

MEETING OF DECEMBER 1, 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, DECEMBER 1, 2010 AT 7:00 PM

President Marsh opened the meeting at 7:01 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, Mason, Mello, Occhipinti, Russo and President Marsh.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND CHAPTER 180A –LIMOUSINES (Z-73)

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, Mason, Mello, Occhipinti, 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: 8 - NAYS: 0 – ABSTAIN - 1

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

---Nays: None.

---Abstain: Russo.

10-716

COMMUNICATION FROM MAYOR ZIMMER REGARDING CORNER CARS

November 23, 2010

Dear Council Members:

On Monday, November 14, 2010 the City Council failed to move forward on an Ordinance to establish on street parking spaces for Connect by Hertz vehicles in the Corner Cars program. The vote was 4-4 with Councilman Giacchi absent.

In light of the 8-1 margin by which the City Council voted to approve the Corner Cars contract with Hertz and the 7-1 margin by which the City Council voted to support the “Surrender Your Permit” program, I was truly surprised by the failure to move forward on the Ordinance which is an essential component of the program. This memo will clarify the reasons why it is so important that the Ordinance be passed without delay, and I hope after reading it those who voted against the Ordinance will reconsider their positions.

The Corner Cars program is not a stand alone project intended to create more parking. It is part of an overall transportation strategy to make it easier to live in and get around Hoboken without a car. This directly and significantly enhances the quality of life of thousands of people in Hoboken who do not own cars and therefore do not contribute to our shortage of parking. In addition, because these strategies make it easier to get around without a car, they have resulted in 45 people so far deciding they no longer need their cars and surrendering their parking permits. This already exceeds the 42 parking spots dedicated to Corner Cars which means that the program has, at this point, directly benefited those without cars without reducing the number of parking spots available for those that do own cars. As the program matures, more people will give up their cars, move to Hoboken without a car, or make decisions not to buy cars because they have less need for them. This will help alleviate our parking shortage, making this program a huge win for all Hobokenites, both those who own cars and those who don't.

Nearly, 1,000 Hobokenites are already directly benefiting from the Corner Cars Program as members (see attached map for locations of participants). The 45 people who have surrendered their permits have done so based on their belief that the City was committed to supporting the Corner Cars Program. Given the 8-1 margin by which the City Council passed the Agreement with Hertz, that belief was certainly understandable.

The City has a contractual obligation to Hertz to create these dedicated on street parking spaces. It also has an ethical and possibly legal obligation to the residents who have made decisions in reliance on our compliance with that Agreement. Residents have sold their cars only because they rightly believed they could rely on the Corner Cars Program.

The Corner Cars Program is an enormous success and has been landed throughout the media and academic journals, including the New York Times and the current issue of the League of Municipalities Magazine.

I urge all of you to consider this information, put politics aside, and do what is right for our City.

Sincerely,

Mayor Dawn Zimmer

Received and Filed.

10-717

A communication from Director Ian Sacs regarding the Corner Cars.

Received and Filed.

10-718

A communication from Mark A. Tabakin, Corporation Counsel regarding corner cars.

Received and Filed.

10-718 A

Bids results for Hertz City-Wide Car Sharing Bid #10-20

10-719

Vendors-----3
Raffles-----1

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

10-720

Total Amount of Claims for this agenda \$2,353,693.05

---duly seconded by Councilman Cunningham
---adopted by the following vote: YEAS: 8 - NAYS: 0 ABSTAIN: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mello, Occhipinti, Russo and President Marsh.
---Nays: None
---Abstain: Mason Council President voted to abstain one (1) vendor only from the miscellaneous license

10-721

For the two week period starting October 28, 2010- November 17, 2010.

Regular Payroll	O/T Pay	Pay
\$1,403,276.80	\$68,251.04	\$1,847,600.78

---duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mason, Mello, Occhipinti, Russo, and President Marsh
---Nays: Mason (no on O/T, YES on everything else)

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

10-722

---By Councilman Russo

RESOLUTION TO EXTEND THE RULES AND REGULATIONS OF “ HOBOKEN CORNER CARS” FOR AN ADDITIONAL TWO HUNDRED (200) DAY PERIOD, AND TO RE-ESTABLISH SPECIFIC PARKING SPACES ON A PILOT BASIS

WHEREAS, the City of Hoboken is leading the way with innovative solutions to its difficult parking situation, as profiled by leading publications such as the New York Times and the New Jersey League of Municipalities magazine;

WHEREAS, on May 19, 2010 of the Hoboken City Council a resolution was passed establishing temporary car sharing spaces at various on street locations for purpose to set forth therein for a (90) day pilot period;

WHEREAS, a the September 1, 2010 meeting of the Hoboken City Council a resolution was passed extending the establishment of temporary car sharing parking spaces at various street locations for purposes set forth therein for an additional ninety (90) day pilot period; and establishing rules and regulations;

WHEREAS, two previous resolutions to establish temporary parking spaces for the Corner Cars program have expired, and a third extension of the temporary parking spaces is necessary

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 RESOLVED by the City Council of the City of Hoboken, the term “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; and

BE IF FURTHER RESOLVED that during the two hundred (200) temporary period of this resolution, no person shall park a vehicle at any time upon the following streets or portion thereof unless such vehicle is a “Corner Car” and failure to comply with this regulation shall result in towing at the vehicle owner’ s expense:

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

feet westerly therefrom

Vezzetti Way North Beginning at a point 43 feet west of the southerly curblineline of Observer Highway and extending 32 feet westerly therefrom

Vezzetti Way North Beginning at a point 12 feet east of the easterly curblineline of Observer Highway and extending 32 feet easterly therefrom

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer, the Department of Parking and Transportation and the Hoboken Police Department to take any actions necessary to complete and realize the intent and purpose of this resolution, including but not limited to installation of temporary signage;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

The speakers who spoke: Lyle Hysen, Margaret, O' Brien, Helen Hirsch, Scott Siegel, Alice Crozier, Cheryl Fallick, Joseph Branoco, Allen Kratz, Ann Graham, Perry Belfiore, Jim Vance, Donna Olah-Reiken, Tom Greaney, Eric Kurta, Rami Pinchevsky, Nadia Mian, Lane Bajardi, Forde Pigot, David Lieber, Jake Stuiver, Roman Brice, Mark Damstra, Jim Doyle.

---Motion duly seconded by Councilman Occhipinti.

---**Adopted as amended** by the following vote: YEAS: 7 - NAYS: 2

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

---Nays: Bhalla, Cunningham.

10-723

---By Councilman Bhalla

RESOLUTION SUPPORTING THE REVIEW BY THE NEW JERSEY ATTORNEY GENERAL OF ALLEGATIONS OF VOTER FRAUD DURING RECENT ELECTIONS WITHIN THE CITY OF HOBOKEN

WHEREAS, the Citizens of the City of Hoboken have the right to cast their votes and have their votes counted; and,

WHEREAS, the Citizens of the City of Hoboken deserve fair, honest and open campaigns and elections; and,

WHEREAS, there have been significant allegations of election fraud during the recent 4th Ward City Council elections that took place on November 2, 2010; and

WHEREAS, the Mike Lenz for Council campaign provided information to the Hudson County Board of Elections with respect to allegations of election fraud (the "Lenz Information"); and,

WHEREAS, Marie Borace, the Hudson County Superintendent of Elections, conducted an independent investigation of said allegations and prepared a report with respect to its findings (the "Superintendent of Elections Report"); and,

WHEREAS, the Hudson County Board of Elections referred both the Lenz Information and the Superintendent of Elections Report to the Hudson County Prosecutor for further review; and,

WHEREAS, the Hudson County Prosecutor referred the matter to the Attorney General's Office of the State of New Jersey; and,

WHEREAS, the City Council seeks to re-instill trust in the election process in Hoboken.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby request that the Attorney General of the State of New Jersey fully investigate the issues raised by the Lenz Information and the Superintendent's Report in an effort to determine the truth of these allegations and to return the public trust; and,

BE IT FURTHER RESOLVED, that the City Council calls on all people in possession of any evidence of wrongdoing to turn said evidence over to the Attorney General as quickly as possible, if they have not already done so; and

BE IT FURTHER RESOLVED, that the City's Corporation Council make regular inquiries as to the status of the investigation and assist the Attorney General's Office in any way possible to fully and expeditiously resolve the issues, and Corporation Counsel shall provide a status report to the City Council on at least a monthly basis; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to New Jersey Attorney General Paula Dow.

The speaker who spoke: Margaret O' Brien, Scott Siegel, Perry Belfiore, Tom Greaney, Rami Pinchevsky, LaneBajardi, Forde Prigot, Roman Brice.

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None

---Abstain: Bhalla

10-724

---By Councilman Mello

**A RESOLUTION TO AMEND THE RESOLUTION OF SEPTEMBER 15, 2010
AWARDING 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, at the September 15, 2010 meeting of the City Council of the City of Hoboken a Resolution was approved to award the base bid and alternate #1 to the lowest responsible bidder, Salomone Bros., Inc.; and,

WHEREAS, at the time of the September 15th Resolution the budget allocated \$460,531.00 for this project, which did not allow for all parts of the roadway to be performed at that time; and,

WHEREAS, funds are now available to cover the costs to resurface all the streets listed in the original bid, which consists of the base bid, alternate #1, alternate #2, alternate #3 and alternate #4, combined; and,

WHEREAS, Salomone Bros., Inc. was also the lowest responsible bidder on the total costs for the entire project, with a bid amount of

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 Enterprise 2319 Richmond 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 Route 46 West Clifton, NJ	\$301,820.13	\$ 96,137.12	\$53,394.10	\$196,068.55	\$113,830.45	\$761,250.35
AJM Contracting 300 Kuller Road Clifton, NJ	\$295,321.00	\$100,568.35	\$58,329.90	\$207,952.60	\$119,064.95	\$781,236.80
Salomone Bros., Inc. 17 Demarest Drive Wayne, NJ	\$301,707.50	\$91,541.85	\$52,605.36	\$195,044.10	\$115,881.95	\$756,780.76

AND, WHEREAS, Remington and Vernick, the City engineer on this project has recommended that the City revise the award to give a contract to Salomone Bros. Inc. consistent with the base bid, alternate #1, alternate #2, alternate #3 and alternate #4, combined, since the budget now allows.

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 Bros., Inc. in the amount of **\$756,780.76** for the base bid, alternate #1, alternate #2, alternate #3 and alternate #4, combined, as specified in the bid documents for Bid No. 10-23.
3. The Mayor or her agent is hereby authorized to execute a contract with Salomone Bros. Inc. for said amount, which shall be a revision of the contract with Salomone Bros. Inc. as approved by the City Council' s Resolution dated September 15, 2010.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Occhipinti.

10-725

---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 \$ 99,084.50

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLSFARGO HOME MORTGAGE MAC X 2302-018 1 HOME CAMPUS DES MOINES, IA 50328	38/24/C002B	212-214 MADISON ST	3/10	\$ 2,301.69
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	68/6/C0203	511-515 MADISON ST	4/10	\$ 5,390.32
RAMA, BILLIE JO & DEBRA A COTE 621 MONROE ST APT #6B HOBOKEN, NJ 07030	75/8/C006B	619-621 MONROE ST	4/10	\$ 227.91
DANKO, LASZLO & CLEMENCE ANNE-MARIE 99 PARK AVENUE #5B HOBOKEN, NJ 07030	176/7.1/C05-B	209-215 FIRST ST/ 99 PARK	4/09	\$ 2,070.58
BRANDLI, GAIL 1224 GARDEN ST HOBOKEN, NJ 07030	253/24/	1224 GARDEN ST	4/10	\$ 472.85
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0218	1125 MAXWELL LANE	4/10	\$ 10,855.90
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0330	1125 MAXWELL LANE	4/10	\$ 6,301.36
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0452	1125 MAXWELL LANE	4/10	\$ 8,697.31

CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0503	1125 MAXWELL LANE	4/10 \$ 6,386.86
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0609	1125 MAXWELL LANE	4/10 \$ 9,624.14
BAC TAX SERVICES MS CAO-911-01-03 P O BOX 10211 VAN NUYS, CA 91410-0211	261.03/1/C0646	1125 MAXWELL LANE	4/10 \$17,185.18
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C0700	1125 MAXWELL LANE	4/10 \$23,448.60
MURPHY, PETER J & FRANCESCA 1125 MAXWELL LANE #908 HOBOKEN, NJ 07030	261.03/1/C0908	1125 MAXWELL LANE	4/10 \$ 3,337.74
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	261.03/1/C1203	1125 MAXWELL LANE	4/10 \$ 199.43
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	268.1/2/C005Q	1500 WASHINGTON ST	4/10 \$ 237.25
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	268.1/2/C008J	1500 WASHINGTON ST	4/10 \$ 1,736.65
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	268.1/2/C010C	1500 WASHINGTON ST	4/10 \$ 98.84
CORELOGIC ATT: RECOVERIES DEPT P O BOX 961230 FORT WORTH, TX 76161-0230	268.1/2/C012A	1500 WASHINGTON ST	4/10\$ 511.89

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

---Nays: None

10-726

---By 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 **\$ 9,866.82**.

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
MICHAEL I SCHNECK, TRUSTEE 301 SOUTH LIVINGSTON AVE SUITE 105 LIVINGSTON, NJ 07039	202/28/	314 WASHINGTON ST	2009	\$ 1,122.25
MICHAEL I SCHNECK, TRUSTEE 301 SOUTH LIVINGSTON AVE SUITE 105 LIVINGSTON, NJ 07039	208/34/	910 WASHINGTON ST	2009	\$ 2,693.40
MICHAEL I SCHNECK, TRUSTEE 301 SOUTH LIVINGSTON AVE SUITE 105 LIVINGSTON, NJ 07039	208/35	908 WASHINGTON ST	2009	\$2,693.40
DAVENPORT & SPIOTTI ATTORNEYS AT LAW 219 CHANGEBRIDGE ROAD MONTVILLE, NJ 07045	262.3/1/C0412	2 CONSTITUTION CT	2009	\$2,320.81
MICHAEL A VESPASIANO ATTORNEY TRUST ACCT 331 MAIN STREET CHATHAM, NJ 07928	268.1/1/C002A	1501 GARDEN ST/ 1500 BLOOMFIELD ST	2009	\$ 1,036.96

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

10-727

---By President Marsh

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS 2010 TAX APPEALS

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 appearing on the attached list totaling **\$ 11.57**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:
JACOBUS & ASSOCIATES, LLC
ONE GATEHALL DRIVE SUITE 105-A
PARSIPPANY, NJ 07054

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
CONAILL, COLM	15/23/C0003	80 MONROE ST	\$ 11.57

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

10-728

---By President Marsh

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS 2010 TAX APPEALS

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 appearing on the attached list totaling **\$ 141.86**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

LUM, DRASCO & POSITAN LLC
COUNSELORS AT LAW
103 EISENHOWER PARKWAY
ROSELAND, NJ 07068

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
FLANAGAN, MICHELE G	95/1/C0P-3	901-909 MADISON ST	\$ 20.05
HAYES, EDWARD	152/5/C03-A	702-708 CLINTON ST	\$ 121.81

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

10-729

---By President Marsh

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS
 2010 TAX APPEALS**

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
 appearing on the attached list totaling **\$ 1,020.94**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

**NASHEL AND NASHEL, LLC
 415 SIXTIETH STREET
 WEST NEW YORK, NJ 07093**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
SHINE, JOHN F	217.1/30/C003B	600 HUDSON ST	\$ 1,020.94

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

10-730

---By President Marsh

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS
 2010 TAX APPEALS**

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 appearing on the attached list totaling \$ 3,048.36

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

**SCHNECK LAW GROUP LLC
301 SOUTH LIVINGSTON AVENUE
SUITE 105
LIVINGSTON, NJ 07039**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
308 MONROE ST LLC	47/29/C001L	308 MONROE ST	\$ 124.87
308 MONROE ST LLC	47/29/C002R	308 MONROE ST	\$ 165.23
308 MONROE ST LLC	47/29/C003L	308 MONROE ST	\$ 165.23
308 MONROE ST LLC	47/29/C003R	308 MONROE ST	\$ 165.23
308 MONROE ST LLC	47/29/C004L	308 MONROE ST	\$ 165.23
BICKOFF, ADAM	163/9/C003L	1132 WILLOW AVE	\$ 580.29
BICKOFF, ADAM	163/9/C003R	1132 WILLOW AVE	\$ 496.03
314 WASHINGTON ST LLC	202/28/	314 WASHINGTON ST	\$ 1,186.25

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

10-x731

---By President Marsh

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS
2010 TAX APPEALS**

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 appearing on the attached list totaling \$ 1,305.29

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

**SKOLOFF & WOLFE, P.C.
COUNSELLORS AT LAW
293 EISENHOWER PARKWAY**

LIVINGSTON, NJ 07039

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
GUINAN, NIAMH & DONALD ALEXANDER	2/5/C005E	415 NEWARK ST	\$ 176.06
LABADIA, JOHN JR & AMY	21/1/C003G	300-306 NEWARK ST	\$ 676.69
KING, TIMOTHY & ALEKSANDRA FAYER	21/1/C005G	300-306 NEWARK ST	\$ 452.54

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

10-732

---By President Marsh

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS
2010 TAX APPEALS**

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
appearing on the attached list totaling **\$ 9,564.28**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

WATERS, MC PHERSON, MC NEILL
ATTORNEYS AT LAW
300 LIGHTING WAY
P O BOX 1560
SECAUCUS, NJ 07096

<u>NAME</u>	<u>LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
CROWE, BRIAN & MICHELE HORNER	34/34.1/C0002	102 PARK AVE	\$ 37.55
DEOTERIS, ALEX & PETER P & MARCIA BLOCK 268 LLC	268.1/3/C001G	1500 HUDSON ST	\$ 3,566.69
C/O TOLL BROTHERS	1/3/C001H	1500 HUDSON ST	\$ 1,679.55
WALSH, TIMOTHY J & ANNE	268.1/3/C002G	1500 HUDSON ST	\$ 2,664.89

BLOCK 268 LLC

C/O TOLL BROTHERS	268.1/3/C002I	1500 HUDSON ST	\$ 1,259.72
SINGH, BIKRAMJIT & NINA RAJWANS BLOCK 268 LLC	268.1/3/C004H	1500 HUDSON ST	\$ 177.94
C/O TOLL BROTHERS	268.1/3/C009J	1500 HUDSON ST	\$ 177.94

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

10-733

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS
 2010 TAX APPEALS**

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
 appearing on the attached list totaling **\$ 213.06**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

**NATHAN P WOLF, ESQ
 ATTORNEY AT LAW
 360 MOUNT KEMBLE AVENUE
 MORRISTOWN, NJ 07960**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
GILLENWATER, ERIC M	95/25/C006H	900-912 JEFFERSON	\$ 58.58
GIRVAN, MELANIE	115/9.01/C0P20	1317-27 GRAND/ 1326 CLINTON ST	\$ 37.84
GROVER, RAJIV & RUCHIKA GERA	149/1/C0E5A	400-414 NINTH ST	\$116.64

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

10-734

---By Councilwoman Castellano

RESOLUTION AMENDING AND RE-ADOPTING RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF HOBOKEN

WHEREAS, the City Council of the City of Hoboken js granted the exclusive authority to adopt the rules of procedures for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

WHEREAS, the Council has determined that it is necessary and warranted to amend and Readopt the Council’ s existing Rules of Procedure, as expressly permitted by these Rules; and,

WHEREAS, over the course of the last several weeks there have been substantial changes in Hoboken’ s governance, including the change from a fiscal year budget to a calendar year budget, as well as a Special Election that has effectuated a change in the membership of the Council, and,

WHEREAS, the existing Rules of Procedure fail to contemplate that the aforementioned changes may require a determination as to whether new leadership is necessary and warranted on the Council; and,

WHEREAS, the existing Rules of Procedure do not clearly set forth a mechanism for a Council President and/or a Council Vice-President who have lost the confidence of a majority of the Council to be removed and replaced during the course of a year, a significant violation of the long-established legal principle of majority rule.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN (a majority of the full membership of the Council voting in the affirmative), that the following Rule of Procedure is hereby amended for the efficient and effective operations of this City Council, and that all other remaining Rules of Procedure are hereby re-adopted as they are set forth in Council Resolution 09-437, adopted on February 18, 2009.

AMENDMENT TO RULE V OF THE RULES OF PROCEDURE OF THE COUNCIL OF THE CITY OF HOBOKEN

Note: Additions are denoted by bold underline

The President Officer- Election and Duties: The presiding officer of the Council shall be the President, who shall be elected at the re-organizational meeting and shall hold office for a period of one (10 year, **expect as otherwise set forth in this Rule.** At the re-organizational meeting the Vice President of the Council shall also be elected and shall hold office for a period of one (10 year, **except as otherwise set forth in this Rule.** In the President’ s absence, the Vice-President of the Council shall preside over the Council. In the absence of both the President and Vice President, a presiding officer shall be elected by a majority of the Council members present. **At any time during the course of their terms, both the President and Vice-President of the Council are subject to a vote of “ no confidence,” which may be initiated by motion of any member of the Council at any time during a Council meeting. This motion shall have**

precedence over any other pending motion. If the motion declaring “ no confidence” is seconded and receives the affirmative vote of a majority of the whole membership of the Council, then the President and/or Vice-President, as the case may be, shall be removed from their positions and a vote shall be held immediately thereafter to determine a new President and/or Vice-President of the Council, who shall assume office immediately after the vote is determined and serve in that position until the expiration of the original one (1) year term or are themselves removed pursuant to this Rule.

The President shall assume the chair of the presiding officer immediately after his or her election, and shall thereafter determine the seating arrangements for the remainder of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The President may vote on all questions, and his or her name will be called last.

BE IT FURTHER RESOLVED that this amendment shall take effect at the second regular meeting following adoption of the amendment, pursuant to the existing Rules of Procedure.

--- Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

10-735

---By Councilwoman Castellano

RESOLUTION COMMENDING THE STATE OF NEW JERSEY FOR THE PASSING “ THE ANTI-BULLYING BILL

WHEREAS, the Hoboken City Council supports and commends the State of New Jersey, for passing the “ Anti-Bullying Bill.

WHEREAS, the Council joins the State in recognizing the growing concern in regarding the rising “ bullying epidemic”, that is plaguing our society.

WHEREAS, the Council thru the Quality of Life Committee which encompassed the Board of Education issues, has contacted Superintendent Peter Carter.

WHEREAS, Superintendent Carter, has made anti bullying a high focus of his career he has supplied the Council with a Hoboken High Newsletter, which further states the intent.

WHEREAS, the Council encourages the Superintendent and the Board of Education to contact the Committee for any assistance needed to implement the program.

NOW THEREFORE, be it resolved on Wednesday December 1, 2010 in the City of Hoboken in the County of Hudson, the Hoboken City Council commends and supports the State of New Jersey in passing, the " Anti Bullying Act".

BE IT FURTHER RESOLVED that the Council by way of established Education committee, intends to join Hoboken Superintendent Peter Carter and the Hoboken Board of Education in the crusade to eliminate the practice of bullying.

--- Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

10-736

Z-74

AN AMENDED 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, dated September 4, 2003 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, among other things, 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, potential legal questions have been raised to the validity and implementability of the structure and mechanism established in 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 potential 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, irrespective of the fact that potential legal questions involving the O&M Agreement and 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 have not as yet been addressed or satisfied; and

WHEREAS, P.T. Maxwell, LLC has advised that if the City does not accept title to Block E by December 15, 2010, P.T. Maxwell, LLC will convey Block E to the Maxwell Place Condominium Association, Inc. in lieu of the City; 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, 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, including, if required by the City's counsel, provisions confirming that the operation and maintenance costs for Block E shall be borne by the owners of Blocks A-D in accordance with the terms of the Resolutions and the Developers Agreement and/or any O&M Agreement. 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.

4. Anything to the contrary notwithstanding, the City reserves the right to continue its discussions and negotiations related to the O&M Agreement and the City further reserves the right to initiate a declaratory judgment or other action related to the O&M Agreement in a court of competent jurisdiction at any time (i) before or after the other conditions set forth in Sections 3(i), 3(ii) and 3(iii) of this Ordinance have been satisfied; or (ii) before or after the deed for Block E has been accepted by the City and recorded in the Office of the Registrar of Hudson County, to affirm and confirm that any such executed agreement satisfies the criteria set forth in the Resolutions and Developer's Agreement and satisfies the requirements of law.

5. 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.

6. 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.

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

8. 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.

9. 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.

10. 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).

11. 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 15, 2010 at 7:00 PM.**

The speakers who spoke: Margaret O'Brien.

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

10-737
Z-75

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

Name of Street	Side	Location
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	East	Beginning at a point 35 feet north of the northerly curbline of Second Street and extending for 32 feet northerly therefrom
Harrison Street	East	Beginning at a point 35 feet south of the southerly curbline of Fourth Street and extending for 32 feet southerly therefrom
First Street	South	Beginning at a point 35 feet west of the westerly curbline 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	South	Beginning at a point 35 feet west of the westerly 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 15, 2010 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham.

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

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

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

10-738

Z-76

AN ORDINANCE TO REPEAL ORDINANCE Z-41 WHICH ESTABLISHED REGISTRATION FEES FOR RECREATION PROGRAMS UNDER CHAPTER 39 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN

WHEREAS, on June 16, 2010 an Ordinance (Z-41) establishing registration fees for recreation programs passed final reading of the City Council; and,

WHEREAS, after a brief trial period, the majority of the council feel such fees have created an undue burden on participants of the City’s recreation programs in a fiscally turbulent climate; and,

WHEREAS, the City of Hoboken’s recreation programs were successful and sufficiently funded prior to introduction of these fees and such fees had never been charged to participants prior to passage of Ordinance Z-41.

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

SECTION ONE: AMENDMENTS TO CHAPTER 39

The language added to Chapter 39 by Ordinance Z-41 , entitled “ Registration Fees” is hereby **REPEALED** in its entirety (~~deletions noted in strikethrough~~):

EE²²	tion Fee:	
		er program
	ident	er program

The remainder of Chapter 39 remains unchanged.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect either on January 1, 2011 or upon passage and publication as provided by law, whichever occurs second.

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 15, 2010 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

NEW BUSINESS

Councilwoman Castellano discusses about United Water, Sinatra Park, Police Officers

Councilwoman Castellano comments about Nancy Pincus

Councilwoman Mason comments about speed humps by Elysian Park, Kings Grocery uptown, Maxwell Pl. and the dirt across from Starbucks is needed for a sidewalk. Initial review status of the city walkway

Council President comments about choosing and picking their own chair

Councilman Russo comments on an open space initiative along with Councilmen

Occhipinti & Giacchi, looking at the Pino site for Open Space purposes and lastly the School Board, the Council needs to address the School Board

Councilman Giacchi discusses about the transfer for Block E, 1600 Park, Sinatra Park, & accomplish on open space

Councilman Cunningham discusses about Western Edge workshop at Elk' s Club on Dec. 8th 6- 8PM and the Library on Dec. 9th 6-9 PM

Councilman Occhipinti discusses about short term goals on 123 Jefferson St.

Director Maier comments about soil and ground water testing and being submitted by DEP, also applied for an EPA Grant

Councilman Occhipinti would like the cost for the Grant

Councilman Occhipinti wanted to know the status for 1st and Jackson St. & 4th and Harrison St. lights

Director Maier reached out to PSE &G

Councilman Occhipinti would like an inter-local agreement with the Housing Authority with Mama Johnson field and turfing and reach out to Corporation Counsel

Councilman Mello comments about Monday, Dec. 6th about Parks and be located at the Rue School 1st fl. 301 Garden St. 6-9 PM –reconstruction on Sinatra Park and etc.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Margaret O’Brien, Ed Dristi, Ken Ferrante, Vince Lombardi, Ron Simoncini, Lane Bajardi, Forde Prigot, David Liebler, Jim Vance.

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

At 12:56 A.M. the Governing Body on a motion by Council President Marsh; duly seconded by the Governing Body.

President Marsh then adjourned the meeting at 12:56 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK