

MEETING OF JANUARY 5, 2011

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, JANUARY 5, 2011 AT 7:00 PM

President Cunningham opened the meeting at 7:04 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, Mello, Marsh, Occhipinti, Russo and President Mason.

11-770

---By Councilman Giacchi

RESOLUTION APPOINTING A COUNCIL PRESIDENT

Appointing **Beth Mason** as City Council President; term effective January 5, 2011 through July 1, 2011.

The speakers who spoke: Scott Siegel, Roman Brice.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

11-771

---By Councilman Occhipinti

RESOLUTION APPOINTING COUNCIL VICE-PRESIDENT

Appointing **Michael Russo** as the Vice-President of the

Hoboken City Council; term effective January 5, 2011 through July 1, 2011.

The speakers who spoke: Scott Siegel, Roman Brice.

---Motion duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-772

---By Councilwoman Marsh

RESOLUTION AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the calendar year 2011 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided ; and

WHEREAS, twenty six and one quarter percent (26.25% of the total appropriations of the current fund in the fiscal year 2010 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund, public assistance and public utilities in said calendar year 2011 budget is the sum of \$19,856,337 and for the Parking Utility is the sum of \$1,197,446; and

WHEREAS, the temporary appropriations in the calendar year 2011 budget for interest and debt redemption charges are required to be \$6,630,951 for the current fund and \$1,968,289 for the Parking Utility; and

WHEREAS, the temporary appropriations in the calendar year 2011 budget for Capital Improvement Fund charges are requested to be \$100,000.00 for the current funds; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken that the following appropriation, which now totals \$26,577,287 for the current fund including debt service and \$3,886,735 for the Parking Utility including debt service be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

(see resolution attached for appropriations amended budget) WAS CHANGED AT COUNCIL MEETING PRIOR TO VOTE BY COUNCILMAN RUSSO

---Motion duly seconded by Councilman Bhalla

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

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

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

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING OF A QUANTAR STATION & SX8MCX CONVENTIONAL \$310,000 THEREFOR FROM THE CITY'S CAPITAL FUND **(Z-77)**

President Mason 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 Mason asked for a motion to close the hearing.

President Mason moved that the hearing be closed.
Motion duly seconded by Councilman Russo.

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

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

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

AN AMENDED ORDINANCE AMENDING CHAPTER 196 "ZONING"
ARTICLE IX "GENERAL SUPPLEMENTARY REGULATIONS" TO INCLUDE
A NEW SECTION 196-35.1 ENTITLED "SOLAR INSTALLATION"
(Z-78) (To amend on the ordinance first)

President Mason 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 Mason asked for a motion to close the hearing.

President Mason moved that the hearing be closed.
Motion duly seconded by Councilman Russo.

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

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

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

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

---Nays: None.

11-773

City of Hoboken Declaration of Emergency from the Office of Emergency Management

Received and Filed.

11-774

MEMORANDUM FROM MAYOR DAWN ZIMMER VETOING ORDINANCE Z-76

Mr. Farina

I am returning Ordinance Z-76 without my signature. Pursuant to NJSA 40:69A-41, I hereby veto the same.

This ordinance repeals the \$25 recreation fee that was passed 8-0 at the June 12th, 2010 City Council meeting. \$25.00 is a nominal fee, the proceeds of which go directly to a fund providing for recreation facility capital improvements. I cannot allow politics to regress our City from the responsible, fiscally-sound model of today back to the underfunded and overtaxed model of yesterday.

Asking families to pay \$25.00 for their child to participate in a City sponsored recreation program is both common and the vest practice for a municipality. Many towns charge in excess of \$100 for participation. I remain mindful of our local families that cannot afford a recreation fee, which is why the City has enacted a waiver program for families in need. Nevertheless, we cannot ask our taxpayers to subsidize the total cost of our recreation programs, which are currently available not only to Hoboken residents but even to some people who do not reside in our City. The days of the City of Hoboken shortsightedly giving out something for nothing led us to overspend our budget by \$10 million and raise municipal property taxes by over 70%. Those days have ended.

For this reason, I withhold my approval of Ordinance Z-76 and do hereby veto the same.

Sincerely,
Mayor Dawn Zimmer

cc/Hoboken Municipal Council Members
Corporation Counsel Mark Tabakin
Business Administrator Arch Liston

Received and Filed.

11-775

COMMUNICATION FROM MAYOR ZIMMER APPOINTING MEMBERS TO THE PLANNING BOARD.

Mr. Farina:

I hereby appoint the following members to the Planning Board:

- Daniel Weaver – Class IV
- Brandy Forbes – Director Class II
- Gary Holtzman – First Alternate

Thank your

Mayor Dawn Zimmer

Received and Filed.

11-776

APPLICATIONS FOR MISCELLANEOUS LICENSES

Livery/Limo ----- 10

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

REPORTS OF CITY OFFICERS

11-777

Bid results from the Purchasing Agent regarding Bid 10-32 Towing & Storage

---Received and filed.

11-778

---By Councilwoman Marsh

Total **Claims** for this agenda \$ **455,427.35**

- Motion duly seconded by Councilman Bhalla
- Adopted by the following vote: YEAS: 8 - NAYS: 0

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

11-779

PAYROLLS

---By Councilwoman Marsh

For the two week period starting December 8, 2010 – December 15, 2010

Regular Payroll	O/T Pay	Pay
\$1,407,975.69	\$53,800.98	\$1,626,254.69

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

RESOLUTIONS (Cont'd)

Presented and Read

11-780

---By Councilman Occhipinti

**RESOLUTION TO OVERRIDE THE MAYOR' S VETO OF ORDINANCE (Z-76)
ENTITLED “ 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, the City Council of the City of Hoboken approved for final reading on December 15, 2010 Ordinance Z-76 entitled “ 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, such ordinance was to take effect twenty (20) days from the date thereof, which would have been January 4, 2011;

WHEREAS, Mayor Dawn Zimmer vetoed Ordinance Z-76; and,

WHEREAS, the Council desires to override the Mayor' s veto of Ordinance Z-76, pursuant to its powers under N.J.S.A. 40:69A-41.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken (*two thirds of the full membership voting in the affirmative*) that the City Council hereby overrides the veto of Ordinance Z-76 entitled “ 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”; and

BE IT FURTHER RESOLVED, that said Ordinance shall take effect immediately.

The speakers who spoke: Scott Siegel, Roman Brice, Jim Doyle, Ines Garcia Keim, Perry Belfiore, Gary Lincoln, Lane Bajardi, Joseph Branco, Jude Fitzgibbons, Ed Dristi, Michelle Russo, Rose Marie Lorenzo.

---Motion duly seconded by Councilwoman Castellano.

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

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

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

11-781

---By Administration

THIS RESOLUTION AWARDS A CONTRACT TO MOTOROLA THROUGH ITS STATE OF NEW JERSEY CONTRACT NUMBER 53804 FOR RADIO COMMUNICATION EQUIPMENT AND ACCESSORIES FOR THE HOBOKEN FIRE DEPARTMENT

WHEREAS, N.J.S.A. 40A:11-5 allows municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Motorola has been approved as a State Contractor pursuant to Contract Number 53804; and,

WHEREAS, the City of Hoboken’s Fire Department is in need of radio communication equipment and accessories, for which goods Motorola has provided the attached proposal to the City; and,

WHEREAS, the funds are available for this contract upon approval of the 2011 temporary budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide radio communication equipment and accessories for a one year period, to commence January 1, 2011 and terminate December 31, 2011, at cost not to exceed those listed in the attached proposal, and for a total not to exceed amount of Two Hundred Forty Four Thousand and Forty Four (\$244,044.00) dollars, as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:

Motorola
(State of New Jersey Contract 53804)

---Motion duly seconded by Councilwoman Marsh

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

11-782

---By Councilwoman Marsh

RESOLUTION APPOINTING ARTHUR M. LISTON AS THE QUALIFIED PURCHASING AGENT FOR THE CITY OF HOBOKEN

WHEREAS, N.J.S.A. 40A:11-3 requires municipalities to have a Qualified Purchasing Agent in order to maintain the maximum bid threshold; and

WHEREAS, Arthur M. Liston has been certified by the State of New Jersey to act as a Qualified Purchasing Agent, pursuant to N.J.S.A. 40A:11-9(b); and

WHEREAS, appointing Arthur M. Liston, to the position of Qualified Purchasing Agent will allow the City of Hoboken to maintain a “ QPA” on staff so that the maximum bid threshold may be maintained.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that Arthur M. Liston is hereby appointed to the position of Qualified Purchasing Agent for the City of Hoboken, to serve for the remainder of his term as Business Administrator or until a replacement is appointed by this Council, whichever occurs first.

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

11-783

---Councilwoman Marsh

RESOLUTION AUTHORIZING ACCEPTANCE OF CREDIT CARD PAYMENTS

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations at NJSA 5:30-9.1 et seq., which authorizes and permits municipalities to accept credit card payments for various municipal permits, license, and fees as well as real estate tax payments;

WHEREAS, the City of Hoboken Business Administrator and Finance Director recommend that the authorization of credit cards be approved by the City Council to permit payment of all Township permits, licenses, taxes, and fees, payable and collectible to all City departments, that are in excess of \$10.00; and,

WHEREAS, such a policy and payment procedure will facilitate the payment and collection of such fees and charges and can be implemented without cost or deduction to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that, pursuant to the authority and regulations of the Division of Local Government, the Business Administrator, Chief Financial Officer and Tax Collector are authorized and permitted to accept and collect payment by appropriate credit card of any and all City due permits, licenses, fees of all types, and real property taxes, that are in excess of \$10.00 dollars, that are due and owing to the City of Hoboken; and

BE IT FURTHER RESOLVED, that the Business Administrator and Finance Director are authorized to execute appropriate agreements to implement this policy and to establish appropriate internal municipal finance procedures and policies to properly effectuate this authorization in accordance with all laws and regulations.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

11-784

---By Councilwoman Marsh

**RESOLUTION TO APPROVE THE “ RELEASE AND HOLD HARMLESS AGREEMENT”
BETWEEN THE CITY OF HOBOKEN AND WITH 811-829 CLINTON STREET LLC AND
CVS PHARMACY**

WHEREAS, the City of Hoboken desires to use the outdoor parking facilities of 811-829 Clinton Street LLC and CVS Pharmacy located at 829 Clinton Street, Hoboken, New Jersey, on an emergency basis due to the circumstances caused by the snow storm of December 26, 2010; and

WHEREAS, it is understood that the public will utilize parking spaces at the parking facilities located at 829 Clinton Street, Hoboken, New Jersey, from December 29, 2010 at 5:00 p.m. to December 30, 2010 at 8:00 a.m.; and

WHEREAS, it is understood that 811-829 Clinton Street LLC and CVS Pharmacy will receive no compensation from the City of Hoboken; and

WHEREAS, it is understood that the City of Hoboken’ s intent is to indemnify and hold harmless 811-829 Clinton Street LLC and CVS Pharmacy located at 829 Clinton Street, Hoboken, New Jersey, against any and all liability, claims, damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with the City’ s use of the parking facilities owned by 811-829 Clinton Street LLC and CVS Pharmacy and located at 829 Clinton Street, Hoboken, New Jersey during this time period; and

WHEREAS, it is further understood that the City of Hoboken will make no claim, will file no suit and seek no judgment against 811-829 Clinton Street LLC and CVS Pharmacy in connection with the use of any of these parking spaces and/or the parking

facilities owned by 811-829 Clinton Street LLC and CVS Pharmacy during the time period that the parking spaces/facilities are being utilized by the City; and

WHEREAS, the City of Hoboken will name 811-829 Clinton Street and CVS Pharmacy as an additional insured on its insurance for the time period of December 29, 2010 at 5:00 p.m. to December 30, 2010 at 8:00 a.m.; and

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

1. Approval of the attached “ Release and Hold Harmless Agreement” between the City of Hoboken and 811-829 Clinton Street LLS and CVS Pharmacy.
2. The Mayor or her agent is hereby authorized to enter into the attached agreement; and
3. This resolution shall be retroactive to December 29, 2010.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

11-785

---By Councilwoman Marsh

RESOLUTION TO APPROVE THE “ RELEASE AND HOLD HARMLESS AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND THE HOBOKEN BOARD OF EDUCATION

WHEREAS, the City of Hoboken desires to use the outdoor parking facilities of the Hoboken Board of Education located at 115 Clinton Street, Hoboken, New Jersey, on an emergency basis due to the circumstances caused by the snow storm of December 26, 2010; and

WHEREAS, it is understood that the public will utilize approximately twenty-five parking spaces at the parking facilities located at 115 Clinton Street, Hoboken, New Jersey, from December 29, 2010 to January 2, 2011 at 12:00 p.m.; and

WHEREAS, it is understood that the Hoboken Board of Education will receive no compensation from the City of Hoboken; and

WHEREAS, it is understood that the City of Hoboken’ s intent is to indemnify and hold harmless the Hoboken Board of Education located at 115 Clinton Street, Hoboken, New Jersey, against any and all liability, claims, damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with the City’ s use of the parking facilities owned by the Hoboken Board of Education and located at 115 Clinton Street, Hoboken, New Jersey and during this time period; and

WHEREAS, it is further understood that the City of Hoboken will make no claim, will file no suit and seek no judgment against the Hoboken Board of Education in connection

with the use of any of these parking spaces and/or the parking facilities owned by the Hoboken Board of Education during the time period that the parking spaces/facilities are being utilized by the City; and

WHEREAS, the City of Hoboken will name the Hoboken Board of Education as an additional insured on its insurance for the time period of December 29, 2010 to January 2, 2011 at 12:00 p.m.; and

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

1. Approval of the attached “ Release and Hold Harmless Agreement” between the City of Hoboken and the Hoboken Board of Education.
2. The Mayor or her agent is hereby authorized to enter into the attached agreement.
3. This resolution shall be retroactive to December 29, 2010.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

11-786

---By Councilman Mello

RESOLUTION SUPPORTING THE CITY OF HOBOKEN’ S “ THE HOP” SHUTTLE BUSES

WHEREAS, “ The Hop” significantly improves mobility and accessibility within the City of Hoboken where over 90% of Hoboken residents live within two or three blocks of a Hop route;

WHEREAS, “ The Hop” offers improved access to job centers for all Hoboken residents, and hundreds of residents rely on “ The Hop” each weekday to get to their place of employment;

WHEREAS, “ The Hop” provides an alternative to car ownership, which can save Hoboken residents thousands of dollars annually and services thousands of residents who cannot afford to own a car;

WHEREAS, senior citizens can use “ The Hop” for free and in addition to the Senior Shuttle bus;

WHEREAS, “ The Hop” uses advanced GPS technology to offer an interactive user experience and to improve overall service quality; and,

WHEREAS, ridership on “ The Hop” has increased every month on all three lines since the system debut.

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

BE IT FURTHER RESOLVED that the City Council calls upon the residents and guests of the City of Hoboken to consider utilizing “ The Hop” when travelling within the City limits.

---Motion duly seconded by Councilman Bhalla

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

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

11-787

---By Councilwoman 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 **\$ 17,628.83**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
DELL' AGUILA, J. MAUREEN 50 HARRISON ST SUITE 101 HOBOKEN, NJ 07030	5/3	40-56 Harrison St.	4/10	\$4,347.08
ROSNER, FRANK & DEBORAH KEYSER 214-216 WILLOW AVE #1A HOBOKEN, NJ 07030	43/27/C001A	214-216 WILLOW AVE	4/10	\$ 1,509.56
BAC TAX SERVICES P.O. BOX 10211 MS: CA0-911-01-03 VAN NUYS, CA 91410-0211	74/31/C0003	604-606 MONROE ST	1/10	\$ 4,747.41
TITLE SOURCE INC 1450 WEST LONG LAKE RD SUITE 400 TROY, MI 48098	76/1/C01-B	619 MADISON ST	4/10	\$ 1,721.22
BAC TAX SERVICES P.O. BOX 10211 MS: CA0-911-01-03	86/1/C0P28	800 JACKSON ST	2/10	\$ 198.85 ABATEMENT

VAN NUYS, CA 91410-0211

9TH STREET ASSOCIATION 195/26/ 159 NINTH ST 1/10 \$ 2,913.38
10 BEDFORD DRIVE
BASKING RIDGE, NJ 07920

RASHKES, ARIE & ORLY 268.1/3/C003U 1500 HUDSON ST 4/10 \$ 2,191.33
1500 HUDSON ST #3U
HOBOKEN, NJ 07030

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

11-788

---By Councilwoman 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 **\$ 15,593.58**

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

**DAVENPORT & SPIOTTI
219 CHANGEBRIDGE ROAD
MONTVILLE, NJ 07045**

NAME	BL/LOT/UNIT	PROPERTY	AMOUNT
LEE, HOON KU	25/1/C001M	700 FIRST ST\$	28.52
NOLAND, CHARLES W	25/1/C17PV	700 FIRST ST	\$102.50
SZTANKOVITS, VICTORIA	25/1/C014G	700 FIRST ST	\$ 209.30
LEVINE, DENA & ROBERT BESEN	29/3/C004W	508-510 FIRST ST	\$ 101.12
SCHWARZ, STEFAN	29/7/C003	113-115 MADISON ST	\$ 76.69
WALKER, MATTHEW	36/29/C0004	210 JACKSON ST	\$ 453.75

MORROW, D & P MCINTIRE	40/31/C0002	452-454 SECOND S	\$ 353.89
CAMPIONE, S. & J	42/15/C0010	222-32 CLINTON ST	\$1,750.92
JAROSCHAK, J & J	48/27/C002B	312-314 MADISON ST	\$ 212.05
JENS, K & J GANNON	48/27/C003C	312-314 MADISON ST	\$ 212.05
KRAVEN, R & E	48/27/C004C	312-314 MADISON ST	\$ 212.05
KURZ, JAMES	48/27/C005B	312-314 MADISON ST	\$ 2,419.95
LINCOLN, G. & C	48/27/C005C	312-314 MADISON ST	\$ 212.05
TIZIANO, D & A GRZESIOWSKI	48/27/C004B	312-314 MADISON ST	\$ 212.05
KRAWCHICK, A & M BAUERS & F KRAWCHI	61/3/C0003	405 ADAMS ST	\$ 1,768.23
INELLI, ANDREW JOSEPH	66/24/C002A	518-520 MONROE ST	\$ 1,973.93
TIERNEY, EUGENE F	66/27/C0404	506-514 MONROE ST	\$ 464.19
D' AGOSTINO,SAL & M ROBERSON	70/1/C004K	501-515 ADAMS ST	\$ 258.08
FERRARA, A& X	70/1/C005I	501-515 ADAMS ST	\$ 104.12
MORGAN, JEFFREY & MARIJEANNE KACHUR	115/9.01/C0P47	1317-27 GRAND/1326 CLINTON	\$ 37.84
KLEIN, K & M	156/4.1/C0014	1108-10 CLINTON/ 1111-13 GRAND	\$ 141.02
OLIPHANT, MAURA	167/2/C0002	509 WILLOW AVE	\$ 1,281.15
PRINDLE, GREGORY M	180/37/C0003	202 FIFTH ST	\$ 774.77
SOLIMAN, S S & K	180/37/C0001	202 FIFTH ST	\$ 71.84
JONES, ERIC	182/48/C0004	708 GARDEN ST	\$ 18.79
KNAPP, MARY	193/27/C002E	647 GARDEN ST	\$ 690.90
PARZIALE, KAREN M	262.3/1/C0604	2 CONSTITUTION CT	\$ 424.83
CAMPANELLI, ANTHONY	262.3/1/C0615	2 CONSTITUTION CT	\$ 350.90
PATEL, MEETUL B & A	262.3/1/C1112	2 CONSTITUTION CT	\$ 13.14

STERN, ARNOLD & DORA 262.3/1/C0804 2 CONSTITUTION CT \$ 321.20
TOWNSEND, JOELLYN C 262.3/1/C0704 2 CONSTITUTION CT \$ 341.76

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

11-789

---By Councilwoman 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 **\$ 3,613.65**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
LUM, DRASCO & POSITAN LLC ATTORNEY ESCROW ACCOUNT 103 EISENHOWER PARKWAY	238/8/	925 HUDSON ST	2009	\$ 3,613.65

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

11-790

--By Councilwoman 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 **\$ 254.57**

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>
SWEENEY, MICHAEL & J	95/25/C0P47	900-912 JEFFERSON ST	\$137.61
KHAN, AKBAR & NAUREEN	213.1/11/C003A	224 HUDSON ST	\$ 116.96

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

11-791

---By Councilwoman 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 **\$ 55,100.33**

RESOLUTION HAS 19 PAGES OF TAX APPEALS (SEE HARD COPY RESOLUTION FOR NAMES, ADDRESSES AND AMOUNTS OF APPEALS.)

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

11-792

---By Councilwoman Marsh

RESOLUTION APPROVING COUNCIL MINUTES REGULAR MEETINGS

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of October 6 2010, October 20, 2010 November 3, 2010 and November 15, 2010 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 9 - NAYS: 0

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

11-793

---By Councilwoman Marsh

RESOLUTION TO APPROVE THE “ RELEASE AND HOLD HARMLESS AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND THE TRUSTEES OF THE STEVENS INSTITUTE OF TECHNOLOGY

WHEREAS, the City of Hoboken desires to use the parking facilities of the Trustees of the Stevens Institute of Technology located at the Griffith Building at 600 Sinatra Drive and the Babbio Building at 537-539 River Terrace in Hoboken, New Jersey, on an emergency basis due to the circumstances caused by the snow storm of December 26, 2010; and

WHEREAS, it is understood that the public will utilize approximately two-hundred parking spaces at the parking facilities located at the Griffith Building at 600 Sinatra Drive and the Babbio Building at 537-539 River Terrace in Hoboken, New Jersey, from December 30, 2010 at 6:00 p.m. to January 3, 2011 at 9:00 a.m.; and

WHEREAS, it is understood that the Stevens Institute of Technology will receive no compensation from the City of Hoboken; and

WHEREAS, it is understood that the City of Hoboken’ s intent is to indemnify and hold harmless the Trustees of the Stevens Institute of Technology located at 10 Castle Point on Hudson, Hoboken, New Jersey, against any and all liability, claims, damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with the City’ s use of the parking facilities owned by the Trustees of the Stevens Institute of Technology and located at the Griffith Building at 600 Sinatra Drive and the Babbio Building at 537-539 River Terrace in Hoboken, New Jersey, and during this time period; and

WHEREAS, it is further understood that the City of Hoboken will make no claim, will file no suit and seek no judgment against the Trustees of the Stevens Institute of Technology in connection with the use of any of these parking spaces and/or the parking facilities owned by the Trustees of the Stevens Institute of Technology during the time period that the parking spaces/facilities are being utilized by the City; and

WHEREAS, the City of Hoboken will name the Trustees of the Stevens Institute of Technology as an additional insured on its insurance for the time period of December 30, 2010 at 6:00 p.m. to January 3, 2011 at 9:00 a.m.; and

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

1. Approval of the attached “ Release and Hold Harmless Agreement” between the City of Hoboken and the Trustees of the Stevens Institute of Technology.
2. The Mayor or her agent is hereby authorized to enter into the attached agreement.
3. This resolution shall be retroactive to December 30, 2010.

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

11-794

---By Councilwoman Marsh

RESOLUTION TO APPROVE THE “ LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN (ON BEHALF OF THE GENERAL PUBLIC) AS LICENSOR AND THE CITY OF HOBOKEN (ON BEHALF OF THE MUNICIPAL CORPORATION) FOR USE OF A PORTION OF THE PUBLIC RIGHT OF WAY AT NEWARK STREET AND OBSERVER HIGHWAY TO INSTALL A FIRE DEPARTMENT EMERGENCY GENERATOR

WHEREAS, the City of Hoboken (On Behalf of the General Public) owns and maintains the public right of way consisting of certain real property located in the City of Hoboken, Hudson County, New Jersey, as more particularly identified as Newark Street and Observer Highway in Exhibit "A", attached hereto and by reference made a part hereof; and

WHEREAS, the City of Hoboken (On Behalf of the Municipal Corporation) desires to use a portion of the property owned by City of Hoboken (On Behalf of the General Public) for the purpose of the installation, operation and maintenance of a free standing emergency electric generator, which generator is required to maintain the health, safety and general welfare of the public; and

WHEREAS, in consideration of the license, the actions of City of Hoboken (On Behalf of the Municipal Corporation) in maintaining a fire house with constant electrical generation on the property will result in the protection of life and property in the area of the property of City of Hoboken (On Behalf of the General Public); and

WHEREAS, the City of Hoboken (On Behalf of the General Public) desires to grant to the City of Hoboken (On Behalf of the Municipal Corporation) a license for the aforementioned purpose.

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

1. Approval of the attached “ License Agreement” between the City of Hoboken (On Behalf of the General Public) and the City of Hoboken (On Behalf of the Municipal Corporation), subject and limited to Exhibit A (attached thereto);
2. The Mayor or her agent is hereby authorized to enter into the attached agreement; and,
3. This resolution shall become effective immediately upon adoption.

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

11-795

---By Councilwoman Marsh

RESOLUTION FOR TRANSFER OF TAXICAB, PUBLIC HACK LICENSE

WHEREAS, Lackawana Taxi, LLC has made application to the Mayor and Council of the City of Hoboken for transfer of License # 64 to Yellow Checker Taxi, Inc., and

WHEREAS, Lackawana Taxi, LLC has consented to said Transfer of Ownership and the application for Transfer of License #64 has been duly investigated as required by law; therefore, be it

RESOLVED, BY THE Council of the City of Hoboken that Public Hack and Taxicab License # 64 expiring March 31, 2011 subject to all of its terms and conditions is hereby transferred to Yellow Checker Taxi Inc. and **BE IT FURTHER RESOLVED**

FURTHER RESOLVED, that the consenting to and granting of the aforesaid License to Operate or run a mechanically driven vehicle as a Public Hack and Taxicab upon the streets of the City of Hoboken be not effective until such time as Yellow Checker Taxi Inc. Shall have filed with the Division of Taxi and Limousine Licensing and Municipal Clerk of the City of Hoboken, NJ an insurance policy of a company duly licensed to transact business under the insurance laws of the State of New Jersey and municipal ordinance 179A-4 in the sum of \$100,000 together with the filing of a Power of Attorney in accordance with the provisions of R.S. 48:16-3.

---Motion duly seconded by Councilman Bhalla

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

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

Introduction and First Reading

NO NUMBER GIVEN

AN ORDINANCE TO AMEND ORDINANCE Z-41 WHICH ESTABLISHED REGISTRATION FEES FOR RECREATION PROGRAMS UNDER CHAPTER 39 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN (will be sent to sub-committee)

---Motion duly seconded by Councilman Bhalla

---**TABLED** by the following vote: YEAS 9: - NAYS: 0

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

---Nays: None.

11-796

Z-80

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN TO AMEND THE EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 43-51 NEWARK STREET, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN

AS BLOCK 222 LOT 4 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY

WHEREAS, the applicant, Kevin Renaghan, project architect, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 43-51 Newark Street, Hoboken, New Jersey, (“ the premises”) which premises is more particularly described as Block 222, Lot 4 on the Tax Map of the City of Hoboken, New Jersey, in order to install a handicap access ramp adjacent to the building located at 43-51 Newark Street as outlined in the attached drawing and described below; and

WHEREAS, the applicant has determined that three (3) additional feet in length are required to install the proper handrail return and is therefore requesting an amendment to the prior easement memorialized by Ordinance Z-35.

METES AND BOUNDS

(Proposed Ramp Easement for ADA compliant access to commercial space fronting on Newark Street)

ALL that certain lot, parcel or tract of land, situated and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point located along the Southerly line of Newark Street (75 foot wide right-of-way), said point being distant south 66 degrees – 00 minutes – 00 seconds east, a distance of 49.98 feet from the intersection of the same with the Easterly line of Hudson Street (variable width right-of-way), thence crossing over, through and along the aforementioned right-of-way of Newark Street, the following ten courses:

1. North 24 degrees – 00 minutes – 00 seconds East, a distance of 1.04 feet to a point; thence
2. North 66 degrees – 00 minutes – 00 seconds West, a distance of 10.23 feet to a point; thence
3. North 24 degrees – 00 minutes – 00 seconds East, a distance of 4.42 feet to a point; thence
4. North 66 degrees – 00 minutes – 00 seconds West, a distance of 8.94 feet to a point; thence
5. South 24 degrees – 00 minutes – 00 seconds West, a distance of 1.43 feet to a point; thence
6. North 66 degrees – 00 minutes – 00 seconds West, a distance of 6.84 feet to a point; thence
7. North 24 degrees – 00 minutes – 00 seconds East, a distance of 5.98 feet to a point; thence
8. South 66 degrees – 00 minutes – 00 seconds East, a distance of 36.00 feet to a point; thence
9. South 24 degrees – 00 minutes – 00 seconds West, a distance of 10.01 feet to a point located along the aforementioned Southerly line of Newark Street; thence
10. Along the aforementioned Southerly line of Newark Street, North 66 degrees – 00 minutes – 00 seconds West, a distance of 9.99 feet to a point or place of BEGINNING.

Known as a portion of the public right-of-way on Newark Street adjacent to Lot 4 in Block 222, as shown on the Official Tax Assessment Map for Hoboken, Hudson County, New Jersey.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 43-51 NEWARK STREET, THE AFORMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. The following recitals are incorporated herein as though fully set forth at length.
2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.
3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.
4. The applicant shall indemnify the City of Hoboken, for any and all damages or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrongdoing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken, its officers, agents and employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in an amount of one million (\$1,000,000.00) dollars with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council as additional insured' s.
5. These easements shall run with the land and inure to the benefits of the applicant' s successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant' s successors and assigns in title and interest to the property served by the within easements.
6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits and consent that may be required by local or state law, including but not limited to approval by the Hudson County Planning Board.
7. This ordinance shall take effect as provided by law.

---Council President Mason 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 19, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

11-797
Z-81

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED “ VEHICLES AND TRAFFIC” AND CHAPTER 146 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED “ PARKING PERMITS” TO DELETE PORTIONS OF SECTION 190-6B, AND TO AMEN PORTIONS OF SECTIONS 190-7, 190-9, AND 141A-2.

WHEREAS, pursuant to Title 39 of the New Jersey Statutes, the City of Hoboken is entitled to create, repeal and amend ordinances relating to parking on municipal rights of way;

WHEREAS, the General Code of the City of Hoboken, at Section 141A-2, currently regulates Resident Only parking areas within the City;

WHEREAS, the General Code of the City of Hoboken, at Section 190-6(B), currently regulates No Parking Anytime areas within the City;

WHEREAS, the General Code of the City of Hoboken, at Section 190-7, currently designates One Way Streets within the City;

WHEREAS, the General Code of the City of Hoboken, at Section 190-9, currently regulates Alternate Side Parking within the City;

WHEREAS, the City Council seeks to regulate parking on Harrison Street between Fifth Street and the Northern Boundary of the City.

NOW, THEREFORE, BE IT ORDAINED by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~striketrough~~, additions noted by underline):

Section One: Section 190-6(B) Deletions

190-6: No Stopping or Standing.

- B. Stopping or standing prohibited at any time. In accordance with the provisions of this § 190-6B, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Limits
Marshall Street	Both	Beginning at the southerly curblin e of Second Street and extending to the northerly curblin e of First Street
Marshall Street	East	Beginning at the northerly curblin e of First Street and extending to the northerly curblin e of Second Street.

The remainder of Section 190-6(B) remains unchanged.

Section Two: Section 190-7 Amendments

190-7 One-Way Streets Designated.

In accordance with the provisions of this Section 190-7, the herein described streets or parts thereof are hereby designated as one-way streets in the direction indicated. All other streets not listed herein shall be considered two-way streets.

Name of Street	Direction of Travel	Limits
Second Street	East	Harrison Street to Marshall Street
Marshall Street	North	First Street to Second Street

The remainder of Section 190-7 remains unchanged.

Section Three: Section 141A-2(H) Amendments

141A-2 Resident Permits

H. The resident permit parking only areas, unless otherwise indicated by signage in said areas, include, but are not necessarily limited to:

Name of Street	Side	Limits	Locations
Marshall Street	West	24 hours	Beginning at the southerly curbline of Second Street and extending to the northerly curbline of First Street.

The remainder of Section 141A-2 remains unchanged.

Section Three: Section 190-9 Amendments

190-9 Stop Street Designated

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as a Stop Intersection. Stop sign shall be installed as provided therein.

Intersection	Stop Sign Location
Second Street and Harrison Street	Harrison Street Right side of all approaches

Section Four: 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 Five: 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 Six: Effective Date

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

Section Seven: 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.

Proper signs shall be erected in accordance with the current “ Manual on Traffic Control Devices.” The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

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 Mason 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 19, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

11-798

Z-82

**AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE II – REFUSE
CHAPTER 110 OF THE GENERAL CODE OF THE CITY OF HOBOKEN
ENTITLED “ GARBAGE, RUBBISH AND LITTER”**

WHEREAS, Chapter 110 of the General Code of the City of Hoboken enumerates procedures for dealing with garbage within the municipality;

WHEREAS, the General Code, at Section 110-10, currently delineates a procedure for municipal abatement of refuse on private property; and

WHEREAS, the City has determined the language of Section 110-10 must be recodified to clarify the City’ s powers and property owners’ obligations, and to create a procedure that can properly utilize the services of the City while maintaining the health and safety of properties within the municipality without delay.

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

Section One: Amendments

Article II of Chapter 110 the General Code of the City of Hoboken, currently titled “ Refuse” is hereby amended as follows (deletions noted by ~~striketrough~~, additions noted by underline):

ARTICLE II

110-10 Abatement of Accumulation by City.

- A. Whenever vacant property has been ~~cleaned~~ cited by the ~~Department of Public Works~~ municipality for violations this Chapter 110 on two (2) or more occasions and the owner of the property has not abated the accumulation ~~makes no effort to prevent further accumulation of refuse, the city may, by resolution of the City Council, direct the Department of Public Works to~~ Environmental Services by order of the Director of the Department shall abate further accumulation of refuse by erecting a fence around the property ~~or~~ and by such other steps as are deemed necessary. The Director of the Department of Environmental Services shall submit to the City Council a list of all properties abated by this City in accordance with this section within one (1) month of action being taken. The City Council shall affirm the action of the Department of Environmental Services by Resolution. Thereafter, the Director shall certify the costs of abatement to the Tax Collector, and such costs shall thereupon become a lien upon the property to the same extent as liens for unpaid municipal property taxes. In addition, the city may have an action to recover such costs against the owner of such lands in any court having jurisdiction thereof.
- B. The actions, remedies and penalties set forth in this section shall be imposed in addition to the penalties prescribed by Sections 110-55A and B of Article XI of this chapter.

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.

Council President Mason 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 19, 2011 at 7:00 PM.**

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

NEW BUSINESS

Councilwoman Castellano asks the B.A. about Snowstorm line items

B.A. responds

Councilwoman Castellano gives an overview about HUMC status is now going with an agreement with Bayonne Hospital

Councilwoman Castellano comments and questions an advertisement of Transportation and Parking in the paper and it is going through the tax paper money but would like this to go into sub-committee

Director Sacs responds that it is funded through the department

Councilman Mello agrees with Councilwoman Castellano and discuss in sub-committee

Councilman Bhalla comments and questions Corporation Counsel about a resolution that was passed on Dec. 1 meeting regarding the Attorney General's office, is there a follow-up

Corporation Counsel will provide a status update with the AG office

Councilman Occhipinti comments on the ordinance passed regarding Garbage, Rubbish, and Litter, Harrison St. will need patching between Newark and Observer Highway, snow removal was a disaster in the 4th Ward and would like an investigation so it does not arise again for the residents, would like the SW Redevelopment Plan status, Corner Cars will be moved from 2nd and Adams and moved to 3rd and Jefferson, and stop sign of Harrison and Observer?

Director Forbes responds about draft studies will be done

Director Sacs is working on both and would try to have it for the sub-committee meeting

Councilman Occhipinti would like to know the inter-local agreement with Mama Johnson Field

Councilman Russo comments about the HUMC meeting the authority entered into a non-binding agreement with Bayonne Hospital but still no documents for the Council and Blue Cross and Blue Shield does not work with Bayonne Hospital which affect a lot of parties School Board, city and hospital employees, and other entities.

Councilman Russo questions for appointment to boards and fill any boards – Hudson Sewerage Authority, Zoning

Questions about an issue with a schedule conflict due to staff training,

Construction office has been locked

Corporation Counsel responds Councilman Russo about misconduct

Councilman Russo questions Director Sacs about a PO for a conference for \$1600 Institute of Transportation of Engineers

**Director Sacs responds with airfare, hotel, conference fair to Vancouver
Councilman Russo contacted the executive and the cost would have been \$585 for the conference total
B.A. comments that the standard practice for employees of a municipality and it be covered by the municipality for credits, it is a standard professional practice and this expenditure practice was approved by me
Councilman Russo comments
B.A. comments that this is a nation-wide and international conference
Council President addresses Director Sacs
Councilman Russo wanted to know which Directors would be available Sunday night Dec. 26th because it was lack of planning
B.A. said he was there, Director Alicea was present, Director Forbes was in Iowa, Director Pellegrini were present, Director Sacs was in Finland, Director Maier was away and the Mayor was on vacation
B.A. comments and said that the storm was the top 5 storms in the Metropolitan area and over 50 vehicles left stranded and the problem was getting tow trucks on location and the amount of snow, private contracting services is in place for the next storm. The employees in Public Safety has not been experienced in this magnitude type of storm and commend them
Council President address the B.A. or OEM about a report on where we stand with this or a hearing in case of future incidents
Councilman Russo questions Corporation Counsel for vacation day for each Director
Corporation Counsel responds and thinks its 1 day/mo and it accumulates to
Director Sacs responds to the Council
Corporation Counsel comments on hand scans
Councilman Mello comments on fairness with city employees and inquisitions to Director Sacs and hope that there are records kept on what went wrong, what went wrong for natural disasters such as winter storms, and very happy with the ordinance that was passed pertaining to Chapter 190
Councilman Cunningham comments on the snow storm, a disaster and the 5th Ward was affective tremendously, would like a thorough investigation on what the pitfalls were so the future can ensure that it won' t happen again
Councilman Cunningham attended the HUMC meeting last night, it was a great challenge relieving the city of the 52 Million and maintaining the services for the City, the Authority can' t sell the hospital unless those bonds mature and that will take time
First round of NJ Transit interviews with 2 planners and scheduled for next Wed., Jan. 12th
Councilman Giacchi comments on the snow storm and thanks the employees who gave their efforts
Councilman Giacchi concerned with a city employee caressed dangerously, meeting Monday, Jan. 10th, design for 1600 Park at the Rue School (change of location) 3rd and Garden St.
Meeting scheduled tomorrow addressing Maxwell House O&M agreements by the transfer
Quality of Life, general interest of parks and improvement – Church Sq., Mama Johnson Field, Sinatra Park, Boys and Girls club and etc.
St. Patty' s day, first Sat. in March, probably use the same template of last year also for this year.
Church Sq. Park – interest to get the play area improved and set a -side some funds for it and a resolution be presented for the first step for the park(s)**

Council President thanks the Council Colleagues for their support and would like each member to list 3 items that they would like to accomplish

Would like to go over the agenda for the hearing on the snow storm and the appointments for the board for a potential special meeting and figure out which day to meet.

Thank Corporation Counsel with Mr. Victor Afanador Rent Control changes that the sub-committee would like to make and hopefully have it for the next council meeting. Would like an update on the waterfront, walkway and reconstruction Director Maier comments that the diving was completed by Toll Brothers, preliminary reports but will review and give more information at the next council meeting

Council President would like to know the sidewalk with Toll Brothers and Starbucks uptown on Hudson St.

Director Maier responds that the Board approved project itself for the site but the site plan is different from what was put in place, but the site plan showed the sidewalk in place prior to the rest of the project that was reconstructed but it' s a zoning issue vs. property maintenance issue, but the violation must come from Zoning/Construction Code and not from Director Maier' s office

Corporation Counsel comments on trying to schedule a meeting with Toll Brothers about some of these

Council President spoke with Councilman Bhalla of having a meeting not to exceed midnight in the council by-laws

Councilman Occhipinti has left the table at 11:59 PM

Councilman Occhipinti has returned to the table at 12:05 AM

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Patricia Waiters, Ronald Simoncini, Mark Villemar, Kyle Enger, Maryann Bagan, Steve Silverman, Perry Belfiore, Scott Siegel, Curtis Crystal, Lane Bajardi, Hany Ahmed, Mary Ondrejka

At 12:35 A.M. the Governing Body on a motion by the Governing Body; duly seconded by Councilman Occhipinti.

President Mason then adjourned the meeting at 12:35 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK