay Alder, Charles Campbell, James Marvell, Thomas Kennedy, Jr., Lane Bajardi, Dimitria Zervas, Mark Bogdanos.

10-590

RESOLUTION DIRECTING THE ADMINISTRATION OF MAYOR DAWN ZIMMER TO RECIND A LAYOFF FIRING UNIFORMED MEMBER OF THE HOBOKEN POLICE DEPARTMENT.

WHEREAS, the Council of the City of Hoboken strongly believes that the officers of the Hoboken Police Department do an outstanding job of protecting the citizens our community and as a result of their hard work, ensure that our property values and our quality of life remain among the best in New Jersey; and

WHEREAS, the Council of the City of Hoboken also strongly believes that taxpayers desire and desire immediate property tax relief, but not at the expense of the public's safety and welfare, and not if it will needlessly risk damage to our property values; and ,

WHEREAS, the Council of the City of Hoboken has been advised by the Administration of Mayor Dawn Zimmer that she intends to soon implement a layoff plan that will include the outright termination of up to 18 members of our uniformed police force; and

WHEREAS, it appears that Mayor Zimmer decided to fire these police officers in part as a result of a State audit whose methodology and conclusions have been challenged as deeply flawed and which failed to fully consider Hoboken's special needs, including its unique status in the State as a major transit hub and as a popular destination for thousands of visitors each week who come to enjoy our restaurants, shopping and nightlife; and,

WHEREAS, it is clear that the size and scope of this layoff plan will reduce the effectiveness of the Hoboken Police Department, and fails to consider that Hoboken's renaissance has been in large part because of the public's perception that our City is a safe place to live, work and raise a family; and ,

WHEREAS, if the public now believes that Hoboken is less safe because of the failure to maintain a properly staffed police department, it will be economically devastating to our community, costing taxpayers and business owners far more than any purported savings resulting from the Mayor's layoff plan; and,

WHEREAS, the firing of so many police officers, who are already the lowest paid in the Department, also represents a waste of many thousands of dollars recently invested in their training and professional development; and ;

WHEREAS, while this Council encourages and will support cost-saving efforts that make sense for our community, including layoffs when appropriate and warranted, it appears that terminating the employment of so many police officers on such flimsy grounds show a lack of good faith on the part of the Mayor, especially considering the limited savings involved, the City's multi-million dollar surplus and the large raises she has recently given to her personal aides; and,

WHEREAS, pursuant to the Faulkner Act that Council of the City of Hoboken has the power to disapprove of personnel actions taken by the Mayor, and the Council believes that it is appropriate to exercise that power here to prevent an imminent risk to the health, safety and welfare of our community;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN
as follows:

- 1) Mayor Dawn Zimmer's Layoff Plan, to the extent it targets uniformed members of the Hoboken Police Department for outright termination, is hereby disapproved by the City Council, and the Mayor and Business Administrator are directed not to request the aforesaid layoff plan to such effect.
- 2) The City Clerk shall deliver a certified copy of this Resolution to Mayor Dawn Zimmer and Business Administrator Arch Liston.

The speakers who spoke: Vince Lombardi, Ken Ferrante, Edwin Pantosa, Jay Alder, Charles Campbell, James Morvell, Thomas Kennedy, Jr., Don Pellicano, Perry Belfiore, Lane Bajardi, Tania Rodroquez, Dimitra Zervas, Gene Drayton, Walter Brown, Eddie Cruz, Jaz Conlon, Muni Tahzib, Tim Occhipinti, Jonathan Mecka, Nino Pepe, Ines Garcia Keim.

---**FAILED** by the following vote: YEAS: 4 - NAYS: 5

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

---Nays: Castellano, Giacchi, Mason, Russo.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN GRANTING AN EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 1425 GARDEN STREET, HOBOKEN NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 255, LOT 1 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY.

(Z-56)

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: 9 - NAYS: 0

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

---Nays: None.

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE XXXIII OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “ VEHICLES AND TRAFFIC” –BICYCLE LANES. **(Z-57)**

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: 9 - NAYS: 0

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

---Nays: None.

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

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

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

---Nays: None.

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE XVII OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED VEHICLES AND TRAFFIC – TIME LIMIT PARKING **(Z-58)**

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: - 9 NAYS: 0

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

---Nays: None.

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

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

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

---Nays: Russo.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED VEHICLES AND TRAFFIC, ADOPTED SEPTEMBER 4, 1991 AS ORDINANCE #2278 **(Z-59)**

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: 9 - NAYS: 0

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

---Nays: None.

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

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

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

---Nays: None.

Petitions and Communications

10-591A

Memo from Mayor Dawn Zimmer to Hoboken City Clerk regarding the Green Team

10-591

PROCLAMATION FROM ACTING MAYOR DAWN ZIMMER RECOGNIZING OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH.

WHEREAS, the City of Hoboken values the health of all its citizens; and

WHEREAS, the City of Hoboken supports awareness of certain diseases, such as breast cancer, which touches millions of lives and is diagnosed every day in our community and further, without a cure, 1 in 8 women in the United States will continue to be diagnosed with breast cancer – a devastating disease with physical, emotional, psychological and financial pain in that can last a lifetime; and

WHEREAS, **October is National Breast Cancer Awareness Month**; and

WHEREAS, as part of **Breast Cancer Awareness Month**, the City of Hoboken, in conjunction with the Hudson Perinatal Consortium, the Hudson County Cancer Coalition, and the Susan G. Komen Breast Cancer Foundation “Tie a Ribbon” campaign, will be tying pink ribbons around the trees outside City Hall on Friday, October 1, 2010; and

WHEREAS, the pink ribbons are a symbol of courage, support and hope for a cure and honor those who have been touched by the disease, as well as a way to raise awareness and remind women to do their monthly self exams, schedule a clinical exam and get their mammogram; and

WHEREAS, the City of Hoboken will proudly join the “**Tie a Ribbon for the Cure Campaign**” Friday, on October 1, 2010;

NOW, THEREFORE, **I DAWN ZIMMER**, Acting Mayor of the City of Hoboken, do hereby proclaim **October as National Breast Cancer Awareness Month** in the City of Hoboken, to be marked by the tying of pink ribbons around Hoboken City Hall, located at 94 Washington Street, for the period of October 1, 2010 through October 31, 2010 for the **2010 Tie A Ribbon For the Cure Campaign**.

---Received and Filed.

10-592

APPLICATIONS FOR MISCELLANEOUS LICENSES

Raffles-----	1
Taxi Drivers-----	3
Limo/Livery Drivers-----	2
Transfer of ownership-----	1
Vendors-----	1

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

Reports of City Officers

10-593

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of August 2010 - \$25,090,834.20 (Abatement totals - \$11,629.75.95)

--Received and Filed.

10-594

A report of the Municipal Court indicating receipts for the month of August 2010 as \$450,759.24 (**submitted by Municipal Court**)

--Received and Filed.

CLAIMS

10-595

Total for this agenda **\$507,073.10**

Adopted as **AMENDED** by the following vote: YEAS: 9 - NAYS: 0
 YEAS: Council persons Bhalla, Castellano, Cunningham, Giacchi, Lenz, Mason, Mello, Russo, and President Marsh.
 NAYS: None.

PAYROLLS

10-596

For the two week period starting August 19 – September 8, 2010

Regular Payroll	O/T Pay	Pay
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\$1,484,882.08

\$41,039.35

\$1,684,304.87

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

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

NAYS: None. (see below)

**COUNCILWOMEN MASON VOTED NO ON PARKING UTILITY (1-31-55-501-101)
AND ABSTAINED ON SALARY SETTLEMENT (1-01-36-479-000) (lack of information)**

RESOLUTIONS

Presented and Read

10-597

---By Councilman Bhalla

THIS RESOLUTION AUTHORIZES AN SIX (6) MONTH CONTRACT WITH OPTION TO EXTEND FOR AN ADDITIONAL SIX (6) MONTHS SUBJECT TO BUDGETARY CONSTRAINTS WITH ALCAZAR COMMUNICATION, INC. TO PROVIDE INTERPRETING SERVICES FOR THE CITY OF HOBOKEN.

WHEREAS, the City of Hoboken operates and maintains a municipal court to address local legal matters, and,

WHEREAS, as a condition of this operation, the City requires the periodic services of a licensed professional interpreter to assist the Court in its' operation and,

WHEREAS, as Alcazar Communication, Inc. has served as the interpreting service to the City for the past several years, this firm has gained special expertise and knowledge of the operation of the Municipal Court; and,

WHEREAS, the City obtained three quotes for said interpreting services of which Alcazar Communications, Inc. provided a quote which was not the lowest;

WHEREAS, the special expertise and knowledge of Alcazar Communications, Inc., as well as its continual professionalism and high standard of service provide a basis for waiving the lowest quotation requirements of the competitive negotiations provisions of Hoboken Ordinance #DR-154 (codified as §20A-11 et, seq, of the Code of the City of Hoboken), as permitted by the Ordinance;

WHEREAS, Alcazar Communications, Inc., shall still be required to fully abide by the anti "pay -to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 9 (codified as §20A-11 et, seq, of the Code of the City of Hoboken);

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, the funds for this agreement will be available in the Municipal Court Other Expense Line for this purpose.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken (a majority vote of the full Council concurring) does hereby authorize a contract between the City of Hoboken and Alcazar Communication, Inc. to provide professional interpreting services 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 Interpreting Services for the City of Hoboken shall be prepared and executed with the following vendor:

Alcazar Communication, Inc.
502 Undercliff Avenue
Edgewater, NJ 07020

Such firm to be paid a total amount not to exceed Forty Four Thousand Dollars (\$44,000.00) for the services as set forth by the established hourly rates provided to the City in Alcazar Communications, Inc.' s Interpreter Rate Schedule.

2. This agreement shall be effective for July 1, 2010 and shall be for a term to end on December 31, 2010 with an option to extend for an additional six (6) months subject to budgetary restraints.
3. The Mayor is hereby authorized to execute a contract with Alcazar Communication, Inc. for professional interpreting services 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.
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:11-1 et seq.
5. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: Castellano.

---Abstain: Mason.

10-598

---By Councilman Lenz

THIS RESOLUTION BINDS THE CITY OF HOBOKEN (LGU) TO PURCHASE ELECTRIC GENERATION SERVICES THROUGH THE HUDSON COUNTY COOPERATIVE PRICING SYSTEM (“HCCPS”) BID.

Cooperative Pricing System ID 83-HCPS

WHEREAS, the Hudson County Cooperative Pricing System (hereinafter referred to as “HCCPS”), will from time to time during the Effective Period as defined below solicit bids from electric power suppliers for electric generation services through an energy aggregation program in which the County of Hudson will act as Lead Agency of the HCCPS Cooperative Pricing System # 83-HCPS in accordance with the “Local Public Contracts Law”, N.J.S.A.40A:11-11, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49. (“EDECA”) and the regulations promulgated there under; and

WHEREAS, the City of Hoboken is a Participating member of the HCCPS Cooperative Pricing System and is eligible thereby to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following said bids for electric generation services pursuant to the aggregation program; and

WHEREAS, the Lead Agency will from time to time during the Effective Period (from date of adoption through May, 2012, hereinafter referred to as “Effective Period”) issue one or more Requests for Bids for electric generation services on behalf of the HCCPS Cooperative Pricing System pursuant to the Local Public Contracts Law and EDECA; and

WHEREAS, due to significant volatility and the potential for price increases in the wholesale electric market, Participating Members will preauthorize the Lead Agency to award contracts for Electric Generation Service in each bid group to one or more electric power suppliers that submit bids which are reasonably forecasted to provide estimated savings to the Participating Member based upon its previous electric usage and utility provided Basic Generation Service rates; and

WHEREAS, the Lead Agency will only award contracts for said electric generation services to electric power suppliers that submit bids with pricing that is at least 5% lower than the current price for utility-provided basic generation service; and

WHEREAS, the LGU agrees to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period through any electric power supplier(s) awarded a contract, it being understood that the term of any one contract shall be subject to the provisions of Local Public Contracts Law;

WHEREAS, the Lead Agency will notify the Department of Community Affairs’ Division of Local Government Services by mail prior to the issuance a Request for Bids for electric generation services, with the understanding that if the Division of Local Government Services does not respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids.

NOW, therefore, be it

RESOLVED that the LGU binds itself to the HCCPS Cooperative Pricing System 83-HCPS to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency; and, be it

FURTHER RESOLVED that the Lead Agency of the HCCPS Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the LGU to purchase electricity at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the contract or contracts by the Lead Agency on behalf of the participating members of the HCCPS Cooperative Pricing System 83-HCPS (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the LGU relative to the price charged for basic generation service by the electric public utility that would otherwise provide such service; and, be it

FURTHER RESOLVED that HCCPS is authorized to continue to bid to obtain electric generation services at any time during the Effective Period on behalf of the HCCPS Cooperative Pricing System including, for example, a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the County of Hudson pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5), Administrative Code (N.J.A.C. 5:34-7.1) shall be valid until January 31, 2011 (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

10-599

---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made

payable to the following totaling \$ 897.80

NAME	BL/LOT/UNIT PROPERTY	YEAR	AMOUNT
VESPASIANO, MICHAEL A	42/15/C0017	222-32 CLINTON ST	2009 \$ 897.80

ATTORNEY AT LAW
331 MAIN ST
CHATHAM, NJ 07928

---Motion duly seconded by Councilman Cunningham.
---Adopted by the following vote: YEAS: 6 - NAYS: 3
---Yeas: Council persons Bhalla, Cunningham, Giacchi, Lenz, Mello, and President Marsh.
---Nays: Castellano, Mason, Russo.

10-600

---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 **\$ 5,145.26**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
CHEN, KEVIN C 230 MONROE ST #2RS HOBOKEN, NJ 07030	37/18/CE2RS	230 MONROE ST	3/10	\$ 1,412.00
PETERSON, BRUCE H & MARY N HAREN 1025 MAXWELL LANE #704 HOBOKEN, NJ 07030	261.04/1/C07041025	MAXWELL LA	4/10	\$ 3,733.26

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

10-601

---By President Mello

THIS RESOLUTION AWARDS A CONTRACT FOR THE FY 2010 NJDOT TRUST FUND RESURFACING OF VARIOUS STREETS AS SPECIFIED IN BID NUMBER 10-23.

WHEREAS, the City of Hoboken sought competitive proposals for the FY 2010 NJDOT Trust Fund resurfacing of various streets, and

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

WHEREAS, the budget allocated, \$460,531.00, for this project will not allow for all parts to be performed at this time, and

WHEREAS, the below listed vendors submitted the following base proposal and alternates:

Vendor	Base Prop.	Alt. #1	Alt. #2	Alt. #3	Alt#4	Total#
Perfetto Enterprises 2319 Terr. Staten Island, NY	\$298,490.00	\$96,861.00	\$54,084.00	\$200,782.00	\$108,971.50	\$759,188.50
English Paving 650 Rt. 46 West Clifton, NJ	\$301,820.13	\$96,137.12	\$53,394.12	\$196,068.55	\$113,830.45	\$761,655.08
AJM Contracting 300 Kuller Rd Clifton, NJ	\$295,321.00	\$100,568.35	\$58,329.90	\$207,952.60	\$119,064.95	\$781,236.80
Salomone Bros. 17 Demarest Dr. Wayne , NJ	\$301,707.50	\$91,541.85	\$52,605.36	\$195,044.10	\$119,963.95	\$782,135.80

AND, WHEREAS, the recommendation of Remington and Vernick, the City engineer on this project has recommended that the City award a contract within its' budget,

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

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby awards a contract to Salomone Brothers, Inc. in the amount of \$393,249.35 for the base bid and alternate #1 as specified in the bid documents.
3. The Mayor or her agent is hereby authorized to execute a contract with Salomone Brothers for said amount.

The speakers who spoke: Helen Hirsch, Alice Crozuer

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

Councilman Lenz has left the table at 11:47 PM
Councilman Lenz has returned to the table at 11:50 PM

10-602

---By Councilman Lenz

RESOLUTION APPOINTING BOSWELL ENGINEERING INC. AS CITY ENGINEER FOR THE CITY OF HOBOKEN FOR A THREE (3) YEAR TERM

WHEREAS, the City of Hoboken requires the services of a General Municipal Engineer pursuant to N.J.S.A. 40A:9-140; and

WHEREAS, the City of Hoboken has reviewed the qualifications of Stephen T. Boswell, Ph.D., P.E., SECB and Boswell Engineering Inc. (collectively “Boswell”) and has determined that Boswell can provide these services for the City of Hoboken in a professional and 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 the bidding requirements pursuant to N.J.S.A. 40A:11-5, and a proposal was submitted by Boswell and reviewed by the City in compliance with Hoboken DR 154, Ordinance requiring competitive negotiation, for Professional Service contracts; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize a contract between the City of Hoboken and Boswell for general engineering services, pursuant to the City’s RFP for “Engineering-General” and Boswell’s corresponding proposal, dated December 9, 2009.

BE IT FURTHER RESOLVED, that:

1. A contract for General Municipal Engineering Services for the City of Hoboken shall be prepared and executed as follows:

Stephen T. Boswell, Ph.D., P.E., SECB
Boswell Engineering, Inc.
330 Phillips Avenue
South Hackensack, New Jersey 07606

2. Boswell shall be paid an amount not to exceed Fifty Thousand (\$50,000.00) dollars per year.
3. This agreement shall be for a three (3) year term, effective July 1, 2010 and terminating on June 30, 2013.
4. The City Clerk shall published a brief notice stating the name of the contractor, nature of the contract, duration of the contract, the services performed and amount of the contract 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).
5. The Mayor and City Clerk are hereby authorized to execute this Agreement.

6. A copy of this resolution shall be published and the City Clerk shall keep a copy of this contract in accordance to N.J.S.A. 40A:11-1 *et seq.*

The speaker who spoke: Helen Hirsch.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: Mason

10-603

---By Councilman Lenz

RESOLUTION AUTHORIZING THE ADMINISTRATION TO APPLY FOR STATE RECYCLING GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the City of Hoboken to apply for such tonnage grants will memorialize the commitment of the City of Hoboken to recycling and to indicate the assent of the Mayor and Council of the City of Hoboken to the efforts undertaken by the City of Hoboken and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and filed in a timely manner.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.

3. The Mayor or his designee is authorized to execute and submit a recycling tonnage grant application to the New Jersey Department of Environmental Protection for tonnage of recyclables collected in SFY 2009 and designates the Director of the Department of Environmental Services to ensure that the application is timely filed.
4. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.
5. Furnish such documents as may be required.
6. Act as authorized correspondent of the City of Hoboken.
7. Execute necessary contracts, if funding is awarded.

This Resolution is effective immediately.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

10-604

---By Councilman Lenz

THIS RESOLUTION AWARDS A CONTRACT TO DONOFRIO & SON, INC. FOR PROVIDING LANDSCAPING AND PARK MAINTENANCE TO THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-09.

WHEREAS, proposals were received on 30 July 2010 for Landscaping & Park Maintenance for the City of Hoboken, as specified in Bid Number 10-09, and

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

<u>VENDOR</u>	<u>Option A</u>	<u>Option B</u>	<u>Opt.B(1)</u>	<u>Opt.B(2)</u>	<u>Opt. C</u>
Hufnagel Landscaping 125 W. Broad Avenue North Bergen, NJ 07047	\$ 56,644	\$ 35,681	\$ 33,125	\$ 33,125	\$ 49,562
	TOTAL OF ALL OPTIONS:			\$ 208,137	
High Tech Landscaping P.O. Box 414 Martinsville, NJ 08836	\$181,400	\$ 48,470	\$ 38,200	\$ 30,800	\$ 81,700
	TOTAL OF ALL OPTIONS:			\$ 380,570	
LTI, Inc. 34 Woodland Road Roseland, NJ 07068	\$ 32,000	\$ 12,450	\$ 14,000	\$ 9,450	\$ 21,713
	TOTAL OF ALL OPTIONS:			\$ 89,613	
Pat Scanlon Landscaping 14 Plains Drive New City, NY 10956	\$ 34,310	\$ 10,900	\$ 11,100	\$ 10,500	\$ 28,305
	TOTAL OF ALL OPTIONS:			\$ 85,115	
Donofrio & Son, Inc. 433 Hillside Avenue Hillside, NJ 07040	\$ 19,975	\$ 11,800	\$ 11,800	\$ 11,800	\$ 19,975
	TOTAL OF ALL OPTIONS:			\$ 75,350	

Ascape Landscape					
P.O. Box 679	\$ 32,500	\$ 11,916	\$ 13,980	\$ 10,650	\$ 16,900
New City, NY 10956	TOTAL OF ALL OPTIONS:				\$ 85,946

Andy Matt, Inc.					
19 Scrub Oaks Road	\$ 37,500	\$ 16,800	\$ 15,705	\$ 13,875	\$ 38,625
Mine Hill, NJ 07803	TOTAL OF ALL OPTIONS:				\$ 122,505

WHEREAS, Donofrio & Son, Inc. submitted the lowest, responsible, bid for Option A of \$19,975 per year, and
 WHEREAS, the City of Hoboken has not completed its inventory of parks to be maintained,

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to Donofrio & Son, Inc., in an amount not to exceed \$19,975.00, for the provision of the services outlined in option A the specifications set forth.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with Donofrio & Son, Inc..
- C. This resolution shall take effect immediately upon passage.

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

10-605

---By Councilman Mello

RESOLUTION AUTHORIZING HANDICAP PARKING APPLICATION FEE REIMBURSEMENTS

WHEREAS, the Subcommittee Handicapped Parking has denied approval of Ms. Adelia Montanez's request for a Designated Handicapped Parking Spot; and

WHEREAS, Ms. Adelia Montanez's application fee must be returned in accordance with the City Code and City procedure.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that warrants be drawn on the City Treasurer to the order of the sums opposite the name as reimbursement for handicap parking fees:

NAME	ADDRESS	AMOUNT
Adelia Montanez	1202 Hudson St. #301	\$125.00

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

ORDINANCES

Introduction and First Reading

10-606
Z-60

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 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) 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.~~

~~(10) 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 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~~ *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.

---Motion duly seconded by Councilman Giacchi

---Adopted by the following vote: YEAS: 9 – NAYS: 0 – ABSTAIN -1

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

---Nays: None.

---Abstain: **Russo**

NEW BUSINESS

Councilwoman Castellano comments & introduces Resolution No. 12 seconded by Councilman Russo

Council President calls to vote on Resolution

10-607

---By Councilwoman Castellano

RESOLUTION CALLING FOR THE HIRING, PAY AND RAISE FREEZE

WHEREAS, THE Hoboken City Council has concerns for the financial stability going forward and

WHEREAS, said stability can result in cost containment for the Municipal Budget via a freeze.

WHEREAS, the Council seeks to be apprised of any event that will affect the status of the Municipal Budget beyond the approved contract. Any changes in the Titles, Hires (Full or Part-time), Rehires, Increase in salary outside the negotiated salary (raises). The Council upon receiving this information will take acting accordingly.

NOW, THERFORE, BE IT RESOLVED;

- 1) The above recitals are incorporated herein as though fully set forth at length.
- 2) The Hoboken City Council seeks and immediate imposition of a Title, Hire (Full or Part-Time), Rehires, including any increase in salary outside the negotiated figure.
- 3) Resolution takes effect immediately.

MOTION TO TABLE by the following vote: YEAS: 5 - NAYS: 4 ABSTAIN 0
duly seconded by Councilman Russo.
YEAS: Council persons Bhalla, Cunningham, Lenz, Mello and Marsh
NAYS: Castellano, Giacchi, Mason and Russo.
ABSENT: None

Motion to go into Closed Session at 12:58 AM
Seconded by the Governing Body

At 1:03 AM the Governing Body entered into Closed Session.

10-608

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(7) TO DISCUSS ANTICIPATED LITIGATION RELATING TO THE MUNICIPAL GARAGE

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12(7);

WHEREAS, one of these reasons is to receive advice from legal counsel relating to anticipated litigation of which the City of Hoboken is a party; and

WHEREAS, the Council has determined that it is necessary to go into closed executive session for the foregoing purpose, to discuss pending litigation relating to the

municipal garage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purpose; and

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

At 1:16 A.M. the Governing Body on a motion by Council President duly seconded by Council and voted on unanimously the City Council came out of closed session.

President Marsh then adjourned the meeting at 1:16 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK