

MEETING OF JULY 1, 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, FRIDAY, JULY 1, 2011 AT 12:00 PM

City Clerk James J. Farina opened the meeting at 12:00 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

PRESENT: Council persons Bhalla, Castellano, Cunningham, Gittiano, Marsh, Mello, Occhipinti, Russo and President Mason.

RESOLUTIONS

Presented and read

11-1

---By Councilwoman Marsh

RESOLUTION APPOINTING THE CITY COUNCIL PRESIDENT TERM JULY 1, 2011 THROUGH JUNE 30, 2012

Appointing **Ravi Bhalla** be and is hereby appointed President of the Hoboken City Council for one (1) year term expiring June 30, 2012.

Motion by Councilwoman Marsh to nominate Councilman Bhalla as City Council President seconded by Councilman Mello

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

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

---Nays: Mason.

11-2

---By Councilman Russo

RESOLUTION APPOINTING THE CITY COUNCIL VICE-PRESIDENT APPOINTING THE CITY COUNCIL VICE-PRESIDENT TERM JULY 1, 2011 THROUGH JUNE 30, 2012

RESOLVED, Peter H. Cunningham be and is hereby appointed Vice-President of the Hoboken City Council for one (1) year term expiring June 30, 2012.

Motion by Councilman Russo to nominate Councilman Cunningham as City Vice-President seconded by Councilwoman Giattino.

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

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

---Nays: None.

11-3

---By Councilman Mello

RESOLUTION APPOINTING A COUNCIL REPRESENTATIVE FOR THE PLANNING BOARD (CLASS III)

WHEREAS, pursuant to §44-1(A) of the Code of the City of Hoboken, there is a Planning Board established by and within the City of Hoboken; and

WHEREAS, §44-1(A) of the Code of the City of Hoboken provides for nine (9) members to serve on the Planning Board; and

WHEREAS, §44-1(A)(3) of the Code of the City of Hoboken vests the City Council with the authority to appoint one (1) member of the Planning Board as its representative to periodically report back to the City Council on issues before the Planning Board; and

WHEREAS, §44-2(B) of the Code of the City of Hoboken the term of the Council Representative to the Planning Board is for one (1) year or the completion of the Council Representative's term of office, whichever comes first; and

WHEREAS, the Council of the City of Hoboken wishes to appoint a member to the Planning Board as the Council Representative;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby appoints **Carol Marsh** to serve as the Council Representative for the Planning Board of the City of Hoboken for a term expiring June 30, 2012.

Motion by Councilman Mello nominates Councilwoman Marsh as City Council representative for the Hoboken Planning Board seconded by Councilwoman Giattino.

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

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

---Nays: None.

11-4

---By Councilwoman Castellano

RESOLUTION DESIGNATING NEWSPAPERS FOR LEGAL ADVERTISING AND OFFICIAL NOTICES

RESOLVED, that the Jersey Journal, the Newark Star Ledger and the Bergen Record are hereby designated as the official newspapers of the City of Hoboken for all purposes of legal advertising and official notices.

---duly seconded by Councilwoman Marsh.

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

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

---Nays: None.

Second Reading/Public Hearing and Final Vote

AN ORDINANCE TO ESTABLISH PARKING FEES AT MUNIICPAL GARAGES

President Bhalla 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: Scott Siegel.

No other person present desiring to be heard and no written protests or objections received, President Bhalla asked for a motion to close the hearing.

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

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

POSTPONED TO THE JULY 20, 2011 CITY COUNCIL MEETING

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

APPLICATION FOR MISCELLANEOUS LICENSES

11-5

Raffles-----	9
Parking Facilities-----	-3
Taxi, Livery and Limousine -----	4
Pool Table (Owner)-----	1

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

11-6

---By Councilman Cunningham

CLAIMS

Total for this agenda **\$2,827,592.08 - \$254,754 – 121,581.60 - \$1,288.80 = \$2,449,967.68**

---duly seconded by Councilman Mello.
 ---Adopted by the following vote: YEAS: 9 - NAYS: 1
 ---YEAS: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla
 ---NAYS: Mason (on all Boswell Engineering Claims)

11-7

---By Councilman Cunningham

PAYROLLS

For the two week period starting May 26, 2011 – June 8, 2011

Regular Payroll	O/T Pay	Pay	
\$1,404,384.96	\$75,811.77		\$445,010.03

Total \$1,925,206.76

---duly seconded by Councilman Mello.
 ---Adopted by the following vote: YEAS: 8 - NAYS: 1
 ---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla
 ---Nays: Mason (on overtime)

RESOLUTIONS

11-8

---By Councilman Cunningham

RESOLUTION APPROVING THE DATES, DAYS AND TIMES FOR HOBOKEN CITY COUNCIL MEETINGS FROM JULY 2011 THROUGH JUNE 2012

CALENDAR FOR JULY 2011 THROUGH JUNE 2012

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for July 2011 through June 2012, and be it further

RESOLVED, that in accordance with N.J.S.A. 10:4-8(d) and 10:4-18 (Open Public Meetings Act), within seven (7) days of passage of this Resolution, the City Clerk shall (a) prominently post this Resolution in at least one location at City Hall reserved for similar announcements; (b) mail, telephone, telegram or hand deliver this Resolution to all of the official newspapers of the City of Hoboken; and (c) maintain a copy of this Resolution in the Office of the City Clerk; and, be it further

RESOLVED, that this Resolution be advertised in two of the City’s official newspapers within (7) days of passage.

**CITY COUNCIL MEETINGS, COUNCIL CHAMBERS, CITY HALL,
94 WASHINGTON STREET, HOBOKEN, NJ**

* Friday	July 1, 2011	12PM	Wednesday	January 4, 2012	7 PM
Wednesday	July 20, 2011	7 PM	Wednesday	January 18, 2012	7 PM
Wednesday	August, 24, 2011	7 PM	Wednesday	February 1, 2012	7 PM
			Wednesday	February 15, 2012	7 PM
Wednesday	September 7, 2011	7 PM	Wednesday	March 7, 2012	7 PM
Wednesday	September 21, 2011	7 PM	Wednesday	March 21, 2012	7 PM
Wednesday	October 5, 2011	7 PM	Wednesday	April 4, 2012	7 PM
Wednesday	October 19, 2011	7 PM	Wednesday	April 18, 2012	7 PM
Wednesday	November 2, 2011	7 PM	Wednesday	May 2, 2012	7 PM
** Monday	November 14, 2011	7 PM	Wednesday	May 16, 2012	7 PM
Wednesday	December 7, 2011	7 PM	Wednesday	June 6, 2012	7 PM
Wednesday	December 21, 2011	7 PM	Wednesday	June 20, 2012	7 PM

* The July 1, 2011 date will be for the Hoboken City Council Reorganization Meeting.

**Moved due to N.J. League of Municipalities Convention

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City’s website – <http://www.hobokennj.org>.

---duly seconded by Councilman Mello

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

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

---Nays: None.

11-9

---By Councilman Castellano

A RESOLUTION APPROVING PARTICIPATION WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY.

Over the Limit Under Arrest 2011 Statewide Crackdown

WHEREAS, the **City of Hoboken** is interested in participating with the N.J. Division of Highway Traffic Safety and supporting their **Over the Limit Under Arrest 2011 Statewide Crackdown**, and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related, and

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year, and

WHEREAS, the end of summer season and the Labor Day Holiday is traditionally a time of social gatherings which often include alcohol, and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2011 Statewide Crackdown from August 19 through September 5 2011 in an effort to increase impaired driving enforcement, and

WHEREAS, a further increase in the awareness of the dangers of drinking and driving in New Jersey will save lives on our roadway; and

NOW, THEREFORE, BE IT RESOLVED, by the **Hoboken City Council** that;

1) The Mayor or her designee is authorized to execute the above referenced grant application, and all other documents to fulfill the intent of the application.

2) As a matter of public policy, the **City of Hoboken** wishes to participate to the fullest extent possible with the **Over the Limit Under Arrest 2011 Statewide Crackdown** both locally and nationally from August 19 through September 5 2011 and pledges to increase awareness of the dangers of drinking and driving.

---duly seconded by President Bhalla.

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

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

---Nays: None.

11-10

---By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN DIRECTING WALLACE ROBERTS AND TODD, LLC TO PREPARE A REDEVELOPMENT PLAN FOR THE ENTIRE HOBOKEN TERMINAL AND RAIL YARD

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"), on February 7, 2007, the City designated the Hoboken Terminal Rail Yards

as an area in need of redevelopment (the “**Redevelopment Area**”) pursuant to the Redevelopment Law; and

WHEREAS, the City of Hoboken (the “**City**”) has been in negotiations with NJ Transit Corporation (“**NJ Transit**”), as the owner of the Redevelopment Area pertaining to the redevelopment of the area in accordance with the Redevelopment Law; and

WHEREAS, despite months of negotiations with NJ Transit on an agreement for the process to undertake redevelopment efforts, NJ Transit has failed to execute any agreement with the City codifying NJ Transit’s agreement to undertake redevelopment in accordance with the Redevelopment Law and the community and planning considerations of the City and its residents; and

WHEREAS, on February 16, 2011, the City adopted a resolution appointing Wallace Roberts and Todd, LLC (“**WRT**”), as the professional redevelopment planner to prepare the redevelopment plan for the Redevelopment Area; and

WHEREAS, notwithstanding the City’s attempts to reengage NJ Transit in negotiations of an agreement relating to the redevelopment process to be undertaken for the Redevelopment Area, NJ Transit has failed to address the concerns of the City and resume negotiations with the City; and

WHEREAS, in order to permit the redevelopment of the Redevelopment Area to move forward while ensuring that the community and planning concerns for the Redevelopment Area are fully considered, the City has determined that a redevelopment plan should be prepared that addresses the redevelopment of the Redevelopment Area as a whole and not only in individual phases.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN AS FOLLOWS:

1. The recitals are hereby incorporated as if set forth herein in their entirety.
2. WRT are hereby directed to proceed with the preparation of a redevelopment plan under the requirements of the Redevelopment Law that applies to the entire Redevelopment Area comprising of approximately 52 acres.
3. The Mayor, City staff, consultants and professional are hereby authorized and directed to take any and all other administrative actions necessary to undertake the execution of the Agreement, the establishment of an escrow and to otherwise effectuate the goals and intent of this Resolution.
4. This Resolution shall take effect immediately.

---duly seconded by Councilman Mello.

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

11-11

---By Councilwoman Castellano

RESOLUTION AUTHORIZING EXECUTION OF THE “MUTUAL GENERAL RELEASE” AS NEGOTIATED BETWEEN THE CITY OF HOBOKEN AND ROBOTICS

WHEREAS, the City of Hoboken has spent considerable time negotiating an agreement of release between the City and Robotics; and,

WHEREAS, a proposed final agreement has been presented to the City of Hoboken, which agreement is entitled “Mutual General Release” and attached hereto.

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

1. The City Council hereby accepts the terms of the “Mutual General Release” dated June 13, 2011 (attached hereto); and,
2. The City Council hereby directs the Mayor and her Administration to execute the attached agreement and take any action necessary to effectuate the terms of the agreement.

---duly seconded by Councilman Russo.

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

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

---Nays: None.

11-12

---By Councilman Occhipinti

THIS RESOLUTION AWARDS A CONTRACT TO JAC EXCAVATING, INC. FOR THE PROVISIONS OF HOBOKEN BOYS & GIRLS CLUB SITE REMEDIATION WORK FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 11-07.

WHEREAS, proposals were received on Tuesday, June 7, 2011 for the provisions of Hoboken Boys & Girls Club Site Remediation Work for the City of Hoboken, as specified in Bid Number 11-07; and,

WHEREAS, three (3) proposals were received; those bids being:

<u>VENDOR</u>	<u>PROPOSAL</u>
	Total Bid Price
JAC Excavating, Inc. 14 Morello Court Farmingdale, New Jersey 07727	\$66,950.00
CAP Services, Inc. 81 Heckel Street Belleville, New Jersey 07109	\$80,250.00
TTI Environmental, Inc. 1253 North Church Street Moorestown, New Jersey 08057	\$10,360,514.57 (per City calculations) \$63,501.75 (per proposal calculations)

WHEREAS, there were discrepancies in the bid proposal submitted by TTI Environmental as follows:

1. Schedule of prices item no. 4 of the proposal, at page 32, states a unit price of \$862.50 per ton for weight class sampling, where there are 350 tons necessary pursuant to the specifications. This should result in an extended total of

- \$301,875.00. However, TTI listed an extended total of only \$862.50.
2. Schedule of prices item no. 4 of the proposal, at page 32, states a unit price of \$2,000.00 per square foot of geotextile, where there are 5,000 square feet of geotextile necessary pursuant to the specifications. This should result in an extended total of \$10,000,000.00. However, TTI listed an extended total of \$2,000.00.
 3. Taking both of these discrepancies into account along with the specifications direction that, “[i]n the event that there is a discrepancy between the unit prices and the extended totals, the unit prices shall prevail,” (Section D.2. at page 8) the total bid price must be calculated as \$10,360,514.57.

WHEREAS, as a result of the discrepancy in TTI’s proposal, the lowest bid was received from JAC Excavating, Inc., which submission was a responsible responsive bid of Sixty Six Thousand Nine Hundred Fifty Dollars (\$66,950.00) for the total bid for Bid No. 11-07; and,

WHEREAS, as a result, the City Engineer, Boswell McClave Engineering recommends that a contract be awarded to JAC Excavating, Inc. for the provisions of Boys & Girls Club Site Remediation Work for the City of Hoboken, as specified in Bid Number 11-07, in an amount not to exceed Sixty Six Thousand Nine Hundred Fifty Dollars (\$66,950.00).

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

- A. This resolution awards a contract to JAC Excavating, Inc., in an amount not to exceed Sixty Six Thousand Nine Hundred Fifty Dollars (\$66,950.00) for the total bid for Bid No. 11-07, for the provisions of Boys & Girls Club Site Remediation Work for the City of Hoboken, as specified in Bid Number 11-07.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, pursuant to Bid No. 11-07, and any other steps necessary to effectuate this resolution.
- C. This resolution shall take effect immediately upon passage.

---duly seconded by Councilwoman Mason

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

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

---Nays: None.

11-13

---By Councilman Occhipinti

THIS RESOLUTION AWARDS A CONTRACT TO PHAROS ENTERPRISES, LLC FOR THE PROVISIONS OF ADA RESTROOM IMPROVEMENTS AT THE MULTI-SERVICE COMMUNITY CENTER FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 11-05.

WHEREAS, proposals were received on Friday, June 3, 2011 for the provisions of ADA Restroom Improvements at the Multi-Service Community Center for the City of Hoboken, as specified in Bid Number 11-05; and,

WHEREAS, six (6) proposals were received, with the three (3) lowest of those bids being:

VENDOR	PROPOSAL
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	Base Bid	+	Alternate "A"	=	Total Bid Price
Pharos Enterprises, LLC 879 Upper Main Street South Amboy, New Jersey 08879	\$209,000.00		\$4,800.00		\$213,800.00
Stonebridge Development, LLC 45 Woodledge Road Watchung, New Jersey 07069	\$226,000.00		\$8,500.00		\$234,500.00
Salazar & Associates, Inc. 625 Rahway Avenue Union, New Jersey 07083	\$249,000.00		\$13,400.00		\$262,400.00

WHEREAS, the lowest bid was received from Pharos Enterprises, LLC, which submission was a responsible responsive bid of Two Hundred Thirteen Thousand Eight Hundred Dollars (\$213,800.00) for the total bid, which includes the base bid and the alternate "A" bid; and,

WHEREAS, as a result, the City Engineer, Boswell McClave Engineering recommends that a contract be awarded to Pharos Enterprises, LLC for the provisions of ADA Restroom Improvements at the Multi-Service Community Center for the City of Hoboken, as specified in Bid Number 11-05, in an amount not to exceed Two Hundred Thirteen Thousand Eight Hundred Dollars (\$213,800.00) for the base bid and alternate "A" bid.

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

- D. This resolution awards a contract to Pharos Enterprises, LLC, in an amount not to exceed Two Hundred Thirteen Thousand Eight Hundred Dollars (\$213,800.00), for the provisions of the base bid and alternate "A" bid for the ADA Restroom Improvements at the Multi-Service Community Center for the City of Hoboken, as specified in Bid Number 11-05.
- E. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, pursuant to Bid No. 11-05, and any other steps necessary to effectuate this resolution.
- F. This resolution shall take effect immediately upon passage.

---duly seconded by Councilwoman Mason

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

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

---Nays: None.

11-14

---By Councilman Cunningham

THIS RESOLUTION AWARDS A CONTRACT TO APPLIED LANDSCAPE TECHNOLOGIES, INC. FOR THE CONSTRUCTION OF 1600 PARK ARTIFICIAL TURF FIELD FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 11-14.

WHEREAS, proposals were received on Tuesday, June 28, 2011 for the construction of 1600 Park Artificial Turf Field for the City of Hoboken, as specified in Bid Number 11-14; and,

WHEREAS, proposals were received, these being:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Applied Landscape Technologies, Inc. of Montville, NJ	\$1,279,201.00
Landtek Group Inc. of Amityville, NY	\$1,415,675.00
Joseph M. Sanzari, Inc. of Hackensack, NJ	\$1,518,895.00

WHEREAS, the lowest bid was received from **APPLIED LANDSCAPE TECHNOLOGIES**, which submission was a responsible responsive bid of **\$1,279,201.00**; and,

WHEREAS, the City's consultant Remington & Vernick Engineers reviewed the bids and has provided a recommendation to award the bid per their letter dated June 29, 2011.

WHEREAS, as a result, the Purchasing Agent recommends that a contract be awarded to for construction of 1600 Park Artificial Turf Field, in an amount not to exceed **\$1279,201.00**, pursuant to Bid No. 11-14.

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

- A. This resolution awards a contract to **APPLIED LANDSCAPE TECHNOLOGIES INC.** an amount not to exceed \$ **1,279,201.00** for the construction of 1600 Park Artificial Turf Field in accordance with the specifications set forth in Bid No. 11-14.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, pursuant to Bid No. 11-14, and any other steps necessary to effectuate this resolution.
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Leah Healy.

---duly seconded by Councilman Mello.

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

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

---Nays: Mello.

---Abstain: Marsh

11-15

---By President Bhalla

RESOLUTION TO TERMINATE AN INVESTIGATION OF THE COUNCIL DUE TO LACK OF FACTUAL INFORMATION

WHEREAS, the City of Hoboken is governed by the Optional Municipal Charter Law, a.k.a. "Faulkner Act," N.J.S.A. 40:69A-1 through N.J.S.A. 40:69A-210; and,

WHEREAS, under the Faulkner Act, the Council of the City of Hoboken has the power to conduct a legislative inquiry or investigation pursuant to N.J.S.A. 40:69A-36; and,

WHEREAS, the Council further has the power to investigate the conduct of any department, office or agency of the municipal government, pursuant to N.J.S.A. 40:69A-37; and,

WHEREAS, the Council has a responsibility to conduct investigations appropriately and responsibly, and must be careful not to abuse its investigatory powers; and,

WHEREAS, in order for the commencement of an investigation to be appropriate and responsible, the Council must be act based on credible factual information that warrants further investigation in the public interest; and,

WHEREAS, the resolution entitled “Resolution directing the production of certain city information and communications related to expenditures of taxpayer funds for Hoboken’s public relations and communications initiative,” hereinafter referred to as the “Investigation Resolution” adopted by the City Council on June 1, 2011 commenced an investigation without the consideration by the City Council of any factual information whatsoever;

WHEREAS, in the absence of substantive information, the Investigation Resolution relied upon conclusory statements without any evidentiary foundation as its rationale for commencing an investigation;

WHEREAS, the commencement of an investigation in the absence of proper justification creates the appearance of impropriety and undermines the legitimacy of said investigation; and

WHEREAS, in light of the foregoing, it is the desire of the Hoboken City Council to terminate the investigation due to a lack of sufficient basis to proceed.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN (a majority vote of the whole number of its members concurring) as follows:

- 1) The Investigation Resolution is hereby rescinded and repealed in its entirety.
- 2) The Council reserves the right to investigate this and all other matters in the future if factual, objective information warranting such an investigation is brought before the City Council.

The speakers who spoke: Jake Stuver, Scott Siegel, Roman Brice.

---duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

11-16

---By Councilman Castellano

RESOLUTION CALLING UPON MAYOR DAWN ZIMMER TO APOLOGIZE AND REIMBURSE TAXPAYERS FOR WASTING TAX DOLLARS ON POLITICS

WHEREAS, a few days ago, Mayor Dawn Zimmer personally authorized the filling of an appeal at taxpayer expense in the matter of Hudson County Democratic Organization v. James J. Farina, et. al.; and

WHEREAS, this case involved a legal challenge to the City Clerk’s decision to remove six candidates from the ballot in the June 7, 2011 primary election for Hoboken Democratic County Committee; and

WHEREAS, Hudson County Assignment Judge Gallipoli overturned the Clerk’s decision as incorrect and ordered all six candidates to appear on the ballot; and

WHEREAS, all six of the candidates removed by the Clerk were running against the slate supported by Mayor Dawn Zimmer and Councilman Ravi Bhalla, whose influential position as Hoboken Democratic Chairman likely depended on finding some way to keep these candidates off of the ballot; and

WHEREAS, after Judge Gallipoli has issued his decision and resolved the dispute with no financial liability to the City, it became clear that the reason that this appeal was filed was only to protect Mayor Zimmer and Councilman Bhalla's political interests, rather than in the interests of the people of Hoboken; and,

WHEREAS, incredibly, Mayor Zimmer has admitted she did not tell the actual City official named in the lawsuit, City Clerk James Farina, that an appeal was being filed in his name and on his behalf, much less seek his approval for it, nor did she inform the City Council, which oversees the Clerk's office, that she was going to spend thousands of tax dollars on the matter; and,

WHEREAS, claiming Judge Gallipoli's decision was in error, Mayor Zimmer hired at least three outside lawyers from Corporation Counsel Mark Tabakin's firm to file this appeal, which included almost 150 pages of legal briefs and exhibits representing many hours of taxpayers-funded legal work; and,

WHEREAS, the New Jersey Superior Court, Appellate Division responded by rejecting every one of Mayor Zimmer and Corporation Counsel Tabakin's arguments in a one sentence decision stating simply that they agreed with Judge Gallipoli; and

WHEREAS, the foregoing represents the latest in a pattern of wasteful spending of taxpayers money for political purposes by the Zimmer administration;

WHEREAS, the foregoing is exactly why this City Council voted to return the surplus to the taxpayers and cut Corporation Counsel Tabakin's bloated legal contracts – because it is clear that if you give money to this Administration and its lawyers, they will just waste it.

Now, therefore, be it resolved by the Council of the City of Hoboken as follows:

- 1) The Council calls upon Mayor Dawn Zimmer to apologize to the taxpayers of Hoboken to apologize for wasting City funds on a frivolous, politically-motivated appeal;
- 2) The Council calls upon the Mayor and Councilman Bhalla, the attempted beneficiary of this appeal, to reimburse the City of Hoboken for all of the City's legal costs wasted in the appeal process in this matter.
- 3) The Council directs that Corporation Counsel Mark A. Tabakin provide an itemized bill for all legal costs expended in this matter to be available for the City Council's review within five days of adoption of this Resolution.
- 4) The Council directs that City Clerk James J. Farina deliver a certified copy of this Resolution to Mayor Dawn Zimmer and Corporation Counsel Mark A. Tabakin.

The speakers who spoke: Deborah Hulbert, Scott Siegel, Lane Bajardi.

---duly seconded by Councilman Occhipinti

---**FAILED** by the following vote: YEAS: 3 - NAYS: 4 –ABSENT – 1 –ABSTAIN - 1

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

---Nays: Cunningham, Giattino, Marsh, Mello

---Absent: Russo.

---Abstain: President Bhalla.

11-17

---By Councilman Russo

RESOLUTION AUTHORIZING ST. ANN’S CHURCH TO CONDUCT ITS 101ST ANNUAL FESTIVAL

WHEREAS, St. Ann’s Church has requested permission to conduct its annual Feast in Honor of St. Ann from Thursday, July 21st through Tuesday, July 26, 2011; and

WHEREAS, St. Ann’s Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken
2. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard.
3. To have electrical illumination and decorations in the Church area
4. To erect concession stands for vendors of food, novelties, games & rides in the Church area
5. To have music and entertainment on the bandstands
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Thursday, July 21st through Friday, July 22nd from 6:00 pm through 11:00 pm
Saturday, July 23rd and Sunday, July 24th from 2:00 pm through 11:00 pm
Monday, July 25th from 6:00 pm through 11:00 pm
Tuesday, July 26th from 12:00 pm through 11:00 pm

7. To have rides on Madison Street – between 7th and 8th Streets
8. To have the streets cleared of all vehicles, per enclosed diagram, from Wednesday, July 20th at 8:00 am through Wednesday, July 27th at 8:00 pm so that we may do the following:

Put trailers into place
 Erect rides
 Set-up vendor booths
 Clean up after festival

9. To place the festival banners on city poles along Washington Street
10. To clear street in the alcove in front of the Citadel Condominiums at the corner of 7th & Jefferson Streets on Wednesday, July 20th at 6:00 am in order for the bandstand to be erected

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann’s Church permission to conduct its 101st annual Feast in honor of St. Ann.

---duly seconded by Councilwoman Castellano

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

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

---Nays: None.

11-18

---By Councilman Cunningham

RESOLUTION FIXING THE INTEREST RATE CHARGES ON NON-PAYMENT OF TAXES

WHEREAS, the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date; and,

WHEREAS, effective July 1, 2011, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the paragraphs above; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send two direct mailings for Tax Sale and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and,

BE IT FURTHER RESOLVED, that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

---duly seconded by Councilman Mello

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

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

---Nays: None.

11-19

---By Councilman Cunningham

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH PARKER MCCAY FOR SERVICES AS SPECIAL COUNSEL – BOND COUNSEL FROM JULY 1, 2011 TO DECEMBER 31, 2012 IN AN AMOUNT NOT TO EXCEED \$15,000

WHEREAS, the City put out an RFP for services as Special Counsel – Bond Counsel, pursuant to Article I of Chapter 20A of the Hoboken City Code, which Parker McCay responded to by proposal dated April 22, 2011; and,

WHEREAS, the State approved RFP/RFQ evaluation process was utilized to determine the successful proposal for Special Counsel – Bond Counsel, and Parker McCay submitted a proposal which was deemed the successful proposal pursuant to that process; and,

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

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

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

NOW THEREFORE, BE IT RESOLVED that a professional services contract be authorized in an amount not to exceed \$15,000 with **Parker McCay** for services as Bond Counsel for a one year term commencing July 1, 2011 and expiring December 31, 2012; and,

BE IT FURTHER RESOLVED that this company shall bill the City in accordance with its proposal, dated April 22, 2011, in an amount not to exceed \$15,000; and,

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

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

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

---duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Mason.

11-20

---By Councilman Cunningham

A RESOLUTION OF SUPPORT AUTHORIZING THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Hoboken strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the City of Hoboken is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Council of the City of Hoboken has determined that the City of Hoboken should apply for the aforementioned Grant.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

---duly seconded by Councilman Mello

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

11-21
Z-114

AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “POLITICAL CONTRIBUTION LIMITS”

WHEREAS the people of Hoboken desire to ensure the honest and open election of their elected municipal officials; and

WHEREAS, N.J.S.A. 40:69A-1 et seq. generally, and N.J.S.A.40:48-2, specifically grants the City of Hoboken the power to enact ordinances the City deems necessary and proper for good government and for the preservation of the welfare of the municipality; and

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005 and the City of Hoboken has followed suit and enacted legislation dealing with Pay-to Play issues; and

WHEREAS, to make the electoral process more honest and transparent election contribution rules were enacted by the State of New Jersey many years ago, and new restrictions were incorporated in 2005 in an attempt to control exorbitant spending by special interests and business entities seeking special advantage in government contracts; and

WHEREAS, the practice of “wheeling” or funneling money through political committees to evade legal contribution limits and Pay to Play restrictions has undermined the effectiveness of both of these important regulations; and

WHEREAS, specifically in recent Municipal elections in the City of Hoboken there have been suggestions that campaign contributors and candidates have circumvented campaign contribution limits and Pay to Play limits by “wheeling” contributions through political committees; and

WHEREAS, the enactment of a contribution limitation restricting the amount of money candidates for municipal office can receive from political committees is an essential means to protect the integrity of the electoral process and ensure the maintenance of an open and accountable government by reducing any appearance of corruption; and

WHEREAS, the City Council wishes to exclude from these limitations contributions from political committees that are not self funded or funded substantially through contributions from sources outside of the City of Hoboken, because such political committees are less susceptible to being used for wheeling, and have not historically been used for wheeling in Hoboken elections; and

WHEREAS, the City Council has determined that the flow of excess political contributions to candidates for Municipal office in Hoboken via the process known as wheeling has had a corrupting influence on the political process in Hoboken, creating both the reality and appearance of undue influence and corruption; and

WHEREAS, the City of Hoboken seeks to address an ongoing problem that it has faced at the local level by creating restrictions that compliment state laws by reducing the ability of campaign contributors to candidates for municipal elective office to disguise or hide their contributions or to give excessive campaign contributions that exceed the campaign contribution limits through wheeling.

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

SECTION ONE: ESTABLISHMENT OF CHAPTER 20D

The Administrative Code of the City of Hoboken is hereby amended to establish and codify Chapter 20D as follows:

Chapter 20D POLITICAL CONTRIBUTION LIMITS

§ 20D-1 Short Title

Election Contribution Restrictions

§ 20D-2 Purpose

The City of Hoboken seeks to compliment the goals of the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83 (HYPERLINK "http://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW11.01&fn=_top&sv=Split&docname=NJST19%3a44A-1&tc=-1&pbc=AC24E01B&ordoc=7502173&findtype=L&db=1000045&utid=1&vr=2.0&rp=%2ffind%2fdefault.wl&mt=StateLitigation" \t "_top"N.J.S.A. 19:44A-1 et seq.), as amended, through local legislation to control the use of wheeling to usurp the goals of the New Jersey Campaign Contribution and Expenditures Reporting Act for elected officials of the City of Hoboken.

As a result, the City hereby enacts this legislation to enforce contribution limits on a local level in an attempt to stifle wheeling during the City's local municipal elections.

§ 20D-3 Definitions

Committee: any Political Committee, Continuing Political Committee, Political Party Committee, Candidate Committee, Joint Candidate Committee or Legislative Leadership Committee as the terms are defined in HYPERLINK "http://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW11.01&fn=_top&sv=Split&docname=NJST19%3a44A-1&tc=-1&pbc=AC24E01B&ordoc=7502173&findtype=L&db=1000045&utid=1&vr=2.0&rp=%2ffind%2fdefault.wl&mt=StateLitigation" \t "_top"N.J.S.A. 19:44A-1 et seq. and any PAC organized under § 527 of the Internal Revenue Code.

B. Self-Funded Committee: any Committee that has received 75% or more of its total contributions over the previous 12 month period from an individual, his or her spouse, and/or dependent child or children.

C. Hoboken Committee: any Committee that has received less than 50% of its total contributions over the previous 12 month period from sources which have (1) domiciled in any municipality other than Hoboken or, (2) in the case of entities, maintained their principle place of business outside of Hoboken.

§ 20D-4 Political Contribution Regulations

- A. No candidate or candidate committee for any Hoboken elective municipal office shall accept any monetary or in-kind contribution, in excess of \$500 per election, directly or indirectly, from any Committee.
- B. Notwithstanding the foregoing, nothing herein shall restrict the transfer of funds between a Candidate Committee and a Joint Candidate Committee maintained by a candidate for the same office.
- C. Subparagraph 20D-4(A) above shall not apply to contributions from any Hoboken Committee, except that Subparagraph 20D-4(A) shall apply to any Hoboken Committee which is a Self-Funded Committee.

§ 20D-5 Citizens private right of action.

Notwithstanding any other rights under common or statutory law, any Hoboken citizen or citizen's group shall have the right to sue any or all individuals or entities in violation of this Article, including the candidate or committee as specified in Section 20D-6 above, and/or the City of Hoboken, in order to compel compliance with this Article.

§ 20D-6 Enforcement

This Chapter shall be enforced by the City Clerk of the City of Hoboken.

§20D-7 Violations and Penalties

- A. Any violation of this Chapter shall be non-curable.
- B. Any candidate for Hoboken municipal elective office who receives a contribution which violates the provisions of this Chapter shall refund the contribution within thirty (30) days of becoming aware of the violation.
- C. Any Candidate or Committee that willfully and intentionally makes or receives any contribution in violation of this Chapter shall be liable to a penalty equal to four times the amount of the contribution made.

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.

This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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 remain 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 Bhalla 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 **July 20, 2011** at 7:00 PM.

The speakers who spoke: Jake Stuver.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 3

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

---Nays: Castellano, Occhipinti, Mason.

11-22
Z-115

AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "POLITICAL CONTRIBUTION LIMITS"

WHEREAS the people of Hoboken desire to ensure the honest and open election of their elected municipal officials; and

WHEREAS, N.J.S.A. 40:69A-1 et seq. generally, and N.J.S.A.40:48-2, specifically grants the City of Hoboken the power to enact ordinances the City deems necessary and proper for good government and for the preservation of the welfare of the municipality; and

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005 and the City of Hoboken has followed suit and enacted legislation dealing with Pay-to Play issues; and

WHEREAS, to make the electoral process more honest and transparent election contribution rules were enacted by the State of New Jersey many years ago, and new restrictions were incorporated in 2005 in an attempt to control exorbitant spending by special interests and business entities seeking special advantage in government contracts; and

WHEREAS, the practice of "wheeling" or funneling money through political committees to evade legal contribution limits and Pay to Play restrictions has undermined the effectiveness of both of these important regulations; and

WHEREAS, specifically in recent Municipal elections in the City of Hoboken there have been suggestions that campaign contributors and candidates have circumvented campaign contribution limits and Pay to Play limits by "wheeling" contributions through political committees; and

WHEREAS, the enactment of a contribution limitation restricting the amount of money candidates for municipal office can receive from political committees is an essential means to protect the integrity of the electoral process and ensure the maintenance of an open and accountable government by reducing any appearance of corruption; and

WHEREAS, the City Council wishes to exclude from these limitations contributions from political committees that are not self funded or funded substantially through contributions from sources outside of the City of Hoboken, because such political committees are less susceptible to being used for wheeling, and have not historically been used for wheeling in Hoboken elections; and

WHEREAS, the City Council has determined that the flow of excess political contributions to candidates for Municipal office in Hoboken via the process known as wheeling has had a corrupting

influence on the political process in Hoboken, creating both the reality and appearance of undue influence and corruption; and

WHEREAS, the City of Hoboken seeks to address an ongoing problem that it has faced at the local level by creating restrictions that compliment state laws by reducing the ability of campaign contributors to candidates for municipal elective office to disguise or hide their contributions or to give excessive campaign contributions that exceed the campaign contribution limits through wheeling.

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

SECTION ONE: ESTABLISHMENT OF CHAPTER 20D

The Administrative Code of the City of Hoboken is hereby amended to establish and codify Chapter 20D as follows:

Chapter 20D POLITICAL CONTRIBUTION LIMITS

§ 20D-1 Short Title

Election Contribution Restrictions

§ 20D-2 Purpose

The City of Hoboken seeks to compliment the goals of the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83 (HYPERLINK "http://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW11.01&fn=_top&sv=Split&docname=NJST19%3a44A-1&tc=-1&pbac=AC24E01B&ordoc=7502173&findtype=L&db=1000045&utid=1&vr=2.0&rp=%2ffind%2fdefault.wl&mt=StateLitigation" \t "_top"N.J.S.A. 19:44A-1 et seq.), as amended, through local legislation to control the use of wheeling to usurp the goals of the New Jersey Campaign Contribution and Expenditures Reporting Act for elected officials of the City of Hoboken.

As a result, the City hereby enacts this legislation to enforce contribution limits on a local level in an attempt to stifle wheeling during the City's local municipal elections.

§ 20D-3 Definitions

Committee: any Political Committee, Continuing Political Committee, Political Party Committee, Candidate Committee, Joint Candidate Committee or Legislative Leadership Committee as the terms are defined in HYPERLINK "http://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW11.01&fn=_top&sv=Split&docname=NJST19%3a44A-1&tc=-1&pbac=AC24E01B&ordoc=7502173&findtype=L&db=1000045&utid=1&vr=2.0&rp=%2ffind%2fdefault.wl&mt=StateLitigation" \t "_top"N.J.S.A. 19:44A-1 et seq. and any PAC organized under § 527 of the Internal Revenue Code.

B. Self-Funded Committee: any Committee that has received 75% or more of its total contributions over the previous 12 month period from an individual, his or her spouse, and/or dependent child or children.

C. Hoboken Committee: any Committee that has received less than 50% of its total contributions over the previous 12 month period from sources which have (1) domiciled in any municipality other than Hoboken or, (2) in the case of entities, maintained their principle place of business outside of Hoboken.

§ 20D-4 Political Contribution Regulations

D. No candidate or candidate committee for any Hoboken elective municipal office shall accept any monetary or in-kind contribution, in excess of \$500 per election, directly or indirectly, from any Committee.

- E. Notwithstanding the foregoing, nothing herein shall restrict the transfer of funds between a Candidate Committee and a Joint Candidate Committee maintained by a candidate for the same office.
- F. Subparagraph 20D-4(A) above shall not apply to contributions from any Hoboken Committee, except that Subparagraph 20D-4(A) shall apply to any Hoboken Committee which is a Self-Funded Committee.

§ 20D-5 Citizens private right of action.

Notwithstanding any other rights under common or statutory law, any Hoboken citizen or citizen's group shall have the right to sue any or all individuals or entities in violation of this Article, including the candidate or committee as specified in Section 20D-6 above, and/or the City of Hoboken, in order to compel compliance with this Article.

§ 20D-6 Enforcement

This Chapter shall be enforced by the City Clerk of the City of Hoboken.

§20D-7 Violations and Penalties

- D. Any violation of this Chapter shall be non-curable.
- E. Any candidate for Hoboken municipal elective office who receives a contribution which violates the provisions of this Chapter shall refund the contribution within thirty (30) days of becoming aware of the violation.
- F. Any Candidate or Committee that willfully and intentionally makes or receives any contribution in violation of this Chapter shall be liable to a penalty equal to four times the amount of the contribution made.

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.

This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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 remain 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.

The speakers who spoke: Jake Stuver.

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 3

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

---Nays: Castellano, Occhipinti, Mason.

11-23

Z-116

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 20A, 20B, AND 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN TO ADD A "DEFINITIONS" SECTION TO EACH

WHEREAS, the City Council has adopted Chapter 20A which creates regulations relating to Pay to Play for Professional Service Contracts;

WHEREAS, the City Council has adopted Chapter 20B which creates municipal regulations relating to contributions by vendors of the City of Hoboken;

WHEREAS, the City Council has adopted Chapter 20C which creates regulations relating to Pay to Play for Redevelopment Agreements entered into with the City of Hoboken; and,

WHEREAS, the City Council seeks to amend Chapters 20A, 20B, and 20C to provide for definitions to the terms used within the aforementioned Chapters, to clarify the obligations of enforcement and compliance with each section.

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

SECTION ONE: CHAPTER 20A ADDITIONS

§ 20A-11.1 Preamble.

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political

contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

§ 20A-11.2 Definitions.

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20A.

SECTION TWO: CHAPTER 20B ADDITIONS

§ 20B-3. Definitions.

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20B.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filling the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

MUNICIPAL AGENCIES — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

SECTION THREE: CHAPTER 20C ADDITIONS

§ 20C-1.1 Preamble.

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking

to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

§ 20C-1.2 Definitions.

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20C.

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 Bhalla 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 **July 20, 2011** at 7:00 PM.

The speakers who spoke: Jake Stuver.

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

11-24

Z-117

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 59A-47 ET SEQ. ENTITLED "SPECIAL LAW ENFORCEMENT OFFICER" TO ADD A SECOND CLASS OF SPECIAL OFFICERS AND UPDATE THE RESIDENCY AND WAGE REQUIREMENTS

WHEREAS, pursuant to N.J.S.A. 40A:14-146.8 et seq., the City of Hoboken is entitled to create, and amend the City Code's section on Special Law Enforcement Officers;

WHEREAS, the General Code of the City of Hoboken, at Section 59A-47 et seq. currently regulates Special Law Enforcement Officers;

WHEREAS, the City has determined that amendments must be made to 59A-7 et seq. in order to best effectuate the Police Department's action plan within the budgetary constraints currently in place; and,

WHEREAS, the City Council seeks to amend and supplement General Code Section 59A-7 et seq. to effectuate the needs of the Police Department for the benefit of the general welfare and the safety of the City's residents and guests.

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

Section One: Amendments

ARTICLE VII Special Law Enforcement Officer

§ 59A-47. Position established; duties.

- A. There is hereby established the following positions of Special Law Enforcement Officers ~~Class II~~ in the Department of Public Safety Administration, Division of Police, pursuant to N.J.S.A. 40A:14-146.8 et seq.:
 1. Class I Special Law Enforcement Officers
 2. Class II Special Law Enforcement Officers

- B. The Special Law Enforcement Officer Class II shall have the same power and authority of a full-time, permanent Hoboken police officer only when on duty and in full uniform actually performing their public safety function as designated by the Chief of Police and when receiving compensation from the City of Hoboken. A special law enforcement officer shall not be deemed to be on duty for purposes of this Article while performing private security duties for private employers, which duties are not assigned by the Chief of Police.

§ 59A-48. Term of appointment; firearms; supervision.

- A. Special law enforcement officers shall be appointed for a term not to exceed four (4) months and can be separated from appointment at any time, without cause or hearing. Nothing herein shall be construed to require reappointment at the end of the term. The special law enforcement officers so appointed shall not be members of the police force, and their powers and duties shall cease at the expiration of the term for which appointed.
- B. Class II special law enforcement officers shall carry, only after satisfactory completion of an approved firearms course as set forth by the Police Training Commission and when specifically authorized by the Chief of Police, a firearm issued and approved by the Police Division while on duty, in uniform and while actually engaged in their assigned public safety duties. Class II special law enforcement officers shall be issued the approved firearm at the start of their tour and shall return said firearm to the Police Desk Officer upon the completion of their tour. Class I special law enforcement officers shall have no right to carry a firearm when engaged in the actual performance of the officer's duties. No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties.
- C. The special law enforcement officer shall work under the direct supervision of the Chief of Police or, in his absence, the Police Chiefs designee.

§ 59A-49. Compensation; hours of duty; uniform.

- A. Class I special law enforcement officers shall be compensated at ~~the~~ a minimum rate of twelve dollars and fifty cents (\$12.50) an hour and a maximum rate of fifteen dollars (\$15.00) an hour, and shall not receive any benefits.
- ~~B.~~ Class II special law enforcement officers shall be compensated at a minimum rate of fifteen dollars (\$15.00) an hour and a maximum rate of eighteen dollars (\$18.00) an hour, and shall not receive any benefits.
- ~~B~~C. Special law enforcement officers shall work part-time and shall not exceed twenty (20) hours per week except during periods of emergency and will be assigned at the direction of the Chief of Police.
- ~~C~~D. The special law enforcement officer shall wear the appropriate uniform of the day as directed by the Chief of Police, which shall include: hat, badge, name tag, Hoboken Police Division uniform patch and insignia issued by the Police Training Commission which clearly indicates the officer's status as a Class I or Class II Special Law Enforcement Officer.

§ 59A-50. Qualifications.

- A. Qualifications for a special law enforcement officer shall be as follows:
 - (1) The person meets the residency requirements as described in N.J.S.A. 40A:14-146.10. is a resident of the City of Hoboken. Persons appointed as special law enforcement officers shall not be required to maintain residency in the City of Hoboken.
 - (2) The person is able to read, write and speak the English language well and has a high school diploma or its equivalent.
 - (3) The person is sound in body, mind and in good health.

- (4) The person is of good moral character.
 - (5) The person has not been convicted of any offense involving dishonesty which would make him or her unfit to perform the duties of his or her office.
 - (6) The person has successfully completed a background investigation by the Hoboken Police Division and has successfully undergone the same physical and psychological testing as full-time, permanent Hoboken police officers.
- B. All applicants for special law enforcement officer shall be fingerprinted and shall have the same filed with the Hoboken Police Division, Division of State Police and the Federal Bureau of Investigation.
 - C. No person shall be appointed to serve in more than one (1) local unit at the same time, and no full-time permanent police officer in any local unit may be appointed. However, any full-time permanent police officer who was separated from service in good standing may be appointed a special law enforcement officer, and any training for said position may be waived at the discretion of the Police Training Commission.
 - D. No public official with the responsibility of setting law enforcement policy or exercising authority over the budget of the Department of Public Safety shall be appointed a special law enforcement officer.

§ 59A-51. Training.

- A. No person may commence his or her duties as a special law enforcement officer unless he or she has completed a training course approved by the Police Training Commission, at which time a certificate of training will be issued to the officer.
- B. No special law enforcement officer shall carry or be issued any firearm unless he or she has completed the basic firearms course approved by the Police Training Commission. All special law enforcement officers shall qualify semiannually with their issued firearms.

§ 59A-52. Limitation on employment.

- A. Special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time regular police officers or in any way diminish the number of full-time officers.
- B. The number of Class II Special Law Enforcement Officers shall not exceed twenty-five percent (25%) of the total number of regular police officers. There is no restriction on the number of Class I Special Law Enforcement Officers.

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 Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo.

11-25

Z-118

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 6 OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED "RESIDENCY REQUIREMENTS"

WHEREAS, the Council of the City of Hoboken declares it to be in the public's best interest for the City of Hoboken to obtain and retain the best qualified municipal employees; and,

WHEREAS, Article VIII of Chapter 6 of the City Code (§ 6-22) imposes a Hoboken continuous residency requirement on "all officers and persons employed by the City of Hoboken"; and,

WHEREAS, nonresidents presently occupy several employment positions with the City of Hoboken, are highly capable employees, and potential employees have been and will be excluded from City employment if residency is a continuing requirement of employment; and

WHEREAS, there is no correlation between residency in the City and the ability to satisfactorily perform employment duties for the City; and,

WHEREAS, although the City government maintains a general policy of seeking to hire new employees who are residents of the City of Hoboken, the City government seeks to retain current employees who are not able to maintain residency within the City of Hoboken.

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

SECTION ONE:

Article VIII, entitled "residency requirements" is hereby amended as follows (deletions noted in strikethrough, additions noted in underline):

§ 6-21. Policy determined.

An examination of the records shows that many persons employed by the City of Hoboken have moved their residency from the city and other employees were hired as nonresidents. On September 1, 1965, an ordinance was adopted by the City of Hoboken requiring that nonresidents obtain domicile within the city within six (6) months of the notice or forfeit their employment. The 1965 ordinance was not diligently enforced. As a result there are currently employees who do not have their domicile in the City of Hoboken. The Council therefore deems it advisable that the following regulations are hereby amended adopted.

§ 6-22. Conditions.

- A. **Residency.** ~~All No officers and persons employed by the City of Hoboken on or after the adoption of this Article shall be required to be bona fide residents of the City of Hoboken in order to obtain employment or maintain employment with the City of Hoboken. at the time of their employment , and during the term of employment by the City a "bona fide resident," for the purpose of this section, is a person having a permanent domicile within the city, as evidenced by his/her acts of living, dwelling, lodging and residing sufficient to reasonably establish that it is the real and actual domicile of said officer or person employed. Any employee who, at the time of the adoption of this Article, does not have a bona fide residence in the City of Hoboken shall not be required to adopt a bona fide Hoboken residence, provided that within thirty (30) days after the adoption of this Article such employee acknowledges his/her nonresidency to the employee's department head.~~
- B. ~~After the effective date of this Article, any officer or employee who is found to be hired as a nonresident, after the date of his/her employment must establish city residence as aforesaid within six (6) months of the effective date of a notice from the employee's department head. The provisions of this section shall not apply to members of the Police and Fire Divisions.~~
- C. ~~Notwithstanding the provisions of this Article, the City of Hoboken may hire or engage the services of a nonresident who has a particular license, trade or expertise that is not readily available from the work force of the City of Hoboken. However, such employment shall be subject to the requirements to obtain residency within six (6) months of the date of employment. The provisions of this section shall not apply to members of the Police and Fire Divisions.~~
- D. ~~Failure of any officer or employee to comply with the provisions of Subsection A shall be cause for his/her removal or discharge from service of the City of Hoboken.~~

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This Ordinance shall be published and take effect as provided by law.

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

11-26

Z-119

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Title	Minimum	Maximum
Mayor		\$116,950.00
		\$
Business Administrator	\$80,000.00	150,000.00
Community Development Director	\$75,000.00	\$

		125,000.00
		\$
Environmental Services Director	\$75,000.00	125,000.00
		\$
Finance Director	\$75,000.00	125,000.00
		\$
Human Services Director	\$75,000.00	125,000.00
		\$
Public Safety Director	\$27,500.00	125,000.00
		\$
Transportation & Parking Director	\$75,000.00	125,000.00

	Minimum	Maximum
Additional Municipal Court Judge	\$24,000.00	\$62,922.78
Administrative Clerk	\$31,500.00	\$53,949.89
Administrative Clerk (40 hour week)	\$35,500.00	\$61,256.22
Administrative Secretary	\$38,000.00	\$68,121.25
Administrative Secretary (40 hour week)	\$40,000.00	\$69,493.97
Administrator, Cultural & Heritage Affairs	\$40,000.00	\$70,000.00
Aide to the Mayor	\$20,000.00	\$65,000.00
Assessor	\$62,000.00	\$106,947.46
Assessor Trainee	\$25,000.00	\$50,000.00
Assistant Assessor	\$41,000.00	\$71,020.55
Assistant City Attorney (Zoning)	\$40,000.00	\$61,869.97
Assistant Comptroller	\$54,000.00	\$90,000.00
Assistant Corporation Counsel	\$35,000.00	\$56,301.84
Assistant Health Officer	\$35,000.00	\$76,500.00
Assistant Library Director	\$45,000.00	\$85,968.66
Assistant Payroll Supervisor	\$50,000.00	\$65,000.00
Assistant Superintendent Recreation	\$27,000.00	\$66,832.44
Assistant Violations Clerk	\$29,000.00	\$50,291.88
Assistant Zoning Officer	\$21,000.00	\$56,624.00
Assistant Zoning Officer P/T	\$2,000.00	\$12,860.93
Assistant Superintendent, Water/Sewer	\$38,000.00	\$65,953.39
Building Inspector	\$50,000.00	\$65,000.00
Building Service Supervisor	\$28,000.00	\$63,030.54
Chief Financial Officer	\$50,000.00	\$110,821.33
Chief Financial Officer P/T	\$10,000.00	\$16,086.18
Chief Field Rep. Property Improvement	\$38,000.00	\$65,835.96
Chief Fire Alarm Operator	\$25,000.00	\$51,463.08
City Attorney	\$50,000.00	\$109,317.90
City Clerk	\$56,000.00	\$110,821.33
Confidential Aide to Mayor	\$28,840.00	\$90,026.51
Confidential Assistant to Mayor	\$28,840.00	\$70,000.00
Construction Code Official	\$60,000.00	\$114,265.83
Coordinator of Maintenance Services	\$33,500.00	\$57,646.48
Coord. of Housing/Neigh. Preservation	\$42,000.00	\$73,414.16
Cultural Affairs Coordinator	\$20,000.00	\$39,444.95
Deputy City Clerk	\$35,500.00	\$79,231.00
Deputy Court Administrator	\$30,000.00	\$58,592.36

Deputy Mun. Emergency Mgmt. Coord.	\$30,000.00	\$97,614.59
Electrical Sub-Code Official	\$45,000.00	\$77,165.58
Elevator Inspector	\$45,000.00	\$77,165.58
Elevator Sub-Code Official	\$45,000.00	\$77,165.58
Emergency Management Coordinator	\$10,000.00	\$16,086.18
Environmental Health Specialist	\$21,000.00	\$61,138.36
Environmental Health Specialist P/T	\$25.00 / hour	
Fire Sub Code Official	\$49,000.00	\$83,937.33
General Supv. Env. Services	\$42,000.00	\$79,784.53
Health Officer	\$56,000.00	\$96,517.17
Management Specialist	\$35,000.00	\$67,560.02
Management Info. Systems Specialist	\$40,000.00	\$69,348.15
Mechanic Supervisor	\$34,000.00	\$58,521.58
Municipal Court Administrator	\$34,000.00	\$94,169.34
Municipal Court Director	\$37,000.00	\$78,638.98
Municipal Court Judge	\$41,284.00	\$94,169.34
Municipal Prosecutor	\$32,500.00	\$58,553.74
Parks Superintendent	\$43,000.00	\$74,287.66
Payroll Supervisor	\$42,000.00	\$78,818.34
Personnel Officer	\$35,000.00	\$88,261.28
Plumbing Sub-Code Official	\$48,500.00	\$83,524.34
Program Monitor	\$28,840.00	\$90,026.51
Project Coordinator, Construction	\$31,000.00	\$47,949.22
Public Defender	\$20,800.00	\$60,911.93
Public Information Officer	\$40,000.00	\$64,304.65
Purchasing Agent	\$55,000.00	\$94,909.00
Recreation Superintendent	\$41,000.00	\$70,779.25
Rent Regulation Officer	\$37,500.00	\$64,308.96
Right to Know Project Specialist	\$3,000.00	\$8,043.08
Senior Rep. Citizen Complaints	\$35,000.00	\$72,387.87
Signal System Superintendent	\$45,000.00	\$77,224.56
Signal Systems Technician 3	\$42,000.00	\$72,388.00
Supervising Accountant	\$38,505.00	\$69,037.12
Supervising Laborer	\$33,500.00	\$64,498.00
Supervising Maint. Repairer Carpenter	\$43,500.00	\$74,823.34
Supervising Parking Enforcement Officer	\$22,000.00	\$48,137.88
Supervisor of Accounts	\$45,526.00	\$70,417.31
Supervisor Senior Citizens Activities	\$38,000.00	\$65,835.97
Tax Collector	\$56,000.00 *	\$112,000.00
Transportation Inspector	\$20,600.00	\$38,000.00
Transportation Supervisor	\$30,000.00	\$48,602.11
Treasurer	\$2,500.00	\$16,086.18
Violations Clerk	\$32,000.00	\$55,276.56
Water & Sewer Superintendent	\$52,000.00	\$89,611.36
Zoning Officer	\$44,500.00	\$76,739.19
Account Clerk	\$20,000.00	\$40,990.13
Account Clerk Typing	\$20,000.00	\$42,445.25
Accountant (degree)	\$28,000.00	\$57,105.56
Agency Aide	\$20,000.00	\$40,462.79

Agency Aide P/T	Min. to \$12/hr	
Animal Control Officer	\$35,000.00	\$76,500.00
Assessing Clerk	\$20,000.00	\$39,732.47
Building Maintenance Worker	\$20,000.00	\$41,350.05
Buyer	\$35,000.00	\$63,206.12
Cashier	\$20,000.00	\$35,000.00
Clerk	\$20,000.00	\$37,903.46
Clerk P/T	Min. to \$12/hr	
Clerk Stenographer	\$20,000.00	\$44,304.15
Clerk Typist	\$20,000.00	\$43,391.16
Clerk, Bd of Hlth, Registrar of Vital Stats.	\$26,000.00	\$58,934.55
Clerk Typist Bilingual Spanish/English	\$20,000.00	\$28,965.98
Code Enforcement Officer	\$20,600.00 *	\$35,000.00
Code Enforcement Officer P/T	\$10 to \$14/hr	
Communications Officer	\$20,800.00	\$46,133.16
Community Library Assistant	\$20,000.00	\$38,000.00
Community Service Worker	\$20,000.00	\$40,464.39
Community Service Worker Bilingual	\$20,000.00	\$52,389.09
Community Service Aide P/T	\$9.00 / hour	
Complaint Investigator	\$20,600.00	\$41,743.23
Computer Service Technician	\$20,000.00	\$28,560.00
Coordinator of Safety Programs	\$20,000.00	\$35,700.00
Cost Estimator Property Improvement	\$22,000.00	\$47,817.39
Court Attendant	\$17,500.00	\$25,000.00
Customer Service Representative	\$20,000.00	\$46,197.95
Cust. Serv. Rep. Bilingual	\$20,000.00	\$47,988.45
Deputy Registrar - Vital Statistics	\$20,000.00	\$45,217.86
Employee Benefits Clerk	\$20,000.00	\$35,700.00
Equipment Operator	\$20,800.00	\$49,725.22
Field Rep. Housing Inspection	\$20,000.00	\$35,700.00
Fire Alarm Operator	\$20,800.00	\$46,133.16
Fire Prevention Specialist	\$20,800.00	\$46,133.16
Fire Protection Inspector	\$20,000.00	\$46,133.16
Garage Attendant	\$20,000.00 *	\$35,000.00
Housing Inspector	\$20,000.00	\$46,103.00
Identification Officer	\$25,000.00	\$60,000.00
Library Associate	\$20,000.00	\$38,817.15
Library Assistant	\$20,000.00	\$37,119.60
Laborer	\$20,000.00	\$40,523.58
Laborer P/T	\$10/hr	
Legal Secretary	\$15.00Hr *	
Legal Secretary	\$25,000.00	\$57,410.70
License Inspector P/T	\$11/hr	
Maintenance Repairer	\$20,000.00	\$40,646.16
Mechanic	\$20,800.00	\$45,000.00
Mechanic, Diesel	\$28,000.00	\$52,104.17
Motor Broom Driver	\$20,800.00	\$51,618.55
Omnibus Operator	\$20,000.00	\$40,646.16
Omnibus Operator P/T	\$10/hour	
Park Attendant	\$20,000.00	\$40,523.58

Park Maintenance Worker	\$20,000.00	\$42,475.16
Parking Attendant	\$20,000.00	\$32,000.00
Parking Enforcement Officer	\$20,000.00	\$38,817.15
Permit Clerk	\$20,000.00	\$35,700.00
Police Identification Officer	\$20,000.00	\$58,347.06
Police Records Clerk	\$20,000.00	\$43,860.00
Police Records Clerk, Typing	\$20,000.00	\$45,098.82
Principal Account Clerk	\$20,000.00	\$55,276.19
Principal Account Clerk, Typing	\$22,500.00	\$47,962.16
Principal Assessing Clerk	\$22,500.00	\$47,962.16
Principal Clerk	\$22,000.00	\$46,133.16
Principal Clerk Stenographer	\$25,000.00	\$69,014.99
Principal Clerk Typist	\$22,500.00	\$48,390.00
Principal Employee Benefits Clerk	\$22,500.00	\$47,046.86
Principal Legal Stenographer	\$27,000.00	\$55,276.56
Principal Librarian	\$20,000.00	\$63,240.00
Principal Library Assistant	\$25,000.00	\$49,791.17
Principal Payroll Clerk	\$21,000.00	\$47,962.15
Principal Tax Clerk	\$20,000.00	\$47,962.15
Public Health Investigator	\$21,000.00	\$37,813.38
Public Health Nurse	\$25,000.00	\$65,000.00
Public Safety Telecommunicator	\$20,800.00	\$46,133.15
Public Safety Telecomm. - Trainee	\$20,000.00	\$35,700.00
Public Works Repairer	\$20,000.00	\$42,475.16
Radio Dispatcher	\$20,800.00	\$46,133.16
Recreation Aide	\$20,000.00	\$37,826.26
Recreation Aide P/T	8.50 - 15. / hr	
Recreation Maintenance Worker	\$20,000.00	\$29,857.15
Recreation Supervisor	\$20,000.00	\$46,582.38
Rec. Leader Arts & Crafts P/T	\$8,534.00	\$13,738.78
Rec. Supervisor Cultural Services	\$28,000.00	\$53,095.27
Rep. Citizens Complaints	\$20,000.00	\$59,160.00
Rep. Rent Regulation	\$21,000.00	\$42,475.16
Sanitary Inspector	\$21,000.00	\$63,570.44
Sanitary Inspector P/T	\$25.00 / hour	
Sanitation Worker	\$20,000.00	\$45,217.86
School Traffic Guard	\$10/hr to \$15.00	*
Secretarial Assistant	\$20,000.00	\$48,875.87
Secretarial Assistant (40 hour week)	\$21,000.00	\$53,095.27
Secretarial Assistant, Bilingual	\$20,000.00	\$49,215.00
Secretarial Assistant Typing	\$20,000.00	\$49,215.00
Secretary, Board Commission	\$2,000.00	\$56,498.82
Secretary to the Mayor	\$40,000.00	*
Security Guard	\$20,000.00	\$32,367.68
Senior Account Clerk, Typing	\$20,000.00	\$45,656.30
Senior Assessing Clerk	\$20,000.00	\$44,304.15
Senior Assistant Assessor	\$32,000.00	\$73,162.81
Senior Building Maintenance Worker	\$20,000.00	\$46,133.16
Senior Citizen Program Aide P/T	\$8,892.00	\$14,314.66
Senior Clerk	\$20,000.00	\$42,668.13

Senior Clerk - Licensing	\$20,000.00	\$57,376.00
Senior Clerk Stenographer	\$20,600.00	\$46,133.16
Senior Clerk Typist	\$20,000.00	\$43,390.47
Senior Customer Service Representative	\$21,000.00	\$50,121.27
Senior Field Rep. Prop. Improvement	\$25,000.00	\$52,533.86
Senior Guard Public Property	\$20,000.00	\$45,217.86
Senior Health Aide	\$20,000.00	\$41,561.47
Senior Housing Inspector	\$20,000.00	\$60,146.00
Senior Librarian	\$37,000.00	\$61,732.46
Senior Library Assistant	\$20,000.00	\$45,438.66
Senior Maintenance Repairer	\$24,000.00	\$54,362.87
Senior Pgm. Develop. Specialist Aging	\$40,000.00	\$90,026.51
Senior Mechanic	\$24,000.00	\$53,447.55
Senior Signal System Repairer	\$24,000.00	\$52,533.86
Senior Tax Clerk, Typing	\$20,000.00	\$45,299.90
Signal System Technician I	\$20,000.00	\$40,646.16
Signal System Technician II	\$24,000.00	\$54,362.51
Signal System Maintenance Worker	\$20,000.00	\$40,646.16
Senior Community Service Aide	\$20,000.00	\$36,357.58
Senior Rep. Rent Regulation	\$25,000.00	\$46,805.57
Senior Traffic Signal Electrician	\$25,000.00	\$60,446.37
Stable Worker	\$20,000.00	\$28,560.00
Stock Clerk	\$20,000.00	\$48,875.87
Student Assistant	Min. to \$15.hr	*
Summer Youth Intern	Min. to \$15.hr	*
Supervisor of Customer Service	\$25,000.00	\$59,514.96
Supervising School Traffic Guard	\$20,000.00	\$25,500.00
Technical Asst. to Construction Official	\$25,000.00	\$60,030.35
Tax Clerk	\$20,000.00	\$31,081.93
Timekeeper	\$20,000.00	\$35,000.00
Traffic Maintenance Worker	\$20,000.00	\$40,523.58
Truck Driver	\$20,000.00	\$46,133.16

* Indicates change in rate.

New Titles		
	\$	\$
Police Aid	21,000.00	37,000.00
	\$	\$
Building Sub-Code	45,000.00	71,000.00
	\$	\$
Assistant Corporate Counsel	50,000.00	75,000.00
	\$	\$
First Assistant Corporate Counsel	65,000.00	105,000.00
	\$	\$
Supervisor Motor Pool	40,000.00	65,000.00
Special Law Enforcement Officer Class II	\$15-\$18 Hr	

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 - NAYS: 2 – PRESENT -1
---Yeas: Council persons, Cunningham, Giattino, Marsh, Mello, Russo and President Bhalla
---Nays: Castellano, Occhipinti.
---Present: Mason.

11-27
Z-120

**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, which was thereby extended for an additional two hundred (200) days by a third Resolution of the Hoboken City Council on December 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 City Council has the authority to change the spaces herein designated, by ordinance, should the need arise; and,

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

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

SECTION ONE: AMENDMENTS

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

ARTICLE XXXIV

Section 190-47 Definitions

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

Section 190-48 Locations Designated

Name of Street	Side	Location
Seventh Street	South	Beginning at a point 35 feet west of the westerly curbline of Clinton Street and extending for 32 feet westerly therefrom

Clinton Street	East	Beginning at a point 35 feet south of the southerly curblines of Ninth Street and extending for 32 feet southerly therefrom
Fourth Street	South	Beginning at a point 35 feet east of the easterly curblines of Jefferson Street and extending for 32 feet easterly therefrom
Bloomfield Street East		Beginning at a point 35 feet south of the southerly curblines of Fourth Street and extending for 32 feet southerly therefrom
Garden Street	East	Beginning at a point 35 feet north of the northerly curblines of Eighth Street and extending for 32 feet northerly therefrom
First Street	South	Beginning at a point 35 feet west of the westerly curblines of Jefferson Street and extending 32 feet westerly therefrom
Sixth Street	South	Beginning at a point 35 feet east of the easterly curblines of Park Avenue and extending for 32 feet easterly therefrom
Harrison Street	East	Beginning at a point 35 feet north of the northerly curblines of Second Street and extending for 32 feet northerly therefrom
Harrison Street	East	Beginning at a point 35 feet south of the southerly curblines of Fourth Street and extending for 32 feet southerly therefrom
Second Street	South	Beginning at a point 35 feet east of the easterly curblines of Adams Street and extending 32 feet easterly therefrom
Monroe Street	West	Beginning at a point 35 feet north of the northerly curblines of Eighth Street and extending for 32 feet northerly therefrom
Adams Street	East	Beginning at a point 35 feet south of the southerly curblines of Eighth Street and extending for 32 feet southerly therefrom
Sinatra Drive	North	Beginning at a point 115 feet east of the easterly curblines of Hudson Street and extending 32 feet easterly therefrom
Twelfth Street	South	Beginning at a point 35 feet west of the westerly curblines of Grand Street and extending for 32 feet westerly therefrom
Clinton Street	East	Beginning at a point 35 feet north of the northerly curblines of Newark Street and extending for 32 feet northerly therefrom

First Street	South	Beginning at a point 35 feet west of the westerly curbline of Washington Street and extending for 32 feet westerly therefrom
Willow Avenue	East	Beginning at a point 35 feet north of the northerly curbline of Tenth Street and extending for 32 feet northerly therefrom
Clinton Street	East	Beginning at a point 35 feet north of the northerly curbline of Fourth Street and extending for 32 feet northerly therefrom
Hudson Street	East	Beginning at a point 35 feet south of the southerly curbline of Fifteenth Street and extending for 32 feet southerly therefrom
Tenth Street	South	Beginning at a point 35 feet west of the westerly curbline of Jefferson Street and extending for 32 feet westerly therefrom
Vezzetti Way	North	Beginning at a point 43 feet west of the southerly curbline of Observer Highway and extending 32 feet westerly therefrom
Vezzetti Way	North	Beginning at a point 12 feet east of the easterly curbline of Observer Highway and extending 32 feet easterly therefrom

Section 190-49 Rules

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

Section 190-50 Violations and Penalties

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

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

The speakers who spoke: Jake Stuver, Scott Siegel.

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham
--- as **AMENDED** by the following vote: YEAS: 6- NAYS: 3
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, Russo and President Bhalla.
---Nays: Castellano, Mason, Occhipinti.

11-28
Z-121

AN ORDINANCE TO AMEND THE TABLE OF ORGANIZATION FOR POLICE AND FIRE UNDER CHAPTER 59A ENTITLED "DEPARTMENT OF PUBLIC SAFETY"

WHEREAS, the City Council of the City of Hoboken shall establish the authorized strength of its Police and Fire divisions; and,

WHEREAS, the City Council deems it important to provide the best quality of public safety for its residents in the most cost efficient manner possible.

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

Section One: Section 59A-8 amendments

§ 59A-8.Establishment of Division.

A. A Division of Police in the Department of Public Safety is hereby established in and for the City of Hoboken, which shall not exceed the following ~~foresworn personnel~~:

<i>Rank/Position</i>	<i>Number</i>
Chief	1
Captain	8 (until June 30, 2006)

	6 (effective July 1, 2006)
Lieutenant	17
Sergeant	33
Police Officer	120
Administrative Secretary	1

<u>Rank Position</u>	<u>Number</u>
<u>Chiefs</u>	<u>1</u>
<u>Captains</u>	<u>3</u>
<u>Lieutenants</u>	<u>12</u>
<u>Sergeants</u>	<u>26</u>
<u>Police Officers</u>	<u>96</u>

B. ~~All personnel constituting the Division of Police heretofore and in service prior to July 1, 1986, are hereby continued in their employment and in their respective ranks or position and made a part of the Division of Police hereby established, with all rights to which they are now entitled as to years of service and pension.~~

Section Two: Section 59A-31 amendments

§ 59A-31.Staff.

A. The staff of the Division of Fire shall not exceed the following sworn personnel, ~~foree~~, within the budgetary constraints established by the Council:

<i>Rank/Position</i>	<i>Number</i>
Chief	1
Deputy Chief*	1/0
Battalion Chief	9
Captain	32
Training Officer/Captain	1
Hazmat Captain	1
Fire Marshal/Captain	1
Arson Investigator/Captain	1
Maintenance Officer	1
Fire Inspector	2
Firefighter	92
Fire Alarm Operator	8

<u>Rank/Position</u>	<u>Number</u>
<u>Chief</u>	<u>1</u>
<u>Battalion Chiefs</u>	<u>7</u>
<u>Captains</u>	<u>30</u>

- ~~*The position of Deputy Fire Chief shall be reduced from two (2) to one (1) effective immediately upon the adoption of this Ordinance DR 353. It shall thereafter be abolished upon the retirement, promotion or separation of service of any incumbent holding the position of Deputy Fire Chief at the time this Ordinance DR 353 is adopted.~~
- ~~B. All personnel constituting the Division of Fire heretofore and in service prior to July 1, 2002 are hereby continued in their employment and in their respective ranks or position and made a part of the Division of Fire hereby established, with all rights to which they are now entitled as to years of service and pension.~~
- ~~C. In the event of a vacancy in any rank or position, such rank or position shall not be filled by the appointing authority unless there shall be vacant rank or position pursuant to the table of organization set forth herein.~~
- ~~D. The maximum number of firefighters in this section shall not be applicable until a certified Captains' Eligibility List is promulgated by the New Jersey Department of Personnel.~~

Section Three: 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 Four: 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 Five: Effective Date

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

Section Six: 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 Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

11-29

Z-122

**AN ORDINANCE TO CHANGE MUNICIPAL ELECTIONS IN HOBOKEN TO NOVEMBER
PURSUANT TO N.J.S.A. 40:45-7.1**

WHEREAS, the City Council has the authority to change the City of Hoboken's municipal elections to the date of the general election in November, by way of an Ordinance, pursuant to N.J.S.A. 40:45-7.1; and,

WHEREAS, the Council has found that having as many as five elections per year is expensive and exhaustive to voters; and,

WHEREAS, changing the timing of nonpartisan elections from May to November will decrease the number of annual elections, result in substantial cost savings to the City, and is likely to decrease voter fatigue while increasing voter participation; and,

WHEREAS, the City Council seeks to change the City of Hoboken's municipal elections to the date of the general election in November, which is currently held on the first Tuesday after the first Monday in November, and the Council hereby utilizes its authority to do so pursuant to N.J.S.A. 40:45-7.1.

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

SECTION ONE:

The City Council hereby changes the date of municipal elections to the date of the general election in November pursuant to N.J.S.A. 40:45-7.1.

The term of any person holding a municipal elective office on the date of adoption of this Ordinance shall be extended until the beginning of the term of the person first elected to that office on the day of the general election in November, pursuant to N.J.S.A. 40:45-7.1.

The term of any municipal officer elected at a general election in November, pursuant to this Ordinance, shall begin on January 1, in accordance with N.J.S.A. 40:45-17.

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This Ordinance shall be published and take effect as provided by law. The City Clerk shall notify the County Superintendent of Elections and the Director of the State of New Jersey Division of Elections, for

action in conformity herewith. The City Clerk shall take any and all further action necessary and appropriate, in compliance with N.J.S.A. 40:45-7.1 and the Uniform Nonpartisan Election Law, N.J.S.A. 40:45-1 et seq., to effectuate this Ordinance.

Council President Bhalla 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 **July 20, 2011** at 7:00 PM.

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

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

Councilwoman Marsh has left the table at 3:51 PM

Councilwoman Marsh has returned to the table at 3:54 PM

NEW BUSINESS

Councilwoman Castellano comments on ballots for 1-1 and 1-2

City Clerk comments that one is

BA Liston comments and will ask the Clerk's office to get that information

Councilwoman Mason comments on the legal bill (all of the costs) for the appeal for the Democratic Election and has it been brought to the Council

BA Liston comments

Corporation Counsel comments he does not know

Councilwoman Castellano comments

Councilwoman Mason comments on viewing the walkway plans

BA Liston comments that if the information is requested in advance, I will get it for you

Councilwoman Mason comments on the Municipal garage in the 2nd and 5th Ward

Councilman Mello comments that the legal duties of the Planning board is to do a study, but as the Council for plans, if the study concludes that it designates....

Councilman Occhipinti comments on Director's Reports and requests all Directors stay till New Business as a recommendation

Council President comments that Directors submit reports bi-weekly and see your recommendation

Councilman Occhipinti comments on dog fescos on Monroe st. and possibly a pilot program to have a post with free bags to lessen dog wastes on our streets and ask Director Forbes on the SW Redevelopment (Director Forbes not present)

Councilman Occhipinti asks Director Sacs about the 25 ft. from the corner and the out of date paint – Monroe and Observer Highway, bus stops in the 4th Ward

BA Liston comments and responds that it is 25 Ft. from the apex of the intersection, will look into it

Councilman Occhipinti asks Director Pellegrini on Mama Johnson Field shared service agreement

Director Pellegrini comments that the legal department is working on the shared service agreement hopefully by July 20th

Director Pellegrini comments that the recommendation for the soccer field and baseball field with the budget with the Housing Authority, 350K from the Housing Authority and the rest the City will cover

Councilman Occhipinti asks about Pier A park kiosks and the canopy for the slide in Pier C and was a sign put up to warn the residents

Director Pellegrini comments that it is in progress

BA Liston comments that it is on the way hopefully by the 15th

Councilman Cunningham comments and thanks Mr. Liston on paving for Madison and Monroe

Councilman Cunningham comments on Corporation Counsel on a legal report

Corporation Counsel comments that he plans on doing it next week

Councilman Mello comments on the change order of the canopy and please put a sign up there, want to thank Ann Holtzman for the data
Councilman Russo comments and congratulate his colleagues on the recent election, the park space on 6th and Jackson St.
BA Liston comments
Councilman Russo comments on the residency ordinance and moving the municipal election to November
Councilwoman Giattino comments on an ordinance 110-45 distributions about handbills and circulars and how do you get it enforced
Councilwoman Castellano comments
Councilwoman Mason comments
Councilwoman Giattino comments on the bathrooms on Mama Johnson field is clean but never toiletries
Councilman Cunningham comments on Mr. Softee parking and playing the music and is not being enforced
BA Liston comments on looking into it
Council President comments on having the Special City Council meeting on Wed., July 13th at 7:00 PM for the budget amendments and properly noticed
City Clerk request that the Mayor's office puts a communication
Council President comments about the sinkhole uptown, the County will fully repair it on July 15th but does not include the promenade and that is the responsibility of Applied
Council President comments and requests that all Council members submit which sub-committee that they would like to be by Wed, July 6th.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion" of the meeting: Deborah Hulbert, Scott Siegel, Lane Bajardi, Cheryl Fallick, Richard Tremiediti.

Councilman Occhipinti has left the table at 4:21 PM
Councilman Occhipinti has returned to the table at 4:27 PM

11-30 **CLOSED SESSION**

Roll call for Closed Session:

Council persons Castellano, Cunningham, Giattino, Mason, Marsh, Mello, Occhipinti, Russo and President Bhalla.

Councilwoman Marsh motions to go into Closed Session seconded by Councilwoman Mason.

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

Resolution authorizing Closed Session pursuant to N.J.S.A. 10:4-12B(7) and attorney-client privilege to discuss pending litigation and settlement negotiations relating to Robotics Parking Systems, Inc.

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. 10:4-12B(7) and to protect matters that fall within attorney-client privilege; and

WHEREAS, one of these reasons is to receive legal advice and counseling relating to issues concerning pending litigations and settlement negotiations; and

WHEREAS, the City Council wishes to be informed on the details of pending litigations an settlement negotiations and wishes to obtain legal advice and counseling relating thereto from its Corporation Counsel, pursuant to N.J.S.A. 10:4-12B(7) ; and

WHEREAS, the Council, therefore, has determined that it is necessary to go into closed executive session for the foregoing purpose.

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

BE IT FURTHER RESOLVED, formal action may be taken in an open public session subsequent to and as a result of the closed session; and,

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

---Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

Motion to come out of closed session duly by the Council seconded by the Council.

11-11

---By Councilwoman Castellano

RESOLUTION AUTHORIZING EXECUTION OF THE “MUTUAL GENERAL RELEASE” AS NEGOTIATED BETWEEN THE CITY OF HOBOKEN AND ROBOTICS

WHEREAS, the City of Hoboken has spent considerable time negotiating an agreement of release between the City and Robotics; and,

WHEREAS, a proposed final agreement has been presented to the City of Hoboken, which agreement is entitled “Mutual General Release” and attached hereto.

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

3. The City Council hereby accepts the terms of the “Mutual General Release” dated June 13, 2011 (attached hereto); and,
4. The City Council hereby directs the Mayor and her Administration to execute the attached agreement and take any action necessary to effectuate the terms of the agreement.

---duly seconded by Councilman Russo.

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

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

---Nays: None.

At 4:39 P.M. the Governing Body on a motion by the Governing Body; duly seconded by the Council

President Bhalla then adjourned the meeting at 4:39 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK