

**MEETING OF NOVEMBER 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, MONDAY, NOVEMBER 15, 2010 AT 7:00 PM**

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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, Mason, Mello, Occhipinti, Russo and President Marsh.

ABSENT: Giacchi

**10-693**

---By President Marsh

**Resolution for Emergency Appropriation pursuant NJS 40A:4-48**

WHEREAS, an emergency has arisen with respect to the Engineering cost as it pertains to the evaluation and determination of the deterioration of the pier infrastructure below the walkways and road ways along the waterfront, and no adequate provision was made in the TY2010 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$334,395.00 and three (3) percent of the total operating appropriations in the budget for TY2010 is \$1,773,330.00 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for TY2010,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for:

**11-01-31-461-000 - Engineering**

2. That said emergency appropriation shall be provided for in full in the ty2010 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.
4. The Council President shall create an *Ad Hoc* committee to monitor activities relating to the Engineering activities that are the subjection of this appropriation.
5. The City Council shall receive from the Engineering firm (Boswell) a weekly status report on Mondays to include expenditures and activities undertaken during the prior week in furtherance of the activities funded by this emergency appropriation.

The speakers who spoke: Joan Fucillo, Lane Bajardi, Jim Vance, Ines Garcia Keim.

---duly seconded by Councilman Bhalla.

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

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

---Nays: None.

---Absent: Giacchi.

## PUBLIC HEARING and FINAL VOTE ON ORDINANCES

### Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTIONS 141A-2, 190-3, AND 190-28 OF THE GENERAL CODE OF THE CITY OF HOBOKEN TO CREATE PARKING REGULATIONS ON HARRISON STREET (**Z-67**)

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

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

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

---Nays: None.

---Absent: Giacchi.

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

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

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

---Nays: None.  
---Absent: Giacchi.

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 251-259 FOURTEENTH STREET, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 117 LOTS 3,4,5,6,7,8 AND 9 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY (**Z-68**)

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

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT -1  
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo and President Marsh.  
---Nays: None.  
---Absent: Giacchi.  
President Marsh then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1  
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo and President Marsh.  
---Nays: None.  
---ABSENT: Giacchi.

**10-694**

A communication from James J. Farina, City Clerk receiving Certification of Election from the County Clerk - Tim Occhipinti being the elected representative of the 4<sup>th</sup> Ward

Received and Filed.

**10-695**

**WHEREAS, Vincent J. Wassman**, a highly esteemed and long time Hoboken resident, has served proudly on the Historic Preservation Board for more than twenty years; and

**WHEREAS, Vincent J. Wassman**, showed his dedication through his hard work on various projects, including the preservation of the Holy Innocents Church, the rededication of Sybil' s Cave, and the reconstruction of the Clam Broth House; and

**WHEREAS, Vincent J. Wassman**, had a true passion in preserving the character and integrity of the architecture in the City of Hoboken, including receiving a Hoboken

Heritage Award for the restoration of his own brownstone, ensuring future generations will be able to enjoy Hoboken's unique sense of place; and

**WHEREAS, Vincent J. Wassman**, was born and raised in Hoboken, married the former Nona Rimmer and are the proud parents of John, Thomas, Barbara, Maryann and Susan; and

**WHEREAS, Vincent J. Wassman**, joined the Armed Forces of the United States and proudly served his country during both World War II and the Korean War;

**NOW, THEREFORE, BE IT RESOLVED, THAT I, DAWN ZIMMER**, Mayor of the City of Hoboken do hereby issue this proclamation in honor of **Vincent J. Wassman** and extend praise and commendations recognizing his many contributions to the City of Hoboken and its citizens.

Received and Filed.

**10-696**

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

Vendors-----2

Taxi, limousine, and livery drivers-----9

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo, and President Marsh

---Nays: None

---Absent: Giacchi.

**Reports of City Officers**

**10-697**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of October 2010 \$10,681,923.62 (Abatement Totals - \$547,464.14)

**10-698**

A report of the Municipal Court indicating receipts for the month of October 2010 as \$414,652.49

**CLAIMS**

**10-699**

Total for this agenda \$15,023,334.60

---duly seconded by Councilman Bhalla.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 -ABSENT 1  
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo,  
and President Marsh  
---Nays: None  
Absent: Giacchi.

### PAYROLLS

#### 10-700

**For the two week period starting October 14, 2010 – November 3, 2010**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Pay</b>
\$1,445,850.11	\$42,709.23	\$1,873,853.85

---duly seconded by Councilman Bhalla.  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 -ABSENT 1  
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo,  
and President Marsh  
---Nays: None  
Absent: Giacchi.

### CONSENT AGENDA

Consent Agenda defined: All items listed with an asterisk (\*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so request, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

### RESOLUTIONS

#### 10-701

---By Councilman Occhipinti

#### **RESOLUTION DESIGNATING JACKSON STREET COMMUNITY GARDEN TO BE NAMED AFTER ITS FOUNDER MARJORIE J. LAUE**

**WHEREAS**, the Mayor and the City Council deem it appropriate to honor the contributions made to our great City by the late Marjorie J. Laue, who among other things, was the founder and keeper of the Jackson Street Community Garden; and

**WHEREAS**, Marje, (as her friends knew her), worked tirelessly year after year to make sure the garden was taken seriously and that it was a safe respite from the daily pressures of everyday existence; and

WHEREAS, Marje was a long time Hoboken resident, active volunteer for the Hoboken Historical Museum, the Hoboken Shelter Soup Kitchen, and Saint Mary's Thrift Shop. Marje passed away January 3, 2010.

**WHEREAS**, we honor Marje's contributions to our City by dedicating the Jackson Street Community Garden and renaming the garden "Marjorie J. Laue Memorial Garden in her honor.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and the City Council hereby designate the Jackson Street Community Garden, located on 3<sup>rd</sup> and Jackson Street, and name the garden the "Marjorie J. Laue Memorial Garden".

---duly seconded by Councilman Russo.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo, and President Marsh

---Nays: None

Absent: Giacchi.

#### **10-702**

---By Councilman Mello

#### **RESOLUTION SUPPORTING THE CITY OF HOBOKEN TRANSPORTATION INITIATIVE "TWENTY IS PLENTY"**

**WHEREAS**, the City of Hoboken Department of Transportation and Parking's has made pedestrian safety a top priority;

**WHEREAS**, studies have shown that pedestrians have a 95% chance of surviving a motor vehicle collision at 20mph, but only a 55% chance of survival at 30mph;

**WHEREAS**, "Twenty is Plenty" is modeled after a similar British safe driving speed campaign, and the United Kingdom now boasts one of the lowest pedestrian-motor vehicle collision fatality rates in the world; and,

**WHEREAS**, "Twenty is Plenty" is a cost-effective approach to reducing vehicular speed on Hoboken's streets.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Hoboken hereby lends its support to the "Twenty is Plenty" Parking and Transportation Initiative; and,

**BE IT FURTHER RESOLVED** that the City Council calls upon the residents and guests of the City of Hoboken to support this initiative and consider driving at 20 mph within the City limits.

The speaker who spoke: Lane Bajardi, Jim Vance.

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo, and President Marsh

---Nays: None

Absent: Giacchi.

**10-703**

---By Councilman Mello

**A RESOLUTION TO ESTABLISH A COMPLETE STREETS POLICY**

**WHEREAS**, “ Complete Streets” are defined as roadways that enable safe and convenient access for all users, including bicyclists, children, persons with disabilities, motorists, seniors, movers of commercial goods, pedestrians, and users of public transport; and,

**WHEREAS**, significant accomplishments have already been achieved by incorporating pedestrian safety and traffic calming measures when public streets are improved; and,

**WHEREAS**, the New Jersey Department of Transportation supports complete streets policies and adopted its own such policy on 3 December, 2009; and,

**WHEREAS**, Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association, Hudson County Division of Planning, and many other transportation, planning, and public health officials; and,

**WHEREAS**, Complete Streets policies support the goals of the City of Hoboken Master Plan; and,

**WHEREAS**, promoting pedestrian, bicycle, and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

**WHEREAS**, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and,

**WHEREAS**, the full integration of all modes of travel in the design of streets and highways will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, limit greenhouse gases, improve air quality, and enhance the general quality of life.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that all public street projects, both new construction and reconstruction (excluding maintenance) undertaken by the City of Hoboken shall be designed and constructed as “ Complete Streets” whenever feasible to do so in order to safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to pedestrian safety, and subject to the following conditions:

- a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.

b. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities will be determined on a project specific basis.

c. In any project, should the cost of pedestrian, public transit, and/or bicycle facilities cause an increase in project costs in excess of 15%, as determined by engineering estimates, that would have to be funded with local tax dollars, then and in that event approval by Council must be obtained for same prior to bidding of the project.

d. Significant adverse environmental impacts outweigh the positive effects of the infrastructure

---duly seconded by Councilman Cunningham.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo, and President Marsh

---Nays: None

Absent: Giacchi.

#### **10-704**

---By Councilman Mello

### **RESOLUTION SUPPORTING THE CITY OF HOBOKEN'S "SURRENDER YOUR PERMIT" INITIATIVE**

**WHEREAS**, "Surrender Your Permit" is a first-of-its-kind program in the country, designed to offer incentives to Hoboken vehicle owners in return for giving up their on-street resident parking privileges; and,

**WHEREAS**, "Surrender Your Permit" aims to cost-effectively improve parking supply in Hoboken by reduce parking demand instead of paying for the construction of expensive new parking garages; and,

**WHEREAS**, "Surrender Your Permit" incentivizes alternative forms of transportation, including walking, biking, Corner Cars, car sharing, The Hop shuttle buses, and taxis - together which reduce vehicle miles traveled and increase available parking supply within Hoboken; and,

**WHEREAS**, "Surrender Your Permit" supports local business through partnerships with Flo-on-Wheels and Fleet Feet Sports; and,

**WHEREAS**, less than two months since program initiation, 41 Hoboken residents have already surrendered their residential parking permits, meaning that over 98% of reserved Corner Car spaces have already been accounted for; and,

**WHEREAS**, “ Surrender Your Permit” and Corner Cars have received considerable praise worldwide for their innovative approach to chronic urban parking and traffic concerns, including features in the New York Times, University of California Berkeley’ s Transportation Journal, Discovery Channel’ s Planet Green website, and the Urban Transportation Monitor, a highly respected industry journal.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Hoboken hereby lends its support to the “ Surrender Your Permit” Parking and Transportation Initiative; and,

**BE IT FURTHER RESOLVED** that the City Council calls upon the residents of the City of Hoboken to consider surrendering their permits in favor of car sharing and other transportation alternatives.

The speaker who spoke: Lane Bajardi, Jim Vance.

---duly seconded by Councilman Cunningham.

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

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

---Nays: Castellano

Absent: Giacchi.

**10-705**

---By President Marsh

**THIS RESOLUTION AWARDS A CONTRACT TO WHL ENTERPRISES, INC. FOR THE MULTI-SERVICE CENTER HVAC REHABILITATION FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-28.**

**WHEREAS**, proposals were received on 29 October 2010 for the rehabilitation of the HVAC system at the Multi-Service Center for the City of Hoboken, as specified in Bid Number 10-28; and,

**WHEREAS**, four (4) proposals were received, these being:

<b><u>VENDOR</u></b>	<b><u>PROPOSAL</u></b>
Environcon, LLC 490 Schooley’ s Mountain Road Hackettstown, NJ 07840	\$ 289,615.00
AMCO Enterprises, Inc. 600 Swanson Drive Kenilworth, NJ 07033	\$ 408,900.00
DCN General Contractors 93 Drs James Parker Boulevard Red Bank, NJ 07701	\$ 347,500.00

WHL Enterprises, Inc.  
6 Green Street  
Metuchen, NJ 08840

\$ 322,900.00

**WHEREAS**, although Environcon, LLC submitted the lowest bid of \$ 289,615.00, the bid was not responsive pursuant to N.J.S.A. 40A:11-23; and,

**WHEREAS**, the second lowest bidder, WHL Enterprises, Inc. submitted a responsible responsive bid of \$322,900.00; and,

**WHEREAS**, as a result of the unresponsive bid of the lowest bidder, the Purchasing Agent recommends that the contract be awarded to WHL Enterprises, Inc., as the second lowest responsive and responsible bidder.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Hoboken as follows:

- A. This resolution awards a contract to WHL Enterprises, Inc., in an amount not to exceed \$ 322,900.00, for the rehabilitation to the HVAC system in the Multi-Service Center in accordance with the specifications set forth.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with WHL Enterprises, Inc.
- C. This resolution shall take effect immediately upon passage.

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo, and President Marsh

---Nays: None

Absent: Giacchi.

#### **10-706**

---By President Marsh

### **Resolution Inserting a Special Item of Revenue into the TY 2010 Municipal Budget**

#### **OVER LIMIT UNDER ARREST HOLIDAY – TY 2010**

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

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

**WHEREAS**, the City of Hoboken has received notice of an award of \$5,000.00 from State of New Jersey, Division of Highway Traffic Safety to amend its TY 2010 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year TY 2010 in the sum of..... \$5,000.00

This is now available as revenue from:

Miscellaneous Revenues:

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

State and Federal Revenues Off-set with  
Appropriations:  
Over Limit Under Arrest Grant 2010 O/E

**NOW, THEREFORE, BE IT RESOLVED** that the like sum of: \$5,000.00  
Be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS  
State and Federal Programs Off-Set by  
Revenues:  
Over Limit Under Arrest Grant 2010 O/E  
Other Expenses

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

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo,  
and President Marsh

---Nays: None

Absent: Giacchi.

**10-707**

---By President Marsh

**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 **\$ 30,237.68**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
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<b>FOSTER, CEDRIC &amp; A MACHUCA 85-89 HARRISON ST #408 HOBOKEN, NJ 07030</b>	<b>13/4/C0408</b>	<b>85-89 HARRISON ST</b>	<b>3/10</b>	<b>\$ 2,467.88</b>
<b>FISHER, AVISHY &amp; LAURA S 62 MADISON ST #2 HOBOKEN, NJ 07030</b>	<b>16/38/C0002</b>	<b>62 MADISON ST</b>	<b>4/10</b>	<b>\$ 5,496.28</b>
<b>HAVEN SAVINGS BANK 621 WASHINGTON ST HOBOKEN, NJ 07030</b>	<b>66/15/C002B</b>	<b>529-533 JACKSON ST</b>	<b>4/10</b>	<b>\$ 3,705.04</b>
<b>HAVEN SAVINGS BANK 621 WASHINGTON ST HOBOKEN, NJ 07030</b>	<b>66/15/C004C</b>	<b>529-533 JACKSON ST</b>	<b>4/10</b>	<b>\$ 3,574.55</b>
<b>PEHUSH, GERALDINE &amp; WILLIAM 132 MELROSE PLACE RIDGEWOOD, NJ 07450</b>	<b>84/20/C0001</b>	<b>720 ADAMS ST</b>	<b>1/10</b>	<b>\$ 2,125.05</b>
<b>KLEIN, LAURETTE8 7 ESQUIRE ROAD NEW CITY, NY 10956</b>	<b>7/13/C004J</b>	<b>824-830 MONROE ST</b>	<b>4/08</b>	<b>\$ 2,509.42 EXCEL</b>
<b>BAC TAX SERVICES MS CAO-911-01-03 P O BOX 10211 VAN NUYS, CA 91410-0211</b>	<b>170/21/</b>	<b>838 PARK AVE</b>	<b>3/10</b>	<b>\$ 2,908.27</b>
<b>SCHETTINI, CHRISTINA 257 TWELFT STREET HOBOKEN, NJ 07030</b>	<b>173/13/C071A</b>	<b>257 TWELFTH ST</b>	<b>3/10</b>	<b>\$ 2,101.08</b>
<b>DING, LORRAINE 1204 WASHINGTON ST #3 HOBOKEN, NJ 07030</b>	<b>247/36/C003S</b>	<b>1204 WASHINGTON ST</b>	<b>3/10</b>	<b>\$ 1,397.16</b>
<b>CORE LOGIC INC P O BOX 961227 WESTLAKE, TX 76262</b>	<b>255/1/C0406</b>	<b>1425 GARDEN ST</b>	<b>4/09</b>	<b>\$ 3,619.62</b>
<b>CONVENIENCE CLOSING SERVICES 3001 LEADENHALL ROAD MT LAUREL, NJ 08054</b>	<b>261.04/1/C1105</b>	<b>1025 MAXWELL LANE</b>	<b>4/10</b>	<b>\$ 333.33</b>

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo,  
and President Marsh

---Nays: None  
Absent: Giacchi.

**10-708**

---By Council President Marsh

**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 **\$ 27,566.00**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
COZZARELLI LAW, LLP FRANK J COZZARELLI, ESQ 727 JORALEMON STREET BELLEVILLE, NJ 07109	198/13.1/	80 WASHINGTON ST	2008	\$ 8,586.00
COZZARELLI LAW, LLP FRANK J COZZARELLI, ESQ 727 JORALEMON STREET BELLEVILLE, NJ 07109	198/13.1	80 WASHINGTON ST	2010	\$ 18,980.00

---duly seconded by Councilman Bhalla.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo,  
and President Marsh

---Nays: None

---Absent: Giacchi.

**10-709**

---By Councilman Russo

**RESOLUTION TO ADOPT THE MINUTES FROM CLOSED EXECUTIVE SESSIONS OF THE CITY COUNCIL OF THE CITY OF HOBOKEN DATED: AUGUST 5, 2009; SEPTEMBER 2, 2009; OCTOBER 7, 2009; AND, JANUARY 6, 2010**

**WHEREAS**, the Council of the City of Hoboken went into closed executive sessions for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12 on the following dates: August 5, 2009; September 2, 2009; October 7, 2009; and, January 6, 2010;

**WHEREAS**, minutes from each of these closed executive sessions were created, and those minutes are now complete and ready for adoption; and

**WHEREAS**, the Council must vote to adopt said minutes as true and accurate minutes of the discussions held during each closed session.

**NOW THEREFORE, BE IT RESOLVED** that the Council of the City of Hoboken hereby adopts the minutes of the following closed executive sessions as true and accurate minutes of the discussion held: August 5, 2009; September 2, 2009; October 7, 2009; and, January 6, 2010; and,

**BE IT FURTHER RESOLVED** that when the need for confidentiality no longer exists, the minutes for each of the above mentioned meetings shall be made available to the public according to OPRA.

---duly seconded by Councilwoman Castellano.

---Adopted by the following vote: YEAS: 6 - NAYS: 1 – PRESENT – 1 -ABSENT 1

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

---Nays: Mason.

---Present: Occhipinti.

---Absent: Giacchi.

**10-710**

---By Councilman Russo

**RESOLUTION ADOPTING THE MINUTES FOR THE CITY COUNCIL REGULAR AND SPECIAL MEETINGS**

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of May 5, May 10 (Special Meeting) and May 19, 2010, June 2, June 13 (Special Meeting) June 16, June 22, (Special Meeting) have been reviewed and approved as to legal form and content.

---duly seconded by Councilwoman Castellano.

---Adopted by the following vote: YEAS: 6 - NAYS: 1 – PRESENT – 1 -ABSENT 1

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

---Nays: Mason.

---Present: Occhipinti.

---Absent: Giacchi.

**10-711**

---By Councilman

**RESOLUTION TO APPROVE A CONTRACT WITH BOSWEL ENGINEERING FOR UNDERWATER DIVING, EVALUATION, CONSULTING, AND**

**REPORTING RELATING TO WATERFRONT PROPERTY WITHIN THE CITY OF HOBOKEN**

**WHEREAS**, the City of Hoboken faces a situation which has the potential to effect the health, safety and general welfare of the municipality based on the condition of the waterfront properties within the City of Hoboken, for which a state of emergency has previously been declared; and,

**WHEREAS**, the City of Hoboken must obtain information, evaluations, consultations and comprehensive reports relating to the structural integrity of all the waterfront property within the municipality which has the potential to effect the health, safety and welfare of the general public; and,

**WHEREAS**, the City of Hoboken attempted to obtain estimates from engineering firms with underwater dive experience and with known expertise relating to the structural integrity of waterfront properties; and,

**WHEREAS**, the firm of Boswell Engineering has special expertise and knowledge relating to underwater diving to assess, report and consult on the structural integrity of waterfront property; and,

**WHEREAS**, this special expertise and knowledge, as well as the emergent need for expert evaluation of the waterfront' s structural integrity, provide a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

**WHEREAS**, Boswell Engineering is hereby required to abide by the “ pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and,

**WHEREAS**, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

**WHEREAS**, funds will be available for this purpose upon approval of the emergency appropriations resolution of same date.

**NOW THEREFORE, BE IT RESOLVED** (*a majority of the whole Council concurring*) that a professional services contract be authorized in an amount not to exceed \_\_\_\_\_ (\$\_\_\_\_\_.00) Dollars with the firm of Boswell Engineering to provide the City of Hoboken with underwater diving experts, analysis and evaluation, consulting, and reporting for the waterfront properties within the municipality; and,

**BE IT FURTHER RESOLVED** that this contract shall commence immediately and expire on December 31, 2010, which term shall be renewable upon necessity subject to availability of funds and approval of the term extension by the City Counsel, pursuant to N.J.S.A. 40A:11-1 et seq.; and

**BE IT FURTHER RESOLVED** that the City Counsel specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), is waived for the following reasons: (1) failure to appoint a qualified engineering firm immediately will jeopardize the health, safety and welfare of the City' s general public; and, (2) the firm of Boswell Engineering offers the City special expertise and substantive

knowledge relating to the specific issues underlying the above referenced declaration of emergency; and

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

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

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

The speaker who spoke: Margaret O' Brien, Scott Siegel, Tom Greaney.

---duly seconded by Councilman Bhalla.

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

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

---Nays: None

---Absent: Giacchi.

## **ORDINANCES**

### **Introduction and First Reading**

**10-712**

**Z-71**

**AN ORDINANCE ACCEPTING A DEED FROM P.T. MAXWELL, LLC FOR NEW LOT 1, BLOCK 261.05; NEW LOT 1, BLOCK 261.06; AND NEW LOT 2, BLOCK 261.07 (COLLECTIVELY HEREINAFTER REFERRED TO AS "BLOCK E") AS SHOWN ON A MAP FILED IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 4049 ON SEPTEMBER 8, 2005 UPON THE SATISFACTION OF THE CONDITIONS SET FORTH HEREIN.**

**WHEREAS**, the City of Hoboken is a municipal entity organized under the laws of the State of New Jersey; and

**WHEREAS**, P.T. Maxwell, LLC is a New Jersey Limited Liability Company that is the sponsor of a condominium project commonly known as Maxwell Place Condominium, located at 1101-1125 Hudson Street within the City of Hoboken; and

**WHEREAS**, P.T. Maxwell, LLC is the successor in interest to 1101-1125 Hudson Street LLC, which received preliminary site plan and subdivision approval of a planned unit development for 1101-1125 Hudson Street LLC ("Development Project") by resolution entitled "Preliminary Site Plan and Subdivision Approval of Planned Unit Development for 1101-1125 Hudson Street, LLC", adopted by the Planning Board of the City of Hoboken on or about March 4, 2003; and

**WHEREAS**, P.T. Maxwell, LLC received final site plan approval for Blocks A & E and final major subdivision approval by resolution entitled "Resolution for Final Site Plan Approvals

Blocks A & E and Final Major Subdivision" ("Resolution", and collectively with the March 4, 2003 Resolution abovementioned, "Resolutions"), adopted by the Planning Board of the City of Hoboken on or about January 4, 2005; and

**WHEREAS**, in conjunction with the aforementioned Planning Board approvals and Resolutions, 1101-1125 Hudson Street, LLC entered into a Developer's Agreement ("Agreement") with the City of Hoboken to which P.T. Maxwell, LLC is the successor in title and interest, setting forth in general the rights, duties and obligations of the parties in connection with the Development Project, which Agreement set forth conditions under which certain property known as the Block E Waterfront Park ("Block E") is to be developed and conveyed to the City of Hoboken; and

**WHEREAS**, the Agreement further stated that this Waterfront Park and Block E was to be conveyed to the City of Hoboken so that the citizens of Hoboken can use it as a park in perpetuity; and

**WHEREAS**, the Agreement further establishes that a funding agreement for the Waterfront Park would be implemented so that funding for the operation and maintenance of this Waterfront Park and Block E will come from the owners of Block A through Block D; and

**WHEREAS**, an agreement entitled "Maxwell Place Waterfront Park Operation and Maintenance Funding Agreement" ("O&M Agreement") was executed by and between P.T. Maxwell LLC and the City of Hoboken, dated June 17, 2004, which establishes, among other things, that the cost for the operation and maintenance of this Waterfront Park will be derived from the owners of Block A through Block D; and

**WHEREAS**, legal questions have been raised to the validity and implementability of the June 17, 2004 O&M Agreement as it relates to Block E; and

**WHEREAS**, the City of Hoboken has initiated and participated in several meetings with P.T. Maxwell, LLC to negotiate revisions to the O&M Agreement to eliminate any legal impediments and to make the same implementable and functional; and

**WHEREAS**, despite the fact that negotiations have not as yet been concluded, P.T. Maxwell, LLC has demanded that the City of Hoboken accept title to the Waterfront Park and Block E by December 15, 2010, ignoring the legal questions raised regarding the O&M Agreement and the satisfaction of other typical conditions and criteria related to conveyance of title and appurtenances of the nature of Block E and its improvements as set forth hereinafter; and

**WHEREAS**, P.T. Maxwell, LLC has represented that it has completed the Waterfront Park and is prepared to transfer it to the City of Hoboken pursuant to its obligations under the Agreement; and

**WHEREAS**, to date the City of Hoboken has not been provided with appropriate certifications with regard to the improvements constructed by or on behalf of P.T. Maxwell, LLC on Block E, including, without limitation, the Waterfront Park, the pier and the walkway, which will be accepted simultaneous with, and as part of the acceptance of the underlying real property (Block E) as an appurtenance on Block E, nor has there been adequate proof submitted of clear and marketable title, free and clear of all liens and encumbrances insurable at regular rates by a title company licensed to do business in the State of New Jersey, among other things; and

**WHEREAS**, the City of Hoboken desires to express its willingness and ability to accept the Block E property, provided that the conditions as set forth hereinafter are satisfied, consistent with the terms of the Resolutions and the Developer's Agreement; and

**WHEREAS**, this action is authorized pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.

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

1. Subject to the satisfaction of the conditions as set forth in this Ordinance, the City of Hoboken hereby accepts fee title to Block E from P.T. Maxwell, LLC ("Developer"), together with all appurtenances thereon, including, without limitation, the playground and equipment, pier, boathouse, walkway and all other improvements and appurtenances thereon.

2. Subject to the satisfaction of the conditions as set forth in this Ordinance, the Mayor and City Clerk are hereby authorized to accept the appropriate Deed conveying a fee interest in Block E together with its improvements and appurtenances, and arrange for the recording of the Deed in the Office of the Hudson County Registrar.

3. The conditions that are required to be satisfied as set forth in this Ordinance to allow for the effectuation of the acceptance of the Deed and improvements and appurtenances are as follows:

(i) There shall be clear and marketable title to Block E conveyed to the City of Hoboken, free and clear of all liens and encumbrances insurable at regular rates by a title company licensed to do business in the State of New Jersey in the form of a Bargain and Sale Deed with covenants against grantors acts or such other covenants as acceptable to the City. There shall be provided to the City all the usual and necessary closing documents, including, but not limited to, affidavits of title, releases from mortgages and other encumbrances and certifications that there has been compliance with all obligations under all permits, licenses and other authorizations issued for the project including, without limitation, compliance with all continuing monitoring or other reporting requirements of the New Jersey Department of Environmental Protection and all other agencies or governmental units.

(ii) Appropriate certifications shall be provided to the City of Hoboken that the Waterfront Park improvements on Block E have been completed in accordance with the terms and conditions of the applicable Resolutions, Developer's Agreement, other applicable Agreements and approvals and other City requirements and that

all are in acceptable condition at the time of the acceptance of title.

(iii) Appropriate Certifications shall be provided to the City of Hoboken that the pier, boat house improvements, walkway and all other improvements and appurtenances on Block E have been completed in accordance with the terms and conditions of the applicable Resolutions, Developer's Agreement, other applicable Agreements and approvals and other City requirements and that all are in acceptable condition at the time of the acceptance of title.

(iv) A revised O&M Agreement to comport with law shall be executed by the parties; or there shall be provided to the City an executed valid, adequate, legally permissible, legally implementable and legally enforceable Agreement which ensures that the funding for the operation and maintenance costs for Block E are borne by the owners of Blocks A-D in accordance with the terms and conditions of the Resolutions and the Developer's Agreement. The City reserves the right to initiate a declaratory judgment or other action in a court of competent jurisdiction to affirm and confirm that any such executed agreement satisfies the criteria set forth in this section and in the Resolutions and Developer's Agreement.

4. The Mayor and City Clerk and all other appropriate employees and professionals of the City of Hoboken are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

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

6. The City retains the right to waive minor and immaterial informalities in any documentation provided to satisfy the above conditions.

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

8. If any section, subsection, sentence, clause, or phrase thereof is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.

9. This Ordinance shall take effect upon passage and publication as provided by law, except to the extent that an emergency is declared and the Ordinance is made effective immediately, pursuant to N.J.S.A. 40:69A-181(b).

10. This Ordinance, along with the Deed of conveyance approved hereby shall be recorded in the Office of the Hudson County Registrar upon the satisfaction of the conditions set forth herein, and shall be maintained in the Office of the Hoboken City Clerk.

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

---Motion duly seconded by Councilwoman Mason

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

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

---Nays: None.

---Absent: Giacchi.

### **10-713**

#### **Z-72**

#### **AN ORDINANCE TO ESTABLISH SPECIFIC PARKING SPACES AND RELATED RULES FOR “ HOBOKEN CORNER CARS”**

**WHEREAS**, at the May 19, 2010 meeting of the Hoboken City Council a resolution was passed granting “ Hoboken Corner Cars” a ninety (90) day pilot period, which was extended for an additional ninety (90) days by a second Resolution of the Hoboken City Council on September 1, 2010;

**WHEREAS**, the initial success of the “ Hoboken Corner Car” program has necessitated creating established specific parking spaces and related rules for said cars on a permanent basis along the public rights of way;

**WHEREAS**, the Corner Cars program has already enrolled nearly 1,000 Hoboken resident members who actively use Corner Cars as an alternative to owning their own cars; and,

**WHEREAS**, a critical aspect of the vitality and success of the Corner Cars program is the on-street location of these vehicles due to the dramatically increased visibility and convenience of these locations; and,

**WHEREAS**, the success of the Corner Cars program equates to a reduction in parking demand and vehicle miles traveled in Hoboken, and improves parking conditions for both Corner Cars members as well as individuals who continue to choose to own a car and/or not participate in the Corner Cars program; and,

**WHEREAS**, according to the Census Bureau’ s 2006-08 American Community Survey data, 64% of employed Hoboken residents take transit or walk to work; and,

**WHEREAS**, pursuant to N.J.S.A. 39:4-8c and N.J.S.A. 39:4-197 the City Council is authorized to set rules and regulations related to parking on municipal streets.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hoboken, that Chapter 190 of the Administrative Code of the City of Hoboken shall be amended as following:

**SECTION ONE: AMENDMENTS**

Article XXXIV is hereby added to Chapter 190 of the Code of the City of Hoboken as follows:

**ARTICLE XXXIV**

**Section 190-47 Definitions**

CORNER CAR: shall mean a vehicle located on-street by the City of Hoboken or its designee for the purposes of car sharing amongst residents and businesses, where Corner Cars are distinguishable by the logo on the side of the car as well as the temporary parking permit on the dashboard of the vehicle

**Section 190-48 Locations Designated**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Clinton Street	East	Beginning at a point 35 feet south of the southerly curbline of Seventh Street and extending for 32 feet southerly therefrom
Clinton Street	East	Beginning at a point 35 feet south of the southerly curbline of Ninth Street and extending for 32 feet southerly therefrom
Fourth Street	South	Beginning at a point 35 feet east of the easterly curbline of Jefferson Street and extending for 32 feet easterly therefrom
Bloomfield Street	East	Beginning at a point 35 feet south of the southerly curbline of Fourth Street and extending for 32 feet southerly therefrom
Garden Street	East	Beginning at a point 35 feet north of the northerly curbline of Eighth Street and extending for 32 feet northerly therefrom
Second Street	South	Beginning at a point 35 feet east of the easterly curbline of Adams Street and extending for 32 feet easterly therefrom
Park Avenue	East	Beginning at a point 35 feet south of the southerly curbline of Sixth Street and extending for 32 feet

		southerly therefrom
Harrison Street northerly	East	Beginning at a point 35 feet north of the curblines of Second Street and extending for 32 feet northerly therefrom
Harrison Street southerly	East	Beginning at a point 35 feet south of the curblines of Fourth Street and extending for 32 feet southerly therefrom
First Street	South	Beginning at a point 35 feet west of the westerly curblines of Jefferson Street and extending 32 feet westerly therefrom
Monroe Street	West	Beginning at a point 35 feet north of the northerly curblines of Eighth Street and extending for 32 feet northerly therefrom
Eighth Street	South	Beginning at a point 35 feet east of the easterly curblines of Adams Street and extending for 32 feet easterly therefrom
Eleventh Street westerly	South	Beginning at a point 35 feet west of the curblines of Hudson Street and extending for 32 feet westerly therefrom
Twelfth Street	South	Beginning at a point 35 feet west of the westerly curblines of Grand Street and extending for 32 feet westerly therefrom
Clinton Street	East	Beginning at a point 35 feet north of the northerly curblines of Newark Street and extending for 32 feet northerly therefrom
First Street	South	Beginning at a point 35 feet west of the westerly curblines of Washington Street and extending for 32 feet westerly therefrom
Willow Avenue	East	Beginning at a point 35 feet north of the northerly curblines of Tenth Street and extending for 32 feet northerly therefrom
Clinton Street	East	Beginning at a point 35 feet north of the northerly curblines of Fourth Street and extending for 32 feet northerly therefrom
Hudson Street	East	Beginning at a point 35 feet south of the southerly curblines of Fifteenth Street and extending for 32 feet southerly therefrom

Tenth Street	South	Beginning at a point 35 feet west of the westerly curblines of Jefferson Street and extending for 32 feet westerly therefrom
Vezzetti Way	North	Beginning at a point 43 feet west of the southerly curblines of Observer Highway and extending 32 feet westerly therefrom
Vezzetti Way	North	Beginning at a point 12 feet east of the easterly curblines of Observer Highway and extending 32 feet easterly therefrom

**Section 190-49 Rules**

No person shall park a vehicle at any time upon the locations designated in Section 190-48 unless such vehicle is a “Corner Car”

**Section 190-50 Violations and Penalties**

Failure to comply with this Article XXXIV shall result in towing at the vehicle owner’s expense.

**SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

**SECTION THREE: SEVERABILITY**

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

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**

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

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

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 4- - NAYS:4 –ABSENT - 1

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

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

---Absent: Giacchi.

## **10-714**

### **Z-73**

#### **AN ORDINANCE TO AMEND CHAPTER 180A -LIMOUSINES**

**WHEREAS**, the current Section 180A-15 of the General Code of the City of Hoboken sets forth an age limitation on limousines licensed by the City of Hoboken;

**WHEREAS**, research of other municipalities has shown the current age limitation enforced by the City of Hoboken is not in line with that of similar municipalities; and

**WHEREAS**, the City of Hoboken wishes to amend Section 180A-15 of the General Code of the City of Hoboken to provide for a more reasonable age limitation while continuing to maintain and enforce a limitation which is effective in providing a mechanism for maintaining the safety and welfare of limousine passengers within the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hoboken, that Chapter 190 of the Administrative Code of the City of Hoboken shall be amended as following:

#### **SECTION ONE: AMENDMENTS**

##### **§ 180A-15. Vehicle equipment and maintenance.**

A. No license shall be issued until said limousine has been thoroughly inspected, pursuant to State and local inspection requirements, 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. 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 license.

E. Color scheme of limousine. A 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 six (6) ~~four (4)~~ years old. Thereafter, said vehicle must be replaced.

G. Upon written request, the Division of Taxi and Limousine Licensing may permit a vehicle smaller than a four-door model or more than six (6) ~~four (4)~~ years old 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.

## **SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

## **SECTION THREE: SEVERABILITY**

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

## **SECTION FOUR: EFFECTIVE DATE**

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

## **SECTION FIVE: CODIFICATION**

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

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

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

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: YEAS: 7- - NAYS:1 –ABSENT - 1  
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti and President Marsh.  
---Nays: Russo.  
---Absent: Giacchi.

### **NEW BUSINESS**

Councilwoman Castellano comments about subcommittee for Zoning and Planning with Jefferson Trust Company, questions Director Sacs about 2<sup>nd</sup> and Washington Street 3 -4 on liquor

Councilwoman Mason comments on the waterfront and assisting and moving forward on the effort. Rent Control committee are awaiting Councilman Bhalla' s comments

Councilman Bhalla comments I did send before I left on vacation

Councilwoman Mason comments on Elysian Park, in front of Kings, issue with the hospital and that 70 people know but the Council is in the dark

Councilman Mello 8 PM Friday to meet with Councilwoman Mason

Councilwoman Castellano asks Corporation Counsel to determine if the hospital should be closed session with the next meeting

Councilwoman Castellano comments

Councilman Russo comments and questions Director Maier on paving of the streets

Director Maier comments that she can email the Council with the updates

Councilman Russo comments on the Cognis site, status of clean up

Director Maier comments that the company is under acquisition, Cognis is interested in the conversation but they have to close before they move forward

Councilman Russo comments, where is the BOE interested in this or acquiring this

Director Forbes comments the issue are environmental, they are interested in school space due to crowding issues

Councilman Russo comments and questions about the Western Edge

Director Forbes comments will provide updates

Councilman Russo comments about the hospital being privatization

Councilman Occhipinti comments about HHSA (Headstart) and expresses his support to call Congressman Sires for their support 888-460-0813, on the intersection on 1st and Jackson St., several trees that large trucks hit the branches and this could lead to damage to cars and pedestrians and ask Director Maier to email him, asks Director Forbes for current study for South West

Councilman Russo has left the table at 9:33 PM

Director Maier comments that they will look into it

Director Forbes comments that they are collecting information and finalize in Jan. and for the Planning Board in Feb. and Dec. 1<sup>st</sup> for a 18 mo. study on traffic recommendations and also looking at Patterson Plank Rd., feasibility study between Jersey City and Hoboken

Councilman Occhipinti comments that the park next to Boys and Girls Club and the status of the remediation

Director Maier comments hopefully get some updates this week

Councilman Russo has returned to the table at 9:36 PM

Councilman Occhipinti comments on the recreation fee and asks Corporation Counsel to repeal the \$25 recreation fee

Corporation Counsel comments will look into it and put it back to the Council  
Councilman Cunningham comments on review for some projects around town, narrowed NJ Transit from 11-4 go through a vetting process with NJ and sub-committee and pick a finalist, the administration will get an interlocal agreement with NJ transit. As for Western Edge, meetings for Mon, Dec. 6<sup>th</sup>, Tues – Thurs. downtown and midtown. Maybe have it at Multi-service center.

Sub-committee meeting 916 Garden and Public Safety issue with 20 MPH, moving on to Rent Control and disappointed with Councilwoman Mason as Chair and Councilman Russo for an update for the Housing Authority for an approval from HUD.

Councilman Russo comments we have not

Councilwoman Mason responds to Councilman Cunningham and we have changed Corporation Counsel 3 times and contacted Michael Kates for update

Corporation Counsel comments Mr. Kates should be handling this aspect, should the committee ask Mr. Kates and he should be working on it as far back as Sept.

Councilwoman Mason comments and asks Councilman Bhalla

Councilman Bhalla comments the process was set forth a draft was provided by Mr. Kates around mid-Sept., and put on the city council agenda since it was pulled and we need to be all on the same page

Councilman Mello comments that committees, 1,000 residents are concerned about Corner Cars and email everyone to come up with an ordinance that will be passed by all

Council President comments asked the Council to contact her for the adhoc committees and also for Councilman Occhipinti to reach out to her

### **PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Dominick Russo, Margaret O’Brien, Lane Bajardi, David Liebler, Jim Doyle, Hamey Ahmed, Cheryl Fallick.

Corporation Counsel comments and reads out why the Council is needed to go into Closed Session

---Motion duly Council President seconded by the Council at 10:39 PM

Motion to go into Closed Session at 10:40 P.M.

Council President announces that there will be a 5 minute break.

At 10:51 P.M. The Governing Body entered into a closed session.

### **10-715** **CLOSED SESSION**

Pier C and other matters

At 11:09 P.M. the Governing Body on a motion by Council President Marsh; duly seconded by the Governing Body.

President Marsh then adjourned the meeting at 11:09 P.M.

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PRESIDENT OF THE COUNCIL

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CITY CLERK