

MEETING OF DECEMBER 15, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, DECEMBER 15, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:05 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, Occhipinti, Russo and President Marsh.

ABSENT: Mello.

PRESIDENT MARSH READS LETTER TO THE PUBLIC:

At the last meeting, five of my council colleagues made clear their desire for the governing body to have the option of removing Councilman Bhalla and me from our positions as Council President and Vice President. As a means towards this end, they proposed a change to the Council Rules that had been prepared in advance of the meeting but was not submitted for inclusion on the meeting agenda or discussed in advance with us. Additionally, the rule change was passed as an "emergency" resolution to provide them the power to effectuate the change in the first meeting of the new year.

It seems entirely appropriate that, with a special election resulting in a change in the membership of the council, the council have the opportunity to elect new leadership. I do not expect the new majority to have confidence in the agenda that Councilman Bhalla and I support and given that they have made it clear that they do not wish us to continue in our roles, I do not think it is in the best interest of the public or the city to have a "no confidence" vote.

I do not however agree with the rules that were passed without giving the entire council an opportunity to read them in advance. The new rule that was so hastily adopted on an emergency basis is, in our opinion, an overly broad approach to a unique circumstance. Reconsidering officers when there has been a change in the composition of the Council makes sense.

Potentially interrupting business at any meeting to vote to remove officers, which is what the new rule would permit, is not good policy, and should not be standard procedure for a deliberative body.

Accordingly, Councilman Bhalla and I are proposing for consideration on this agenda an alternative rule that we believe achieves the objectives and addresses the legitimate concerns expressed by the new majority without creating an entirely new and potentially disruptive process.

In furtherance of this alternative rule, Councilman Bhalla and I intend to step down from our positions prior to the start of the first meeting of the new year, so the first order of business may be the selection of new officers. If it is the will of the council majority, we will do so immediately.

I ask that the Council consider the rules that are on this agenda. While the majority of the council can change the rules as they see fit, we believe it is important to have written procedures that facilitate the best possible working arrangement for the council as a whole, now and in the future.

The characterization of the situation as an emergency was clearly meant to effectuate a change in officers as quickly as possible. That goal has now been accomplished - and with our anticipated resignations faster than otherwise possible. Let's build upon the rule change passed at the last meeting by passing this amendment, and move on.

Received and Filed.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN AMENDED ORDINANCE AMENDING CHAPTER 196 " ZONING"
ARTICLE IX " GENERAL SUPPLEMENTARY REGULATIONS" TO INCLUDE
A NEW SECTION 196-35.1 ENTITLED " SOLAR INSTALLATION"(Z-69)

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.

The following spoke: Mo DeGennaro.

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.

—COUNCILSENT THIS ORDINANCE BACK TO FIRST READING AT THE JANUARY 5, 2011 COUNCIL MEETING.

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 FOR NEW LOT 2, block 261.07 (COLLECTIVELY HEREIN AFTER 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 **(Z-71)**

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: 9 - NAYS: 0 – ABSENT - 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mason, Occhipinti, Russo and President Marsh.
---Nays: None.
---Absent: Mello.

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

---Adopted by the following vote: YEAS: 9 - NAYS: 0 – ABSENT - 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mason, Occhipinti, Russo, and President Marsh.
---Nays: None.
---Absent: Mello.

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 **Z-76**

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.

The speakers who spoke: Perry Belfiore, Greg Lincoln, Lane Bajardi, Ines Garcia Keim, Rami Parsinsky, Michael Lenz, Roman Brice.

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 – ABSENT - 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mason, Occhipinti, Russo and President Marsh.
---Nays: None.

---Absent: Mello.

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

---**FAILED** by the following vote: YEAS: 5 - NAYS: 3 – ABSENT - 1

---Yeas: Council persons Castellano, Giacchi, Mason, Occhipinti, Russo.

---Nays: Bhalla, Cunningham, President Marsh.

---Absent: Mello.

10-739

PROCLAMATION FROM MAYOR DAWN ZIMMER RECOGNIZING HOBOKEN'S YOUNG READERS

WHEREAS, the Red Wing Reader, Hoboken High School's official student newspaper, experienced a rebirth when Sharon Malenda took over as advisor in 2008; and

WHEREAS, the student staff of Ditjona Drishti, Will Armengolt, Tyquan Goodwin, Andres Flores, Nixcida Martinez, Sarita Mehta, Brandon Pokhan, Jose Rodriguez, Mason Santana, Stacy Sweeney, Andrew Valdez, Mike Valladarez, Paula Velasquez and Jazmin Zikri have worked hard to create the Fall 2010 edition of the Red Wing Reader; and

WHEREAS, the Fall 2010 edition of the Red Winger Reader is an excellent example of student journalism in which all the participants should take great pride; and

WHEREAS, the Fall 2010 edition of the Red Wing Reader takes on a widespread issue of bullying, its causes and effects, and condemns bullying in all shapes and forms; and

WHEREAS, student activism of this sort needs to be encouraged in order to create an atmosphere of understanding and respect for all young adults;

NOW, THEREFORE, BE IT RESOLVED, that I DAWN ZIMMER City of Hoboken, hereby proclaim The Red Wing Reader and its staff to be of exceptional talent and character, and recommend all Hobokenites read the Fall 2010 edition, which can be found at www.hoboken.k12.nj.us.

Received and Filed.

10-740

PROCLAMATION HONORING MARIA CORCORAN FOR HER OUTSTANDING TENURE OF MUNICIPAL SERVICE AND HER LONG DISTINGUISHED CAREER.

WHEREAS, Maria Corcoran is a lifelong resident of Hoboken, graduated from Hoboken High School, was married in 1966 to Raymond Corcoran, now deceased, and is the proud mother of two sons, Raymond and Sean; and

WHEREAS, Maria Corcoran has served the residents of Hoboken since 1984, first as an Account Clerk, later as Principal Payroll Clerk, and finally as Payroll Supervisor, and

WHEREAS, Maria Corcoran has an outstanding tenure of municipal service during which she has demonstrated an exemplary measure of public-spiritedness and for which she has earned the deepest respect and admiration of many; and

WHEREAS, Maria Corcoran had demonstrated a steadfast dedication and commitment to the public by repeatedly demonstrating a devotion to helping others and is known for never saying “no” to anyone; and

WHEREAS, Maria Corcoran has fostered respect and devotion among her colleagues and has set a standard of excellence for all to emulate;

NOW, THEREFORE, BE IT PROCLAIMED, that I , DAWN ZIMMER, Mayor of the City of Hoboken do hereby commend Maria Corcoran for her commitment and dedication to the community and congratulate her for a long and distinguished career of service.

Received and Filed.

10-741

PROCLAMATION HONORING SHIRLEY DENNIS FOR HER DISTINGUISHED CAREER OF 41 YEARS SERVING THE CITY OF HOBOKEN.

WHEREAS, Shirley Dennis is the proud mother of two sons, Malcolm and Jonathan and grandmother of Jeane, Malcolm II, Tevon, Brianna and Faith; and

WHEREAS, Shirley Dennis has a 41 year distinguished career serving the residents of the City of Hoboken since 1969; and

WHEREAS, Shirley Dennis is an ordained minister of more than 30 years and Co-Pastor of the Go Ye Therefore Ministries who has shared both her deep faith and beautiful musical talents with the community through Gospel Concerts, speaking appearances and countless singing performances at events in Hoboken and beyond; and

WHEREAS, Shirley Dennis has been a champion for educating the public about the positive contribution of African-Americans, has advocated for the yearly celebration of Black History Month at City Hall, and started “The Black History Month Employees’ Appreciation Luncheon”; and

WHEREAS, Shirley Dennis is known for her warm and caring selflessness and commitment to making a positive difference in the world;

NOW, THEREFORE, BE IT PROCLAIMED, that I DAWN ZIMMER, Mayor of the City of Hoboken, do hereby commend Shirley Dennis for her commitment and dedication to the community and congratulate her for a long and distinguished career of service.

Received and Filed.

10-742

A communication from Mark Tabakin, Esq. and Director Ian Sacs including back-up regarding Corner Cars

Received and Filed.

10-743

COMMUNICATION FROM MAYOR DAWN ZIMMER REGARDING TERMINAL REDEVELOPMENT

December 10, 2010

To Council Members

Re: Hoboken Terminal Redevelopment Area

In August, my office sent a draft interlocal agreement to NJ Transit to establish the process for proceeding with the redevelopment of the terminal and rail yards in order to ensure that Hoboken has authority over the redevelopment process. It is my understanding that the agreement was reviewed by the Attorney General's office and their comments were sent to NJ Transit.

After NJ Transit made their presentation to the community in September, I stressed the importance that they reply to us with their feedback on the interlocal agreement. I learned this week that NJ Transit made the independent decision to move ahead with an additional public meeting which is scheduled for December 14th.

I was also informed yesterday that we will receive initial feedback on the interlocal agreement by noon on Friday, December 10th. Along with our redevelopment counsel, we will review the feedback and keep you advised of developments.

Director Forbes and I will attend NJ Transit's meeting, but I understand that because of the holidays, it may be difficult for Council members to attend. We will make sure that the meeting is taped so that you can review if you are unable to attend. Additionally, I understand that the Zoning, Planning and Economic Development subcommittee had wanted to meet with NJ Transit for a public workshop-style meeting, and if that is still the desire, I urge you to do so as your schedule permits.

In the meantime, we have continued the process of selecting a redevelopment planner to prepare the redevelopment plan for the entire 51 acre Hoboken Terminal Redevelopment Area. Director Forbes has provided an update on this process in a separate memo.

Finally, we are coordinating with the NJ Transit Studio Class that they will be holding for Rutgers University and Hunter College graduate planning students. The class, which runs January through April, is geared toward improving the transportation modes at the Hoboken Terminal. The studio will afford students real world experience by exploring, researching and recommending improvements from transportation, land use, and urban design perspectives. The goal is to give NJ Transit and the City a unique opportunity to make the Terminal not only an efficient transportation facility but also a great public place that is fully integrated into the fabric of Downtown Hoboken. This studio class will include a public input component and will coordinate with the redevelopment planner's efforts.

Received and Filed.

10-744

APPLICATIONS FOR MISCELLANEOUS LICENSES

Lumber Yard -----	1
Vendors) -----	1

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

REPORTS OF CITY OFFICERS

10-745

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of November 2010 \$25,149,649.25 (Abatement Totals - \$840,291.69)

10-746

A report of the Municipal Court indicating receipts for the month of December 2009 as \$383,500.24.

---Received and filed.

10-747

---By President Marsh

CLAIMS Total for this agenda \$805,920.23

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

10-748

PAYROLLS

---By President Marsh

For the two week period starting November 11, 2010 – November 24, 2010

Regular Payroll	O/T Pay	Pay
\$1,418,589,32	\$39,631.73	\$1,998,258.00

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 - NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Occhipinti, Russo and President Marsh
---Nays: None.
---Absent: Mello and Mason

Councilwoman Mason has left the table at 9:05 PM
Councilwoman Mason has returned to the table at 9:10 PM

RESOLUTIONS

Presented and Read

10-749

---By Councilman Bhalla

DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(b) AND MAKING IMMEDIATELY EFFECTIVE ORDINANCE NO. Z-71 ENTITLED “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 Council (“City Council”) of the City of Hoboken (“City”) introduced on November 15, 2010 Ordinance No. 71, entitled, “An Ordinance Accepting a Deed from P.T. Maxwell, LLC for 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”, and

WHEREAS, said Ordinance was reintroduced with substantial amendments on December 1, 2010, was advertised for second reading, public hearing and final adoption on December 15, 2010; and

WHEREAS, said Amended Ordinance proceeded to second reading, a public hearing on the Ordinance as amended and final adoption as an Amended Ordinance on December 15, 2010; and

WHEREAS, without acknowledging the validity of a demand that the City take the action as authorized in said Amended Ordinance by a date certain, the City desires to make said Ordinance effective immediately to forestall any claims or litigation that may ensue if the effective date of the Ordinance is delayed for the requisite 20 days after its adoption (in

accordance with N.J.S.A. 40:69A-181(b) and therefore the Council desires to declare an emergency pursuant to said statute cited above and make said statute cited above and make said Amended Ordinance effective immediately in order to enhance the public good and public welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

1. In order to expedite the effective date of Amended Ordinance entitled 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 161.07 (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", for the reasons set forth in the Preamble of this Resolution, the City Council hereby declares an emergency in accordance with N.J.S.A. 40:69A-181(b) and further determines and declares that said Amended Ordinance be and the same is hereby effective immediately and not 20days after its final passage by the City Council as otherwise required under N.J.S.A. 40:69A-181(b).
2. The City Clerk and all other municipal officers are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-750

---By Councilman Giacchi

RESOLUTION TO NAME THE CORNER OF 7TH STREET AND GARDEN STREET AS “ GIOVANNI D’ ITALIA COBBLERS CORNER” IN HONOR OF THE PERRUPATO FAMILY AND IN RECOGNITION OF THE 50TH ANNIVERSARY OF GIOVANNI D’ ITALIA SHOE REPAIR.

WHEREAS, Giovanni Perrupato and his father **Vincenzo Perrupato** arrived to Hoboken as immigrants and together opened a shoe repair business on November 16, 1960 at 700 Garden Street on the corner of 7th Street and Garden Street; and

WHEREAS, the Perrupato family has lived in Hoboken ever since and are active members of the community who have given back to local organizations, churches, and academic institutions; and

WHEREAS, the business, originally named Vincent Shoe Repair, was later renamed **Giovanni D’ Italia Shoe Repair**; and

WHEREAS, **Giovanni D’ Italia Shoe Repair** has been family-owned since 1960 and is celebrating its 50th year in business; and

WHEREAS, **Giovanni D’ Italia Shoe Repair**, which was started by **Giovanni** and his father **Vincenzo**, is now operated by **Giovanni** and his son, also named **Vincenzo**; and

WHEREAS, **Giovanni D’ Italia Shoe Repair** also operates a satellite shoe store in the Newport area of Jersey City; and

WHEREAS, **Giovanni D’ Italia Shoe Repair** has had a variety of notable customers including countless Mayors and City officials, former Governor Jon Corzine, and Giants quarterback Eli Manning.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hoboken, with the approval of the Mayor, do hereby declare that the corner of 7th Street and Garden Street be named “ **Giovanni D’ Italia Cobblers Corner**” in honor of the **Perrupato Family** and in recognition of the 50th anniversary of **Giovanni D’ Italia Shoe Repair**

--Motion duly seconded by Councilwoman Mason

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

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

--Nays: None.

--Absent: Mello.

10-751

--By Councilman Cunningham

THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE TY 2010 CURRENT FUND APPROPRIATIONS.

BE IT RESOLVED, that the following TY 2010 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO
Operations - Within "Caps"		
City Clerk O/E		\$10,000.00
City Council S&W		\$1,500.00
Legal Ads O/E		\$12,000.00
Elections S/W		\$12,500.00
Election O/E		\$10,000.00
Revenue & Finance S&W		\$3,500.00
Revenue & Finance OE		\$7,500.00
Housing Inspection S&W		\$5,500.00
Police S&W		\$20,000.00
Police OE		\$13,500.00

Human Services Director' s Office S&W		\$2,000.00
Solid Waste OE		\$13,000.00
Insurance OE		\$72,000.00
Workers Comp OE		\$38,000.00
Rent Leveling S&W		\$600.00
Parks S&W		\$13,000.00
Public Property S&W		\$30,000.00
Electricity O/E		\$47,500.00
Gasoline O/E		\$50,000.00
Codification O/E	\$20,000.00	
Construction O/E	\$25,500.00	
Street & Roads S&W	\$60,000.00	
Fire S&W	\$60,750.00	
Street Lights O/E	\$10,000.00	
Water & Sewerage	\$68,000.00	
Health Insurance OE	\$117,850.00	
	\$362,100.00	\$362,100.00

The speakers who spoke: Michael Lenz.

--Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

---Absent: Mello.

10-752

RESOLUTION ACCEPTING THE NOVEMBER 11, 2010 CHANGE ORDER NO. 6 & CHANGE DIRECTIVE NO. 2 FOR THE HOBOKEN PIER C PARK IN THE AMOUNT OF \$134,758.95 FOR JOBSITE CHANGES AND OTHER PARK IMPROVEMENTS

WHEREAS, the City of Hoboken has contracted with the Architect Michael Van Valkenburgh Associates (“ MVVA”), 16 Court Street, Brooklyn, NY and contractor EIC Associates, Inc., 140 Mountain Avenue, Springfield, NJ for design and construction of Pier C park; and,

WHEREAS, all MVVA request for change orders predated this administration with the exception of those items related to the equipment being too hot; however, this Administration did not request any change order items without approval from Council, and items that were requested of EIC by MVVA in 2010 were not brought to the attention of the Administration and fully clarified until November 1, 2010; and,

WHEREAS, Change Order #006 and Change Directive #002 have been provided to the City for approval of a **not-to-exceed** increase in the contract sum by One Hundred Thirty Four Thousand Seven Hundred Fifty Eight Dollars and Ninety Five Cents (**\$134,758.95**) to provide for field directed changes and design modifications to reduce the anticipated

operational and maintenance demands on the City for the completed park, improve park safety, and provide other park improvements as detailed in attached documents; and,

WHEREAS, funds are available to cover this additional cost.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby agree to amend the original agreement to include the changes set forth in Change Order #6 dated November 11, 2010, for an increase of Eighty-Three Thousand Ninety Dollars and Seventy-Nine Cents (\$83,090.79); and,

BE IT FURTHER RESOLVED, that the City Council hereby approves the changes set forth in Change Directive #002 dated November 11, 2010 authorizing on an accrued basis a not-to-exceed increase of Fifty One Thousand Six Hundred Sixty Eight Dollars and Sixteen Cents (\$51,668.16); and,

BE IT FURTHER RESOLVED, that the Council of the City of Hoboken does hereby approve the Change Order #006 and Change Directive #002 as detailed on the attached documents, for which funds are available to cover the additional cost. However, this City Council approval of the Change Order and Change Directive is subject to the following:

1. The City Council hereby directs the Administration to withhold payment of the amount of One Hundred Thirty Four Thousand Seven Hundred Fifty Eight Dollars and Ninety Five Cents (**\$134,758.95**) until Pier C is deemed substantially complete and ready for use by the general public; and,
2. The City Council hereby directs the Administration to require the AIA Document G701-2001 Change Order #006 be amended to incorporate a substantial completion date of December 1, 2010 with a “Time of the Essence” notation; and,
3. The City Council hereby directs the Administration to require the AIA Document G714-2007 Construction Change Directive #002 be amended to incorporate a substantial completion date of December 14, 2010 with a “Time of the Essence” notation.

The speaker who spoke: Lane Bajardi, Michael Lenz.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mello, Russo.

Councilman Russo has left the table at 9:20 PM

Councilman Russo has returned the table at 9:23 PM

10-753

---By President Marsh

RESOLUTON -CAPITAL BUDGET AMENDMENT

WHEREAS, the local Capital Budget for the year TY 2010 was adopted on the 15th day of December 2010; and'

Whereas, it is desired to amend said Adopted Capital Budget Section,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, that the following amendment(s) to the adopted capital budget section of the TY 2010 Budget be made. (See Attached Sheets)

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-754

---By Councilman Cunningham

RESOLUTION APPROVING A CONTRACT WITH REMINGTON AND VERNICK FOR GENERAL ENGINEERING SERVICES FOR THE 1600 PARK AND HOBOKEN COVE PARKS DESIGN AND CONSTRUCTION PROJECTS

WHEREAS, the City of Hoboken has received a proposal from Remington and Vernick to perform he services of general professional engineers for the 1600 Park and Hoboken Cove park design and construction project; and,

WHEREAS, Remington and Vernick' s proposal agrees to perform the general engineering services for the project for the amount of One Hundred Ninety Five Thousand Eight Hundred Ten Dollars and Zero Cents (\$195,810.00); and,

WHEREAS, the City Council approves of the proposal of Remington and Vernick, subject to enumerated conditions which must be included in the contract to protect the City' s interests; and,

WHEREAS, funds are available to cover this cost.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby agree approve a contract with Remington and Vernick for the services of general engineer for the 1600 Park and Hoboken Cove design and construction projects, which contract shall be in an amount not to exceed One Hundred Ninety Five Thousand Eight Hundred Ten Dollars and Zero Cents (\$195,810.00), subject to the inclusion of the following terms:

1. The contract shall include a liquidated damages clause which shall be in the amount of 10% of the actual cost for services;

2. The contract shall include a express and specific date of completion, agreed upon by the City and the engineer, and shall include a time of the essence clause; and
3. A non-appropriations clause in the event the project extends beyond the current year' s appropriations and funds are not available in the next budget appropriation.
- 4.

Be it further resolved, the Mayor or her agent is hereby authorized to execute a contract with Remington and Vernick for said amount, and the City Clerk is hereby directed to publish this resolution in accordance with the law.

The speaker who spoke: Lane Bajardi.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mello.

10-755

---By Councilman Giacchi

AUTHORIZING THE SUBMISSION OF 2011 COOPERATIVE MARKETING GRANT APPLICATIONS FOR THE SPRING & FALL ARTS & MUSIC FESTIVALS

WHEREAS, the City of Hoboken has in the past years been the recipient of Cooperative Marketing Funds to assist in marketing expenses for the City's Spring and Fall Arts & Music Festivals; and

WHEREAS, the City of Hoboken wishes to submit an application for 2011 Cooperative Marketing funding;

NOW, THEREFORE, the governing body resolves that Mayor is hereby authorized to:

- (a) make application for such grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and be it further

RESOLVED, BY THE Council of the City of Hoboken:

1. That , should funding be awarded, the Mayor is hereby authorized to execute a funding agreement;
2. That this resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Mason

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

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

---Nays: None.

---Absent: Mello.

10-756

---By Councilman Cunningham

A RESOLUTION TO CANCEL TY 2010 MUNICIPAL BUDGET APPROPRIATIONS

WHEREAS, the State of New Jersey, Division of Local Government Services requires a resolution by Municipalities that cancel appropriations; and

WHEREAS, the City' s Chief Financial Officer has determined that there are adequate unspent TY 2010 Municipal Budget appropriations to allow such cancellation; and

WHEREAS, it is beneficial to the financial position of the City to cancel a portion of the unspent TY 2010 Municipal Budget appropriations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that it hereby approves the cancellation of \$67,000.00 Redevelopment Expense of TY 2010 Municipal Budget appropriations;

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be forwarded to the Director of the Division of Local Government Services.

The speaker who spoke: Michael Lenz.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mello.

Councilman Giacchi has left the table at 9:38 PM

Councilman Giacchi has returned to the table at 9:42 PM

10-758

---By President Marsh

RESOLUTION TO APPROVE A NINETY (90) DAY CONTRACT EXTENSION, THROUGH MARCH 31, 2010, WITH CALI CARTING FOR SOLID WASTE REMOVAL SERVICES FOR THE CITY OF HOBOKEN

WHEREAS, the current solid waste contract between Cali Carting and the City of Hoboken expires on December 21, 2010; and

WHEREAS, the City has published bids for solid waste removal in compliance with the Local Public Contracts Law which are returnable January 7, 2011; and

WHEREAS, the City of Hoboken requires an extension of time for the current contract so that the Council may approve a contract with the successful bidder in accordance

with the Local Public Contracts Law and the Mayor can execute a valid contract with the successful bidder; and

WHEREAS, Cali Carting has agreed to provide solid waste disposal services to the City of Hoboken under the terms, fees and conditions enumerated in its previous contract; and

WHEREAS, funds will be available for this purpose upon adoption of the CY 2011 budget.

NOW, THEREFORE, BE IT RESOLVED that a ninety (90) day contract extension be authorized, terminable on March 31, 2011, in a not to exceed amount of Four Hundred Twenty Five (\$425,000.00) Dollars with the current vendor, Cali Carting, to provide the City of Hoboken with solid waste disposal services in accordance with their expiring contract and accompanying bid specifications; 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 the take any other action in accordance therewith and to make any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall 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 a certified copy of this resolution be forwarded to the Division of Local Government Services within twenty-four (24) hours after adoption for review and approval, as required by law; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-758

---By President Marsh

THIS RESOLUTION AWARDS A CONTRACT TO TILCON NEW YORK, INC. FOR PROVIDING IMPROVEMENTS TO THE CITY GARAGE FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-29.

WHEREAS, proposals were received on 4 November 2010 for Improvements to the Willow Avenue Municipal Garage for the City of Hoboken, as specified in Bid Number 10-29; and,

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

<u>VENDOR</u>	<u>PROPOSAL AMOUNT</u>
Tilcon New York, Inc. 625 Mt. Hope Road Wharton, NJ 07885	\$ 46,500.00
AJM Contractors 300 Kuller Road Clifton, NJ 07011	\$ 59,000.00
D & S Land Development, LLC 13 Alida Place Ramsey, NJ 07446	\$ 54,550.00
Mark Paving Co., Inc. 51 Noll Terrace Clifton, NJ 07013	\$ 49,200.00

WHEREAS, Tilcon New York, Inc. submitted the lowest, responsible bid of \$ 46,500.00; and

WHEREAS, the engineering firm responsible for the specifications of the work recommends that a contract be awarded to Tilcon New York, Inc.

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

- A. This resolution awards a contract to Tilcon New York, Inc., in an amount not to exceed \$ 46,500.00, for the improvements to the Willow Avenue Municipal garage 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 Tilcon New York, Inc..
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Perry Belfiore, Lane Bajardi.

---Motion duly seconded by Councilman Cunningham
---**FAILED** by the following vote: YEAS: 3 - NAYS: 5 – ABSENT - 1
---Yeas: Council persons Bhalla, Cunningham, and President Marsh.
---Nays: Castellano, Giacchi, Mason, Occhipinti, Russo.
---Absent: Mello.

10-759

---By President Marsh

**AUTHORIZATION TO AWARD A CONTRACT TO BOSWELL McCLAVE
ENGINEERING FOR DESIGN AND CONSTRUCTION INSPECTION SERVICES
FOR THE CONVERSION OF THE FOUR EXISTING MULTI-SERVICE CENTER
BATHROOMS TO MEET ADA COMPLIANT STANDARDS**

WHEREAS, the City of Hoboken has been awarded Year 2009 Hudson County Community Development Funds for handicapped improvements to the four bathrooms at the Multi-Service Center; and,

WHEREAS, the City of Hoboken wishes to undertake the aforesaid improvements; and,

WHEREAS, a proposal has been received from Boswell McClave Engineering in the amount of \$36,000.00 for design and construction monitoring services (proposal attached).

NOW THEREFORE, BE IT RESOLVED, that a contract in the amount of Thirty Six Thousand (\$36,000.00) Dollars be awarded to Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606-1722, for the aforesaid engineering services to be performed in accordance with the proposal; and,

BE IT FURTHER RESOLVED, that the City Council hereby:

- (a) Authorizes the Mayor to enter into a contract with Boswell McClave in the amount stated for the services stated in accordance with the proposal set forth by Boswell and attached hereto; and
- (b) Act as the authorized correspondent on behalf of the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-760

---By Councilman Bhalla

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

WHEREAS, on December 1, 2010 the City Council of the City of Hoboken adopted an emergency resolution (the “Emergency Resolution”), amending the Council’s Rules of Procedure to permit the Council President and Vice President to be removed at any time by a simple majority vote; and

WHEREAS, the reasons provided for the Emergency Resolution were that Hoboken had changed from a fiscal year budget to a calendar year budget, and the fact that a Special Election has resulted in a change in the membership of the Council; and

WHEREAS, maintaining continuity in leadership is important to the effective operation of the governing body; and

WHEREAS, the City Council believes that the Emergency Resolution is broader than necessary to accomplish its stated purposes and may create the unintended consequence of jeopardizing the City Council's ability to operate effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN that the following Rule of Procedure is hereby amended as follows, and that all other remaining Rules of Procedure are hereby re-adopted as they are set forth on 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. Deletions are denoted by brackets.

The Presiding 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 (1) year, except 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 (1) 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. **In the event that during the term of office of the Council President and Vice President there occurs a change in the composition of the membership of the City Council for any reason, then at the first City Council meeting following the change in the composition of the Council, the City Council may by motion appropriately made and seconded and majority vote, remove and replace the Council President and/or Vice President. In the event such a change in leadership is made, the new officers shall assume office immediately after the vote and shall serve in their positions until the expiration of the original one (1) year term or are themselves replaced pursuant to this Rule.** [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 members 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 remove 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 president 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 President Marsh
 ---**FAILED** by the following vote: YEAS: 3 - NAYS: 5 – ABSENT - 1
 ---Yeas: Council persons Bhalla, Cunningham, and President Marsh.
 ---Nays: Castellano, Giacchi, Mason, Occhipinti, Russo.
 ---Absent: Mello.

10-761

---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 **\$ 22,334.26**

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

**GESS GESS & SCANLON
 89 HUDSON ST 3RD FL
 HOBOKEN, NJ 07030**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
MASTRODIMOS, GEORGE	2/5/CLL08	415 NEWARK ST	\$ 20.05
KANE, MEGAN E	16/23/C002B	92 MADISON ST	\$ 43.50
TAGLIAFERRO, MICHAEL & CAROLYN E	16/23/C003B	92 MADISON ST	\$ 318.60
ROSEWALL, MERRYN B & PAMELA P YU	17/34/C03-A	80-84 JEFFERSON ST	\$ 160.31
O' HARA, ALYSSA & STEPHEN STEPHEN WHEELER	17/34/C04-B	80-84 JEFFERSON ST	\$ 115.19

SALK, JUDITH E	17/34/C05-B	80-84 JEFFERSON ST	\$ 115.19
TOUZALIN, MONTY & BARBARA-ANN VELEZ	18/4/C003L	70 ADAMS ST	\$ 1,276.41
FIorentINI, FEDERICO	18/10/C0007	73-75 JEFFERSON ST	\$ 56.47
CLIFFORD, PAUL L & SUSAN B	18/30/C00P4	78-88 ADAMS ST	\$ 58.50
NAKASHIAN, SCOTT	18/30/C0P18	78-88 ADAMS ST	\$ 59.19
SARLO, PETER	22/10/C03-A	251-255 FIRST ST	\$ 188.12
PAHLCK, JESSICA	25/1/C007S	700 FIRST ST	\$ 97.38
557 SECOND ST LLC	28/18.1/C0007	557-559 SECOND ST	\$ 47.43
BOGDANSKI, GARY	29/3/C005E	508-510 FIRST ST	\$ 101.12
SCIPIONE, JOHN & JUSTING LIVA	34/36/C0004	252-256 FIRST ST	\$ 1,376.06
FOCUS PROPERTIES, LLC	34/36/C00C2	252-256 FIRST ST	\$ 213.00
VINEGRA, MICHAEL	47/29/C004R	308 MONROE ST	\$ 165.23
ANDERSEN, BRETT & CARRIE SCHINDELE	51/12/C0007	323-325 ADAMS ST	\$ 114.53
WADE, DESMOND	57/18/C0009	412 MONROE ST	\$ 227.69
YANOSEY, STEPHEN	59/18/C001L	410 JEFFERSON ST	\$ 196.03
CAPO, JOHN T	59/18/C003L	410 JEFFERSON ST	\$ 427.29
GUINTA, VINCENT	67/10.1/C002A	519 MONROE ST	\$ 34.53
GUINTA, VINCENT	67/10.1/C002B	519 MONROE ST	\$ 89.13
HOWIE, SCOTT	70/1/C002H	501-515 ADAMS ST	\$ 199.02
CAPORUSSO, VINCENT & JOSEPH	70/24/C002L	508 GRAND ST	\$ 194.45
PICCOLO, LEONARD & KIMBERLI	70/24/C003R	508 GRAND ST	\$ 194.45
AZZARTO, MATTHEW	70/24/C004R	508 GRAND ST	\$ 194.45
AMATO, NICOLE	77/6/C03-D	609-613 JEFFERSON ST	\$ 214.95

HONG, WEICHANG	77/28/C0006	606-608 ADAMS ST	\$ 10.53
CARLO, LORI	78/6/C004A	611-617 ADAMS ST	\$ 331.71
TUROFF, HOWARD & LORI	82/11/C0P-1	721-733 MONROE ST	\$ 20.05
FIELDS, MATTHEW & A. TOCZYNSKI	82/11/C0P-9	721-733 MONROE ST	\$ 20.05
MAHON, ADA	82/11/C0P18	721-733 MONROE ST	\$ 20.05
MOYLAN, ADAM	84/17/C002A	726 ADAMS ST	\$ 511.51
VARMA, ANJALI S.	85/5/C0003	709 ADAMS ST	\$ 140.23
QUINN, JOSEPH & AMANDA CHARTER	85/7/C0004	713 ADAMS ST	\$ 217.87
WU, NANCY	85/16/C0007	718 GRAND ST	\$ 9.56
SHERMAN, ARLINE J & DON W SICHLER	87/13/C0P20	824-830 MONROE ST	\$ 65.57
MAGEE, PATRICE	87/13/C003J	824-830 MONROE ST	\$ 339.97
SHERMAN, A J & DON W SICHLER	87/13/C004A	824-830 MONROE ST	\$ 249.93
TIEDEMANN, P & M DELOS SANTOS NAV	87/13/C004D	824-830 MONROE ST	\$ 22.15
TUORTO, P. & N. M CENTANNI	87/13/C005D	824-830 MONROE ST	\$ 22.15
WALL, ROBERT C	89/12/C0501	501 NINTH ST	\$ 84.18
KHALEMSKY, A	89/12/C0512	501 NINTH ST	\$ 191.92
ANGELO, ALEX & SUSAN	89/12/C0602	501 NINTH ST	\$ 140.91
LIU, BILLY	89/12/C0P10	501 NINTH ST	\$ 20.05
KHALEMSKY, ALEX	89/12/C0P16	501 NINTH ST	\$ 20.05
MC DONOUGH, T	89/12/C0P34	501 NINTH ST	\$ 20.05
ANGELO, ALEXANDER & SUSAN	89/12/C0P70	501 NINTH ST	\$ 20.05
ANGELO, ALEXANDER			

& SUSAN	89/12/C0P79	501 NINTH ST	\$ 215.74
BUCHNER, BRYAN	91/1.2/C0308	501 NINTH ST	\$ 697.42
FELDMAN, RACHEL E	115/9.01/C0P-7	1317-27 GRAND/ 1326 CLINTON	\$ 37.84
MARGOLIES, M	115/9.01/C0P10	1317-27 GRAND/ 1326 CLINTON	\$ 37.84
PADNES, KEVIN & LISA HAWKINS	115/9.01/C0P15	1317-27 GRAND/ 1326 CLINTON	\$ 37.84
MC LAUGHLIN, STEPHEN E & HELENE	115/9.01/C0P29	1317-27 GRAND/ 1326 CLINTON	\$ 37.84
ALTMAN, JENNIFER L & GADO G ANDRADE	115/9.01/C0P32	1317-27 GRAND/ 1326 CLINTON	\$ 37.84
LU, YA FANG	149/1/C0E3F	400-414 NINTH ST	\$ 203.05
VALENTINE, R.	149/1/C0W3F	400-414 NINTH ST	\$ 203.05
WU, NANCY	152/1/C0P27	701-709 GRAND ST	\$ 94.77
CUTLER, KEITH	156/5/CCP26	1118 CLINTON/ 1117 GRAND	\$ 76.98
SHORT, D 1117 GRAND	156/5/CGP-1	1118 CLINTON/ 1117 GRAND	\$ 76.98
ANDERSEN, JAHN A & JOY C KUSOLNAK	159/4/C007C	711 CLINTON ST	\$ 1,250.49
ENDRES, CARI	165/28/C01-A	214-216 PARK AVE	\$ 58.08
CZARNOMSKI, B.	165/28/C03-B	214-216 PARK AVE	\$ 46.12
ZIMMERMAN, JAMIE & DANIEL PLATT	166/12/C003B	325-327 WILLOW AVE	\$ 142.93
BROWN, SETH & HEATHER	166/14/C003F	329 WILLOW AVE	\$ 166.11
MC CORMACK, M. & R. LEGAULT	167/1/C002E	501 WILLOW AVE	\$ 1,155.83

PINSKY, MICHAEL	167/1/C003E	501 WILLOW AVE	\$ 57.44
GOLDSTEIN, P.G & ARTHUR H. ARTHUR H	167/1/C004A	501 WILLOW AVE	\$ 69.32
HOEY, MICHAEL T & K GRABOWSKI	177/1.1/C002B	101 PARK AVE	\$ 199.77
COUGLIN, T & N	177/1.1/C002C	101 PARK AVE	\$ 60.77
BURTON, ALAN & J & S & L D HOROWITZ	177/1.1/C002D	101 PARK AVE	\$ 57.13
VERDISCO, GEORGE M & ANNE MARIE	177/1.1/C003C	101 PARK AVE	\$ 531.47
TOPHAM, F B & TONI LYNN	177/1.1/C003E	101 PARK AVE	\$ 526.15
WOPAT, K.	177/1.1/C003G	101 PARK AVE	\$ 366.54
GISONNO, E. C & D	177/36.1/C002C	100-02 GARDEN ST	\$ 654.53
TRI-OCEAN LLC	187/5/C001A	95 GARDEN ST	\$ 43.34
ASSILE, ROBYN M & JOHN D ZIEMBA	190/28/C0002	308 BLOOMFIELD ST	\$ 1,898.00
SUDOL, J JOHN ANTHONY & MARION A	195/33/C0003	830 BLOOMFIELD ST	\$ 291.77
HUGHES, DANIEL A & ANGELA C WONG	200/10/C0001	121 BLOOMFIELD ST	\$ 127.32
TUROFF, H & L	204/16/C0002	531 BLOOMFIELD ST	\$ 123.42
ZIEGLER, PHILIP & AMY	213.1/11/C005A	224 HUDSON ST	\$ 650.65
SAJON, MARIA B	217.1/30/C005E	600 HUDSON ST	\$ 180.03
NEFF, C & A MEDVEDEV	219/19.1/C02-7	820 HUDSON ST	\$ 22.06
QUINN, W.	221/16/C0010	1028 HUDSON ST	\$ 2,229.32

GORDON,
MICHAEL & 247/28/C002N 1222 WASHINGTON ST \$ 50.80
HANNAH STERNS

YEE WARREN,
& B. HERNANDEZ 251/18/C00P2 1320 BLOOMFIELD ST \$ 59.19

MOORE, J. T &
J M 251/18/C00P5 1320 BLOOMFIELD ST \$ 59.19
BURKE

PUTTY, VENKATESH
& S AKHILESH 254/10/C004B 1313-1317 PARK AVE \$ 323.64

PUTTY, VENKATESH
& S AKHILESH 254/10/C0P-6 1313-1317 PARK AVE \$ 198.85

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

10-762

**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 **\$ 59.19**

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

**KAPLAN FOX & KILSHEIMER LLP
ATTORNEYS AT LAW
950 THIRD AVENUE
NEW YORK, NY 10022**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
KOWALSKA, ALDONIA	18/30/C0P21	78-88 ADAMS ST	\$ 59.19

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

10-763

---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 **\$ 2,184.64**

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

**NOWELL AMOROSO KLEIN BIERMAN, PA
 COUNSELLORS AT LAW
 155 POLIFLY ROAD
 HACKENSACK, NJ 07601**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
CROZIER, ALICE C	152/1/C0P-4	701-709 GRAND ST	\$ 94.77
CROZIER, ALICE C	152/1/C0P-5	701-709 GRAND ST	\$ 94.77
FOLIGNO, THOMAS & LAURA SCHECHTER	152/1/C0P-6	701-709 GRAND ST	\$ 94.77
WITMER, JAMES & ALEXANDRA DOUKLIAS	152/1/C0P10	701-709 GRAND ST	\$ 94.77
BROOKS, DONNA	152/1/C0P11	701-709 GRAND ST	\$ 94.77
MANDELL, MICHELLE	152/1/C0P14	701-709 GRAND ST	\$ 94.77
FERNANDEZ, OSBERT	152/1/C0P20	701-709 GRAND ST	\$ 94.77
GUEVARA, JOHN & SARA	152/1/C0P21	701-709 GRAND ST	\$ 94.77
DRYZGA, JOHN A &	152/1/C0P23	701-709 GRAND ST	\$ 94.77

ELIZABETH UNTIEDT

DANG, XIN	152/1/C0P24	701-709 GRAND ST	\$ 94.77
BULIS, ERIC & MARY JEAN BALLOU	152/1/C0P25	701-709 GRAND ST	\$ 189.54
PASQUALE, VINCENT & FLORENCE	168/2/C002A	605-607 WILLOW AVE	\$ 157.97
AREZZO, ALFRED	168/2/C002B	605-607 WILLOW AVE	\$ 455.86
AREZZO, ALFRED	168/2/C005A	605-607 WILLOW AVE	\$ 180.52
PASQUALE, VINCENT & FLORENCE	168/2/C005B	605-607 WILLOW AVE	\$ 253.05

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-764

--- 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 **\$ 34,030.24**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
CHASE PROP TAX REFUND DEPT P O BOX 961227 FT WORTH, TX 76161	68/6/C0402	511-515 MADISON ST	4/10	\$ 8,972.80
CHASE PROP TAX REFUND DEPT P O BOX 961227 FT WORTH, TX 76161	68/6/C0P-5	511-515 MADISON ST	4/10	\$ 303.68
CHASE REFUND DEPT 1 CORELOGIC DRIVE	78/31/C0002	604-606 GRAND ST	4/10	\$ 10,755.61

WESTLAKE, TX 76262

SHAIKH, FAISAL & AXRA 78/31/C0005 604-606 GRAND ST 4/10 \$ 7,954.09
604-606 GRAND ST #5
HOBOKEN, NJ 07030

CHAUDHURI, SHUBHABRATA 91/1.2/C0401 812 GRAND ST 2/10 \$ 1,928.58
812 GRAND ST #401
HOBOKEN, NJ 07030

RIVER EDGE TITLE 95/19/C005C 924-926 JEFFERSON ST 4/10 \$ 1,430.29
14 CENTRAL AVE
P O BOX 119
ISLAND HEIGHTS, NJ 08732

AKCHURINA, ALINA & 114/1/C0613 1300 GRAND ST 1/10 \$ 317.93
ILDAR GALIULIN
1300 GRAND ST #613
HOBOKEN, NJ 07030

GENKINGER, ROBERT & 268.1/3/C008U 1500 HUDSON ST 1/10 \$ 2,367.26
ANNIE E
1500 HUDSON ST #8U
HOBOKEN, NJ 07030

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

10-765

---By Councilman Russo

RESOLVED , that filed minutes for the Hoboken City Council Regular meetings of July 14, 201, Special Meeting of August 10, 2010, Regular Meeting(s) August 11 and September 1 and September 15, Special Meetings of September 13, 22, & 29, 2010 have been review and approved as to legal form and content.

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

Introduction and First Reading

10-766
Z-77

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE ACQUISITION OF A QUANTAR STATION & SX8MCX CONVENTIONAL MASTER REPEATERS, AND APPROPRIATING \$310,000 THEREFOR FROM THE CITY' S CAPITAL FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. The total amount of \$310,000 is hereby appropriated by the City of Hoboken, in the County of Hudson, New Jersey (the "City") from the City's Capital Fund, which amount is comprised of \$310,000 from the Capital Improvement Fund, for the purpose of the acquisition of a Quantar Station Repeater VHF, UHF 800 MHZ and two SX8MCX Conventional Master 100 Watt Repeaters, including all work and materials necessary therefor or incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by law.

---Council 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 **JANUARY 5, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

10-767

Z-78

AN AMENDED ORDINANCE AMENDING CHAPTER 196 " ZONING" ARTICLE IX " GENERAL SUPPLEMENTARY REGULATIONS" TO INCLUDE A NEW SECTION 196-35.1 ENTITLED " SOLAR INSTALLATION"

WHEREAS, the City of Hoboken, the Administration and the Governing Body wish to encourage the use of alternative energy sources and to advance the City of Hoboken as a sustainable community; and

WHEREAS, the Planning Board has reviewed the proposed ordinance and has made recommendation that are incorporate herein (additions noted in underline, ~~deletions noted in strikethrough~~).

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: ADDITION

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

ARTICLE IX

General Supplementary Regulations

196-35.1 Solar Installation

196-35.1-1. Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

ARRAY – A linked collection of photovoltaic modules which are in turn made of multiple interconnected solar cells.

GROUND MOUNTED INSTALLATION – Installations that are free standing or attached to framework that is at grade.

NON-HABITABLE BUILDING INSTALLATION – Non-Habitable building installations include but are not limited to; shade structures, carports, solar trellises, and the like.

PHOTOVOLTAIC (PV) – Capable of producing a voltage, usually through photoemission, when exposed to radiant energy, especially light. Collectively used to refer to solar panels.

SOLAR ENERGY SYSTEM – A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy.

196-35.1-2. Roof Installation.

- A. Installation type shall meet or exceed the minimum design load for wind speeds established by the American Society of Civil Engineers (ASCE) for Hoboken, New Jersey of one hundred ten miles per hour (110 mph).
- B. A ten (10) foot setback is required from any frontage that is accessible from the public right-of-way by a fire department aerial ladder truck, except:
 - (1) Buildings over seventy-five (75) feet are exempt from the setback requirements.
 - (2) Corner buildings where access to one frontage is obstructed by electrical lines, utility poles, or other immovable objects, shall provide a ten (10) foot set back on the frontage side that is least encumbered.
- C. Three (3) feet of clearance must be provided around all fire escape ladders, and/or other points of emergency access.
- D. Installations on a flat roof shall not exceed six (6) feet in height above the surface of the roof.

- E. Access and spacing requirements shall be observed in order to ensure, safe passage for egress from the roof, maintenance of equipment, and to provide smoke ventilation opportunity areas.
- F. No solar photovoltaic array or related equipment shall be attached to a common or adjoining exterior wall between two buildings.
- G. Remote disconnect. DC circuits shall be equipped with a means for remote disconnect located downstream from the photovoltaic array. Control of the remote disconnect shall be located within five (5) feet of the building's main electrical panel and shall meet all requirements of the New Jersey Electrical Code.
- H. For installation on a multiple ownership or condominium building, a letter from the owners association stating their complicity shall be required.

196-35.1-3. Non-Habitable Building Installation.

- A. Non-habitable building installations include but are not limited to; shade structures, carports, solar trellises, and the like.
- B. Non-habitable solar array structures shall not be applied as lot coverage, however, no lot shall be covered more than 85% by structures including solar.
- C. Minimum standards for installation shall be the same as for roof installations. *(196-35.1-2.A,B)*

196-35.1-4. Ground Mounted Installation.

- A. Setback requirements do not apply to ground-mounted, free standing photovoltaic arrays, except as stated in C below.
- B. Ground mounted arrays shall not be applied as lot coverage, however, no lot shall be covered more than 85% by structures including solar.
- C. Ground mounted installations exceeding six (6) feet in height as measured from grade, shall be set back from any lot line two (2) feet for each additional foot in height.

196-35.1-5. Signage Requirements

Marking is needed to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. This will facilitate identifying energized electrical lines that connect the solar panels to the inverter, as these should not be cut when venting for smoke removal.

All signs shall be made of reflective weather resistant material suitable for the environment; UL 969 shall be used as a standard for weather rating. All CAUTION signs shall have a red background with white lettering; a minimum 1/2" letter height, all capitals in Arial or similar font, unless otherwise specified. The "PV" sign shall be of the same color and weather resistant material, but shall be 5' x 5' square and shall have a letter height of 3".

- A. **PV** - Signage signifying the presents of a solar photovoltaic array shall be posted at the main entry door of the structure, and at all other points of access to the roof.

- B. **CAUTION: SOLAR ELECTRICAL SYSTEM CONNECTED** – For residential applications the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking shall be placed on the outside cover. For commercial applications the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.
- C. **CAUTION: SOLAR ELECTRIC CIRCUIT** – Marking is required on all interior and exterior DC conduit, raceways, enclosures, cable assemblies, and junction boxes to alert emergency responders to avoid cutting them. Markings shall be placed every ten (10) feet, at turns and above and/or below penetrations, and at all DC combiner and junction boxes.
- D. **CAUTION: SOLAR CIRCUIT DISCONNECT** - Signage shall be located immediately next to the remote disconnect control.
- E. **CAUTION: SOLAR ARREY DISCONNECT** – Signage shall be located immediately next to, or on the array disconnect.

196-35.1-6. Approval and Permitting.

- A. No installation of solar energy systems shall be permitted without a First Certificate of Zoning Compliance and a Building Permit.
- B. The Zoning Officer is hereby authorized to issue First Certificates of Zoning Compliance for the purposes of erecting or maintaining solar energy systems.
- C. For site plans falling outside of the parameters expressly set forth herein, the Zoning Officer shall issue a denial of zoning compliance and shall refer the application to the Planning Board for review.
- D. The Construction Official shall issue the necessary building permit(s) provided that:
 - (1) All safety and installation requirement listed in -1-2 or -1-3 above have been met; and
 - (2) All Uniform Construction Code (UCC) provisions as set forth in N.J.A.C. 5:23 et al, and National Fire Protection Standards (NFPA) have been met.

196-35.1-7. Location in the Historic District.

In the event that an application is made pursuant to the terms of this Article for premises that are located in the Hoboken Historic District, or on a designated historic site or structure, approval must be obtained from the Hoboken Historic Preservation Commission (HPC). Applicants shall submit preliminary plans to the Zoning Officer for review, and if appropriate, a letter of pending approval shall be issued by the Zoning Officer to the HPC, prior to their review. Upon approval by the HPC, a First Certificate of Zoning Compliance shall be issued, and construction permits may be sought from the Building Department.

196-35.1-8. Enforcement.

- A. The Construction Official, Fire Code Official, and Zoning Officer of the municipality are authorized to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- B. Violation of any provision of this ordinance shall be cause for the revocation of the First Certificate of Zoning Compliance and/or Construction Permit(s).

- C. Violation of any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute and addition, separate, and distinct offense.

196-35.1-9. Right to require removal.

The City of Hoboken expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained, or which poses an imminent public safety hazard.

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 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.

Council 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 **JANUARY 5, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mello.

10-768
Z-79

**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; and,

WHEREAS, pursuant to N.J.S.A. 39:4-197 and N.J.S.A. 40:69A-36 the establishment of parking spaces along municipal streets shall only be done by Ordinance.

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 curbline of Eighth Street and extending for 32 feet northerly therefrom

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

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 190-51 Sunset Clause

The establishment of Corner Car parking spaces as described herein and labeled "Article XXXIV" of Chapter 190 of the General Code of the City of Hoboken, shall sunset immediately at 11:59 pm as of the date of termination of the City of Hoboken's September 26, 2010 contract with Hertz Connect. This sunset clause shall take effect without further municipal action unless Article XXXIV is readopted by the City Council, upon the presentation and recommendation of the Business Administrator or his or her designee.

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.

Council 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 **JANUARY 5, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham
---**FAILED** by the following vote: YEAS 3: - NAYS: 5 –ABSENT - 1
---Yeas: Council persons Bhalla, Cunningham, President Marsh.
---Nays: Castellano, Giacchi, Mason, Occhipinti, Russo.
---Absent: Mello.

NEW BUSINESS

Councilwoman Castellano discusses the Marineview Plaza 1 about the elevator, complaints about Washington Street' s decoration for the holidays and would like

Councilwoman Mason comments on a memo regarding status of waterfront inspections. A new council attorney for Rent Control sub-committee but was not available but there will be a new sub-committee meeting next week hopefully

Corporation Counsel hands out an update and responds to Councilwoman Mason

Councilwoman Mason requests when the budget time

B.A. responds Feb. 10, 2011

Councilman Russo questions the budget and would request a few things asap within the week: working budget (copy), breakdown on all salaries city wide (longevity, health benefits, compensation, salary ordinance including all Directors, list of all professional services contract, list of all copies of RFP' s that went out)

Councilman Russo questions Corporation Counsel pertaining to litigations and a member from the public

Councilman Russo questions Director Sacs

Councilman Russo questions the health issue that occurred today in City Hall.

Corporation Counsel responds that the City Health Officer responded immediately, it was a staff infection in the department, there is no medical certification

Councilman Occhipinti comments and gives a season greeting for the Governing Body and public, status reports from each department and addresses each Director Maier, 4th and Harrison are fixed, Dept. of Transportation and Parking, situation on Harrison and Observer foot traffic – short term solution – day light poles, paint stripes have been put down, long term goal – stop signs, corner cars pod on 4th and Jackson has been moved to Harrison and 4th. Plan on moving 2nd and Adams on a new location, Dept. of Health and Human Svcs. – resurfacing Mama Johnson Field, shared service agreement is moving along, Parks throughout the City – 4th Ward, asking Councilman Giacchi to hold a quality of life meeting for current park infrastructure for any upgrades and recommendations from the Finance committee to fund it for 2011.

Councilman Giacchi to hold the Quality of Life Sub-committee in Jan. & look at existing parks, costs would be allocated correctly, any open space for a temporary basis for youth recreation - practice or games, thinking about Pier A as a passive park, open to suggestions from Directors Councilman Cunningham – Planning Zoning, & Economic Development meeting - 83 Willow and Jefferson Trust Condo, thank the Western Edge at Wallace and Hoboken Library, Director Forbes is looking into comments from the public, stakeholder committee meeting, public can reach me at the Hoboken website, RFP for marketing analysis for current plan for the mix-used space in the Western Edge and confirm or oppose some of the comments made to the public, what is a viable plan for the Western Edge. Series of interviews with NJ Transit last week of Dec. top 4-5 firms out of a dozen, widdle it down to a planner to recommend to the Council. Questions regarding pot holes too late for cold patch or hot patch

Director Maier comments that cold patch is available but temporary.

Councilman Bhalla questions Director Maier, water main breaks in the City, provide the public an explanation and what has been done

Director Maier responds the pipes were paper thin and easily to break. Most recent ones were service line, there will be a meeting with United Water set up on Jan. 6th 2011 for capital improvements done

Councilman Bhalla disappointed with the resolution that I sponsored without explanation from my colleagues, intended as good faith for the long term. Comment on Corner Cars Ordinance has been voted down 3 times without explanation.

At this time, 11:04 p.m., on a motion by Council President Marsh; duly seconded by Councilman Russo and voted on unanimously, the City Council entered into closed (executive) session. The closed (executive) session actually began at 11:12 p.m.

10-769

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(8) TO DISCUSS MATTERS RELATING TO SETTLEMENT NEGOTIATIONS WITH A PRESENT EMPLOYEE

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12(8); and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to contract negotiations and settlement negotiations, and to discuss the municipality' s relationship with current employees; and

WHEREAS, the City is currently in settlement negotiations with a current and/or former employee which negotiations require the City Council to obtain legal counsel relating to its rights and duties and pending litigation on municipal garage.

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

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

---Motion duly seconded by President Marsh

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

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

---Nays: None.

---Absent: Mello.

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Patricia Waiters, Ronald Simoncini. Mike Evers.

At this time, 11:36 p.m., on a motion by Councilwoman duly seconded by Councilman and voted on unanimously, the City Council came out of closed (executive) session.

President Marsh then adjourned the meeting at 11:39 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK