

SPECIAL BUDGET WORKSHOP SESSION OF THE COMMITTEE

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

ABSENT: Russo.

MEETING OF APRIL 20, 2011

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, APRIL 20, 2011 AT 7:00 PM

President Mason opened the meeting at 7:01 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

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

ABSENT: Russo.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading/Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS PARKING UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFORE, AND PROVIDING FOR ISSUANCE OF \$1,600,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. (Z-99)

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

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

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

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

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

AN ORDINANCE TO AMEND CHAPTER 86 ENTITLED, “CONSTRUCTION CODES, UNIFORM” TO MAKE A CORRECTIVE AMENDMENT TO ORDINANCE No. Z-34 (Z-101)

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

President Mason moved that the hearing be closed.
Motion duly seconded by Councilwoman Marsh.

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

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

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

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR HANDICAPPED" TO ADD APPROVAL FOR DESIGNATED HANDICAPPED PARKING AT 514 JACKSON STREET, 1020 HUDSON STREET, AND 1032 HUDSON STREET. **(Z-102)**

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

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

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

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

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 28 OF THE CODE OF THE CITY OF HOBOKEN, TITLED "PUBLIC RECORDS," AND ESTABLISHING A NEW CHAPTER 28, IN ORDER TO COMPLY WITH THE NEW OPEN PUBLIC RECORDS ACT STATUTORY REQUIREMENTS AS SET FORTH IN N.J.S.A. 47:1A-5b. **(Z-103)**

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

President Mason moved that the hearing be closed.
Motion duly seconded by Councilwoman Castellano.

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

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

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

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

---Nays: None.

--- Absent: Russo

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 314 PARK AVENEUE, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 166, LOT 32 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY **(Z-104)**

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

President Mason moved that the hearing be closed.

Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Russo.

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

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

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

---Nays: None.

--- Absent: Russo

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 556 FIRST STREET, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 28, LOT 34.1 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY **(Z-105)**

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

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

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

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

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

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, TO INCORPORATE SALARY REQUIREMENTS FOR PRINCIPAL PLANNER (Z-106)

President Mason directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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

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

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

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

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

TWO ORDINANCES ON THE AGENDA FOR SECOND READING WERE TABLED: RENT CONTROL (Z-97) & CAPITAL IMPROVEMENTS (Z-100).

PETITIONS AND COMMUNICATIONS

11-968

PROCLAMATION FROM CITY COUNCIL TO THE HOBOKEN CHEER DYNAMICS ALL-STAR TEAM FOR WINNING THE NATIONAL CHAMPIONSHIP COMPETITIONS AT THE JAM FEST NATIONS.

Received and Filed.

11-969

COMMUNICATION FROM MAYOR ZIMMER APPOINTING LARRY HENRIQUES TO THE SHADE TREE COMMISSION

April 15, 2011

TO: City Council James Farina

FROM: Mayor Dawn Zimmer

RE: Shade Tree Commission

Mr. Farina,

I have appointed Larry Henriques to the Hoboken Shade Tree Commission. Please update your records accordingly.

Thank you,

Mayor Zimmer

Received and Filed.

11-970

COMMUNICATION FROM MAYOR ZIMMER REGARDING FIRE AUDIT, POLICE UPDATE, THE WATERFRONT AND ANTI-WHEELING.

Dear Council Members,

Meeting of April 20, 2011

Here's a brief update on public safety and our waterfront prior to tonight's meeting:

Matrix Fire audit update:

Business Administrator Arch Liston provided a draft of the report to the Council on Monday. The report, along with a response from Chief Blohm, will be posted on the City's web site when it is finalized. Based on both of these reports, my Administration will be making final decisions with regard to staffing levels shortly.

Police Update: In light of concerns from the community on various public safety issues, my Administration has determined it is important to provide Class II officers as a strategy to ensure the highest level of public safety as cost-effectively as possible.

Class II officers could supplement the work of our sworn Police officers on busy weekends when we have many visitors to Hoboken going to our bars and restaurants and visiting Hoboken during our numerous special events. Especially in the summer months, many municipalities implement a class II officer system, often employing retired officers, working on a part-time basis.

This would enable us to provide significant additional security in a cost effective-manner estimated at \$15.00 per hour versus \$65.00 per hour for sworn officers. Please understand that these Class II officers would not replace any our existing Police officers. They would supplement our staffing during busy times and enable us to use our sworn Police officers as effectively as possible.

In addition to this proposal, my Administration is working closely with Chief Falco to evaluate strategies to increase the Police street presence. We have had retirements in excess of our desired staffing levels established by our reorganization last fall. We will be hiring new Police officers in order to maintain the staffing level established last year.

Furthermore, I have asked Chief Falco to consider redeploying officers working at different locations such as the prosecutor's office so that we can move these officers to patrol.

The waterfront: After the evaluation of RFP responses, my Administration asks for the Council's support on the following contracts:

1. Appointment of Boswell Engineering as our City engineer. All departments are extremely pleased with Boswell's performance, and in the interest of moving so many important projects ahead, we ask for your support of this appointment and contract. (The attached memo from Boswell provides an overview of the numerous projects they are currently working on). Dr. Boswell and his team will be at the meeting tonight if you have any questions.
2. Waterfront engineer: After extensive testing, and informal reviews with the DEP by Boswell, we will soon be at the point where actual construction can begin on Sinatra Park and Castle Point.

Given the importance of these projects from a public safety, quality of life, and economic development standpoint, we hope that you will approve the contract for Boswell that is on the agenda without delay.

The proposed contract is for Boswell to continue work on Sinatra Park, Castle Point, as well as to provide oversight of Hoboken's northern waterfront (Please note, this expenditure has already been approved by the Council through the approval of the Sinatra Park bond).

My Administration is continuing its evaluation of other firms that might be proposed to act as second city waterfront engineer for Pier A and the waterfront area south of Sinatra Park.

Your approval of the Boswell contract will significantly enhance the City's ability to follow up on an important on-site visit to Hoboken by a high level DEP representative that was held last week. Boswell participated in the meeting that included a review of Castle Point, the Stevens Walkway, and Sinatra Park projects. Afterwards a conference call was conducted with the DEP team in Trenton to coordinate on all issues and move these three projects ahead as expeditiously as possible through the DEP review process. It is important that we have continuity in our professionals to avoid any unnecessary delays.

Boswell Underwater Engineering has completed their inspection and report of the condition of Hoboken's waterfront. This includes both the city-owned/city-leased as well as the privately owned sections.

The report on the city-owned properties includes Castle Point, Pier A, the seawall between Sinatra Park and Pier A, and the section just south of Pier A to the NJ Transit property. It is available for viewing on the City website: <http://hobokennj.org/env/Hoboken-City-Owned-City-Leased-Waterfront-Report.pdf>.

As soon as we have approved contract by the Council, we will be meeting with the property owners of the privately owned sections of the waterfront and presenting them with the report findings relevant to their properties. With the approval of Corporation Counsel, the report that concerns the privately owned sections of the waterfront will be released publicly after the meetings with the property owners.

Anti-wheeling: The ordinance being introduced has been made more comprehensive in response to criticism that it did not address money that might be wheeled through Hoboken PACs other than political parties. This loophole has now been addressed by limiting Hoboken PACs that get more than half their funding from sources outside Hoboken to \$500.

Recent events make passing this legislation more important than ever. We need to do this to restore the public's trust. As you know, a Council member was recently shown on tape scoffing at pay to play, despite public assertions of support for pay -to-play. This raises legitimate questions in the public's mind as to the sincerity of each and every one of us. We must make sure that our actions are at least as strong as our words so that we can regain the public's trust.

We should welcome the input of POG, and any other citizen or group that sincerely cares about these issues and provides constructive input. But let's be clear - it is our job, as the elected representatives of the people of Hoboken to complete this important work. Happy holidays to everyone, and thank you and best regards.

Mayor Zimmer

Received and Filed.

11-971

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi, Livery, & Limousine Drivers-----	60
Vendors-----	1
Raffles -----	2

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

Committee Reports

Revenue and Finance sub-committee meeting update for April 18, 2011

Economic Development and Open Space sub-committee meeting

Quality of Life sub-committee meeting report for the meeting

Parking & Transportation sub-committee meeting

Hospital sub-committee meeting

Rent Control sub-committee meeting

Special Ad hoc Rules sub-committee meeting

11-972

CLAIMS

By Councilman Giacchi

Total for this agenda **\$9,626,421.17 (AMENDED all PSE&G (3) \$9,519,567.32) and removing 1-01-28-375 - \$22,437.96**

- duly seconded by Councilman Cunningham
- Adopted by the following vote: YEAS: 7 - NAYS: 0 -ABSTAIN - 1 - ABSENT – 1
- Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti.
- Nays: None.
- Abstain: President Mason.
- Absent: Russo

11-973

---By Councilman Giacchi

PAYROLL

For the two week period starting March 30, 2011- April 6, 2011

Regular Payroll	O/T Pay	Pay	
\$1,424,169.02	\$64,967.89		\$2,404,402.80

---duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Russo

RESOLUTIONS

Presented and Read

11-974

---By Councilman Giacchi

THIS RESOLUTION AWARDS A CONTRACT TO BOSWELL ENGINEERING FOR SERVICES AS WATERFRONT ENGINEER FOR ALL PRIVATE AND PUBLIC WATERFRONT PROPERTIES NORTH OF THE NORTHERN EDGE OF PIER C FOR THE PERIOD OF MAY 1, 2011 THROUGH APRIL 30, 2012 IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)

WHEREAS, proposals were received on Friday, March 4, 2011 in response to the City’s RFP for Waterfront Engineer for a one year period; and,

WHEREAS, eleven (11) proposals were received, these being:

<u>VENDOR</u>	<u>EVALUATION SCORE</u>
Boswell Engineering 330 Phillips Avenue P.O. Box 3152 South Hackensack, NJ 07606-1722	Score: 245.50
McLaren Engineering Group 100 Snake Hill Road West Nyack, NY 10994	Score: 243.00
Birdsall Services Group 611 Industrial Way West Eatontown, NJ 07724	Score: 217.00
WJ Castle PE & Associates Tyndol Building 1345 Route 38 West Hainesport, NJ 08036	Score: 215.00
Aceom	Score: 208.00

20 Exchange Place
New York, NY 10005

Maser Consulting PA
331 Newman Springs Road
Suite 203
Red Bank, NJ 07701

Score: 196.00

Hatch Mott MacDonald
27 Bleeker Street
Millburn, NJ 07041

Score: 191.00

Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033

Score: 168.00

Van Cleef Engineering Associates
339 Amwell Road
Bldg B
P.O. Box 5877
Hillsborough, NJ 08844-5877

Score: 165.00

Envar Services Inc.
505 Milltown Road
North Brunswick, NJ 08902

Score: 158.00

Langan Engineering

Score: DISQUALIFIED / CONFLICT

River Drive Center One
Elmwood Park, NJ 07407

WHEREAS, the Administration allowed presentations by, interviewed representatives of, and investigated references and prior projects for those firms highlighted in bold, above; and,

WHEREAS, as a result, the Administration determined that Boswell Engineering was best qualified to render waterfront engineering services relating to all publicly and privately owned waterfront property north of the northernmost point of Pier C within the municipality; and,

WHEREAS, the Administration recommends that a contract be awarded to Boswell Engineering for waterfront engineering services for a one year period for all publicly and privately owned waterfront property north of the northernmost point of Pier C within the municipality, which incorporates with Boswell Engineering's proposal and the scope of work detailed in the City's RFP; and,

WHEREAS, Boswell Engineering shall be required to comply with all pay to play and corporate disclosure requirements as a prerequisite to executing the contract contemplated herein, and shall be required to maintain continued compliance throughout the term of the agreement; and,

WHEREAS, Boswell shall familiarize itself with the Open Public Records Act and work with the City's Custodian of Records to effectuate compliance with any requests for government records under the Act throughout the term of this agreement.

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

A .This resolution approves a contract with Boswell Engineering for waterfront engineering services for all publicly and privately owned waterfront property north of the northernmost point of Pier C

within the municipality, pursuant to the RFP and Boswell Engineering's proposal, which services shall include oversight of waterfront issues for the property within the locations listed herein, guidance toward the City relating to the waterfront properties within the locations listed herein, review and representation of the City in legislation and policy decisions by the City relating to waterfront issues at the locations listed herein; and,

B. The contract shall be for an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) commencing on May 1, 2011 and terminating on April 30, 2012; and,

C. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract and any other steps necessary to effectuate this resolution.

D. This resolution shall take effect immediately upon passage. The Clerk shall publish and post this resolution according to law and local ordinance.

---duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 2 - ABSENT: 1

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh and Mello

---Nays: Occhipinti and Mason

---Absent: Russo

11-975

---By Councilman Giacchi

THIS RESOLUTION AWARDS A CONTRACT TO BOSWELL ENGINEERING FOR SERVICES AS GENERAL CITY ENGINEER FOR THE PERIOD OF MAY 1, 2011 THROUGH APRIL 30, 2012 IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)

WHEREAS, proposals were received on Friday, February 23, 2011 in response to the City's RFP for General City Engineer for a one year period; and,

WHEREAS, six (6) proposals were received, these being:

<u>VENDOR</u>	<u>EVALUATION SCORE</u>
Maser Consulting P.A. 331 Newman Springs Road Suite 203 Red Bank, NJ 07701	150.00
Van Cleef Engineering Associates 299 Cherry Hill Road Suite 102 Parsippany, NJ 07054	156.50
CME Consulting and Municipal Engineers 3141 Bordentown Avenue Parlin, NJ 08859-1162	156.50
Boswell Engineering 330 Phillips Avenue PO Box 3152 South Hackensack, NJ 07606-1722	188.00

Remington & Vernick Engineers 232 Kings Highway East Haddonfield, NJ 08033	139.00
Carroll Engineering 105 Raider Boulevard Suite 206 Hillsborough, NJ 08844	138.00
Birdsall Services Group 2100 Highway 35 Sea Girt, NJ 08750	161.00

WHEREAS, the highest evaluation score was given to Boswell Engineering which submission was a responsible and responsive to all the RFP requirements; and,

WHEREAS, as a result, the Purchasing Agent recommends that a contract be awarded to Boswell Engineering for general city engineering services for a one year period, which incorporates Boswell Engineering’s proposal and the scope of work detailed in the City’s RFP; and,

WHEREAS, Boswell shall be required to comply with all pay to play and corporate disclosure requirements as a prerequisite to executing the contract contemplated herein, and shall be required to maintain continued compliance throughout the term of the agreement; and,

WHEREAS, Boswell shall familiarize itself with the Open Public Records Act and work with the City’s Custodian of Records to effectuate compliance with any requests for government records under the Act throughout the term of this agreement.

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

- E. This resolution approves a contract with Boswell Engineering for general city engineering services, pursuant to the RFP and Boswell Engineering’s proposal, for an amount not to exceed Seventy Five Thousand Dollars (\$75,000.00) commencing on May 1, 2011 and terminating on April 30, 2012; and,
- F. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract and any other steps necessary to effectuate this resolution.
- G. This resolution shall take effect immediately upon passage. The Clerk shall publish and post this resolution according to law and local ordinance.

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

11-976
 ---By Councilman

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF AN INTERIM COST AGREEMENT WITH BIG TWINKIE, INC. (AKA WATER MUSIC), IN

ORDER TO DEFRAY COSTS INCURRED BY THE CITY OF HOBOKEN IN REVIEWING AND EVALUATING BIG TWINKIE, INC.'s REDEVELOPMENT PROPOSAL

WHEREAS, in order to stimulate redevelopment, the City of Hoboken (the "City") by resolution designated certain properties in the City as areas in need of redevelopment ("Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented; and

WHEREAS, on May 20, 1998, the City by ordinance adopted the Northwest Redevelopment Plan, which has been amended from time to time, and which sets forth the plan for the Redevelopment Area; and

WHEREAS, the properties designated as Block 95, Lots 11 through 16 on the Tax Map of the City and commonly known as 921 - 931 Madison Street, Hoboken, NJ 07030 ("Project Site") are included in the Redevelopment Area; and

WHEREAS, Big Twinkie, Inc. (AKA Water Music) ("Big Twinkie") has submitted a Pre-Submission Form to the City proposing a redevelopment project for the Project Site and requesting that the City designate Big Twinkie as the redeveloper of the Project Site; and

WHEREAS, the City requires that prospective redevelopers, such as Big Twinkie, pay the reasonable costs incurred by the City in reviewing and evaluating the prospective redeveloper's proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be; and

WHEREAS, the City has prepared a form of Interim Cost Agreement, whereby Big Twinkie would pay the reasonable costs incurred by the City in reviewing and evaluating Big Twinkie's redevelopment proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be;

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute an Interim Cost Agreement between the City of Hoboken and Big Twinkie, Inc. (AKA Water Music), in the form attached hereto as Schedule A or in a form substantially similar thereto.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

The speakers who spoke: Leah Healy, Zabrina Stoffel, Chris O'Connor, Frank Orsini, Helen Hirsch, David Liebler.

---duly seconded by Councilman

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

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

---Nays: None.

11-978

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE LOCATION OF THE UPTOWN FARMERS' MARKET ON THURSDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER

WHEREAS, the Quality of Life Coalition of Hoboken and the City of Hoboken is sponsoring a farmers' market along the east side of Hudson Street between 13th and 14th Streets; and

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Uptown Farmers' Market will take place every Thursday, beginning June 2, 2011 and every Thursday thereafter ending no earlier than Thursday October 27, 2011; and

WHEREAS, the City of Hoboken request that the Council of the City of Hoboken suspend parking rules on that section of the east side of Hudson Street between 13th and 14th Streets so that the farmers can park their trucks to unload and sell their goods.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The Police Division shall enforce this regulation.
4. A certified copy of this resolution is provided to Mayor Dawn Zimmer, Director Jennifer Maier, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Ian Sacs, P.E., Director, Parking Utility.

This Resolution is effective immediately.

---duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

11-979

---By Councilman Giacchi

RESOLUTION SUPPORTING THE ANNUAL "MEMORIAL DAY PARADE"

WHEREAS, the Hoboken Memorial Day Parade is the oldest in the State of New Jersey; and

WHEREAS, this year marks the 113th continuance year of marching to honor those men and woman who made the ultimate sacrifice for their Country; and

WHEREAS, the Hoboken Joint Memorial Committee who organize the Memorial Day Parade have indicated on the attached correspondence its requirements to successfully conduct the parade as follows:

1. The Parade Committee proposes the date May 25, 2011 at 6:45 p.m.
2. The Parade Committee proposes no parking on both sides of Washington Street from Observer Highway to First Street.
3. The Parade Committee would also propose no parking on both sides of Washington Street from Tenth Street to Eleventh Street.
4. The parade route will proceed north on Washington Street to Eleventh Street.
5. A reviewing stand will be located at 1005 Washington Street (“Elks Club”)
- 6.

RESOLVED, that the Council for the City of Hoboken agrees to allow the Hoboken Joint Memorial Committee permission to conduct its annual “Memorial Day Parade along Washington Street.

---duly seconded by Councilman Cunningham

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

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

11-980

--- By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law the Municipal Council of the City of Hoboken (the “**City Council**”) believes that the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of Hoboken, in the County of Hudson (the “**Property**”) should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the “**Rehabilitation Area**”); and

WHEREAS, the City has confirmed that within the Property more than half of the housing stock is at least 50 years old or the water and sewer lines are at least 50 years old and are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, also provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Rehabilitation Area to the City Planning Board for review; and

WHEREAS, the City intends to designate the Rehabilitation Area by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council hereby directs that the City Clerk transmit a copy of this resolution, inclusive of Exhibit A, to the City Planning Board for review and providing its recommendation to the City Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*.

Section 3. The City Council hereby directs the Planning Board to conduct a public hearing regarding the proposed resolution, providing a notice of the public hearing by publication in a newspaper of general circulation in the municipality at least ten (10) days prior to the date set for the hearing. A copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within 200 feet of the Rehabilitation Area according to the assessment records of the municipality.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

The speakers who spoke: Allen Kratz, Mary Ondrejka, Cheryl Fallick, David Liebler, Jim Doyle, Tim Daly.

---duly seconded by Councilman Mello

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

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

---Nays: Russo.

11-981

---By Councilman Giacchi

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF HOBOKEN TO CANCEL OUTSTANDING DATED CHECKS AND OTHER ACTIVITY FROM THE CITY OF HOBOKEN OLD CURRENT FUND ACCOUNT #3982549660 IN THE AMOUNT OF \$415,002.24

WHEREAS, the Division of Revenue of the City of Hoboken has yielded the computation that as of October 2010, account number account #3982549660 contains numerous outstanding, dated checks and other activity: and

WHEREAS, these outstanding dated checks date from October 2010 & prior, and have amassed a grand total of \$415,002.24; and

WHEREAS, the Division of Revenue and Finance of the City of Hoboken has recommended that The City Council take the necessary and proper action to cancel these outstanding dated checks and other activity from the City of Hoboken Old Current Fund Account and

WHEREAS, cancellation of these outstanding dated checks and other activity will best serve and protect the interests of the residents of this City. NOW, THEREFORE, BE IT

RESOLVED, that the Department of Administration, Division of Revenue and Finance, is hereby authorized to cancel said outstanding checks and other activity from the Old Current Fund Account # 3982549660 In the amount of \$415,002.24.

---duly seconded by Councilman Cunningham

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

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

---Nays: Russo.

11-982

---By Councilman Giacchi

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO DEPARTMENT OF AGRICULTURE FOR 2011 SUMMER FOOD SERVICE PROGRAM FUNDS

WHEREAS, the City of Hoboken has, each summer, been the sponsor of a summer food service program for the youth of the City; and

WHEREAS, the State of New Jersey, Department of Agriculture has once again invited the City of Hoboken to submit an application for funding for the 2011 Summer Food Service Program; **now therefore, be it –**

RESOLVED, that the City of Hoboken will submit an application for such funds; and **be it --**

FURTHER RESOLVED, that the Mayor, or her designee, is hereby authorized on behalf of the City of Hoboken to:

1. Execute and submit such application to the Department of Agriculture;
2. Furnish such documents as may be required;
3. Act as authorized correspondent of the City of Hoboken;
4. Execute necessary contracts, if funding is awarded.

---duly seconded by Councilman Cunningham

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

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

---Nays: Russo.

11-983

---By Councilman Castellano

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment of taxes has been made on property listed below: and

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling \$30,155.49

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Guven, Sinan 100 Park Ave #3 Hoboken, NJ 07030	34/35/C0003	100 Park Ave	4/10	\$ 1,498.76
Corelogic ATT: Recoveries Dept P O Box 961230 Ft. Worth, Tx 76161-0230	171/19/C004L	253 Tenth St	3/09	\$ 1,701.69
Sarafian, Ryan 508 Garden St #1 Hoboken, NJ 07030	180/34/C0001	508 Garden St	1/10	\$ 2,345.56
Corelogic P O Box 961230 Ft. Worth, Tx 76161-0230	184/17/C0005	931 Park Ave	05/06/07/08	\$ 10,859.26 Excel I
Johnston, Andrew R 210 Tenth St Hoboken, NJ 07030	185/4/	210 Tenth St	4/10	\$ 4,154.65
Smith, Kevin F & Constance 158 Eighth St Hoboken, NJ 07030	195/3/	158 Eighth St	4/10	\$ 3,383.07
Yoo, Christina 507 Bloomfield St #3 Hoboken, NJ 07030	204/4/C0003	507 Bloomfield St	1/11	\$ 549.33
Park, Mimi 108 Seventh St Hoboken, NJ 07030	206/4/	108 Seventh St	1/11	\$ 2,819.72
Fidelity National Title Insurance Company University Plaza II 3705 Quakerbridge Rd Ste 205 Mercerville, NJ 08619	261.03/1/C0216	1125 Maxwell Lane	1/11	\$ 2,724.82
Fidelity National Title Insurance Company University Plaza II 3705 Quakerbridge Rd Ste 205 Mercerville, NJ 08619	261.03/1/CP279	1125 Maxwell Lane	1/11	\$ 118.63

---duly seconded by Councilman Cunningham

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

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

11-984

---By Councilman Castellano

RESOLUTION APPROVING MINUTES HOBOKEN CITY COUNCIL REGULAR MEETINGS

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of March 16, 2011 have been reviewed and approved as to legal form and content.

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

ORDINANCES

Introduction and First Reading

FAILED FIRST READING NO NUMBER GIVEN

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20B OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “CONTRIBUTION DISCLOSURE STATEMENTS”

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005; and,

WHEREAS, the City of Hoboken followed suit and created location legislation dealing with Pay-to-Play issues; and,

WHEREAS, to make the electoral process more transparent, more about the will of the people, and less about special interests and government contractors, election contribution rules were put into effect at the state level many years ago, and the restrictions incorporated new election contribution limits in 2005, in an attempt to control exorbitant spending by special interests and business entities seeking special advantage in government contracts during; and,

WHEREAS, in recent municipal elections in the City of Hoboken there has been suggestions that campaign contributors and candidates have utilized loopholes in the state election campaign limits to wheel large sums of money to particular candidates through self-funded PACs and other committees; and

WHEREAS, in a municipality which seeks to increase transparency of government and of elected officials, codifying legislation to level the playing field and create an open process of campaign financing is an important indicia that the elected officials of the municipality truly seek to improve the City’s government and govern for the will of the people rather than big business and special interests; and,

WHEREAS, the City of Hoboken seeks to emphasize the importance of eliminating wheeling at the local election level by creating restrictions that compliment the state laws by reducing the ability of local

campaign contributors for municipal elective office to give excessive campaign contributions that exceed the campaign contribution limits through the use of loopholes in the current laws.

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

SECTION ONE: AMENDMENT TO CHAPTER 20B

Chapter 20B of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~striketrough~~):

CHAPTER 20B ~~CONTRIBUTION DISCLOSURE STATEMENTS~~ POLITICAL CONTRIBUTIONS

ARTICLE I LAND USE APPLICANT CONTRIBUTION DISCLOSURE STATEMENTS

§ 20B-1. Short title.

Contribution Disclosures Ordinance.

§ 20B-2. Purpose.

Municipal Master Plans include well thought out, long-term decisions about the development capacity of the community.

Municipal Master Plans are implemented through the enactment of local land use ordinances.

Deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70d and N.J.S.A. 40:55D-70c, as well as exceptions and waivers pursuant to N.J.S.A. 40:55D-51, provide opportunities for significant private gain.

The redevelopment process currently underway within the City of Hoboken also provides opportunities for significant private gain.

Openness in government and a fair and impartial variance, waiver and exception application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the application process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will enhance the City's existing commitment to openness in government and provide further guarantees for a fair and impartial application and approval process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare.

The Mayor and City Council of the City of Hoboken, having considered the foregoing, believe that it is in the best interests of the residents of the City of Hoboken to enact the within chapter.

It is accordingly found and determined that the paramount public interest in enhancing the City's commitment to openness in government, and in providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare, requires the disclosure of political contributions by property owners, developers, redevelopers and professionals within the City as a component of making application to the City for certain approvals, and requires the supplementation of the municipal application checklists to mandate the listing of specified political contributions made by property owners, developers, redevelopers and the professionals whose services they use.

§ 20B-3. Definitions.

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.

§ 20B-4. General provisions.

A. Disclosure requirements.

- (1) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for any subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, as well as any applicant who 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., shall include in its application with and/or submit to the relevant municipal agency a Contribution Disclosure Statement for all developers involved in the said application; all associates of said developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2 shall also be subject to this requirement; and all professionals who apply for or provide testimony, plans, or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application shall also be subject to this requirement. Regardless of whether the owner of the property, which is the subject of the application falls in any of the categories

established in the preceding sentence, the applicant shall include in its application to the relevant municipal agency a Contribution Disclosure Statement for said owner.

- (2) During the pendency of the application process until the final approval associated with the application is granted, any applicant required to comply with this chapter shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of disclosure requirement of the above paragraph.
- B. Inclusion of Contribution Disclosure Statements as an element of the Application Checklist.
- (1) An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the Contribution Disclosure Statements specified in subsection A. of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief pursuant to N.J.S.A. 40:55D-51 in applications for site plan and not considered to be minor site plans pursuant to local ordinance, or for approval 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.
 - (2) The City's municipal agencies shall amend their Application Checklists to include the Contribution Disclosure Statements specified in subsection A. of this section.
 - (3) An application shall not be deemed complete by the administrative official or accepted for public hearing by the municipal agency until the required Contribution Disclosure Statements are submitted.
- C. Availability of Contribution Disclosure Statements. All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.
- D. Intent of Contribution Disclosure Statements. It is the intent of this chapter that Contribution Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law.

ARTICLE II POLITICAL CONTRIBUTION LIMITS

§ 20B-5 Short Title

Election Contribution Restrictions

§ 20B-6 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, as amended, N.J.S.A. 19:44A-1 et seq. 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 which can occur during the City's local municipal elections.

§ 20B-7 Definitions

Committee: shall include any Political Action Committee, Continuing Political Committee, Political Committee, or Candidate Committee, as the terms are defined in N.J.S.A. 19:44A-1 et seq. or any PAC organized under § 527 of the Internal Revenue Code.

§ 20B-8 Political Contribution Regulations

- A. Contributions made to candidates for Hoboken municipal elective office shall be governed by the limits set forth in N.J.A.C. 19:25-11.2, with the following additional regulations:
- i. Whenever any individual shall provide seventy-five percent (75%) or more of the annual funding of any Committee, said Committee shall have a reduced campaign contribution limit of five hundred dollars (\$500.00) per candidate, per election, to any candidate for Hoboken municipal elected office. For purposes of determining whether an individual provides seventy-five percent (75%) or more of the annual funding for a Committee, contributions made to the Committee by the individual and the individual's spouse and dependent child or children shall be considered.
 - ii. Section 20B-6A(i) shall not alter the contribution limits set for individuals.
 - iii. Whenever any Committee shall be funded fifty percent (50%) or more by sources outside of Hoboken, in the aggregate, said Committee shall have a reduced campaign contribution limit of five hundred dollars (\$500.00) per candidate, per election, to any candidate for Hoboken municipal elected office. For purposes of determining whether a source, as described herein, is outside of Hoboken, individual sources shall be considered outside of Hoboken if they are domiciled in any municipality other than Hoboken and entities shall be considered outside of Hoboken if their principal place of business is outside of Hoboken.
- B. 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 a political party committee. This Section 20B-8B shall not limit contributions from other committees, as defined herein.
- C. No candidate or candidate committee for any candidate for Hoboken elective municipal office shall accept a contribution from a committee located outside the City of Hoboken in excess of \$500 per election.

§ 20B-9 Citizens private right of action.

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

§ 20B-10 Enforcement

This Article II shall be enforced by the City Clerk of the City of Hoboken.

§20B-11 Violations and Penalties

- A. Any violation of this Article II shall be non-curable.
- B. Any candidate for Hoboken municipal elective office who receives a contribution which violates the provisions of this Article II shall refund the contribution within thirty (30) days of receiving notice of the violation.
- C. Any Committee who willfully and intentionally makes or receives any contribution in violation of this Article II shall be liable to a penalty equal to not more than 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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Mason then instructed the City Clerk to call the Vote for the above Ordinance. 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 **MAY 4, 2011 at 7:00 PM.**

--**FAILED** by the following vote: YEAS: 4- NAYS: 4 - ABSENT: 1
---Yeas: Council persons Bhalla, Cunningham, Marsh, Mello.
---Nays: Castellano, Giacchi, Occhipinti, and President Mason.
---Absent: Russo.

(Sponsored by Councilman Cunningham and seconded by Councilman Bhalla)

11-985
Z-107

AN ORDINANCE TO DELETE CERTAIN PRESENTLY DESIGNATED HANDICAPPED PARKING SPACES FROM CHAPTER 192 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED “PARKING FOR HANDICAPPED”

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

SECTION 1: City Code Section 192-4 (A) is hereby amended to delete the following restricted handicapped parking spaces (additions noted in underline, ~~deletions~~ noted in strikethrough):

~~Frank Bertotti, 104 Park Avenue (west side of Park Avenue, beginning at a point of 55 feet from the northwest curbline of First Street and extending 22 feet north therefrom)~~
~~Michael T. Cerbo, 1215 Willow Avenue (east side of Willow Avenue, beginning at a point of 260 feet north of the northerly curbline of Twelfth Street and extending 12 feet northerly therefrom)~~

~~Giovanni Forte, 1210 Hudson Street, #419 (west side of Hudson Street, beginning at a point 190 feet from the northwest curbline of Twelfth Street and extending 22 feet northerly therefrom)~~

~~Gail Hunt, 604 Park Avenue (west side of Park Avenue, beginning at a point of 63 feet from the northerly curbline of Sixth Street and extending 22 feet northerly therefrom)~~

~~Patricia Mitten, 1032 Hudson Street (south side of Eleventh Street, beginning at a point of 205 feet from the easterly curbline of Washington Street and extending 22 feet easterly therefrom)~~

~~Grace Quagliana, 304 Bloomfield Street (west side of Bloomfield Street, beginning at a point 57 feet north of the northerly curbline of Third Street and extending 22 feet northerly therefrom)~~

~~Pantaleo Sasso, 503 Bloomfield Street (east side of Bloomfield Street, beginning at a point of 35 feet north of the northerly curbline of Fifth Street and extending 22 feet northerly therefrom)~~

~~Ruben Savaglia, 59 13th Street (south side of Thirteenth Street, beginning at a point 130 feet from the westerly curbline of Hudson Street and extending 22 feet westerly therefrom)~~

~~Jennifer Zielke, 700 Park Avenue (west side of Park Avenue, beginning at a point 35 feet from the northerly curbline of Seventh Street and extending 22 feet northerly therefrom)~~

~~Salvatore Costagliola, 112 Willow Avenue (west side of Willow Avenue, beginning at a point 164 feet from the northerly curbline of First Street and extending 22 feet northerly therefrom)~~

SECTION 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

President Mason then instructed the City Clerk to call the Vote for the above Ordinance. 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 **MAY 4, 2011 at 7:00 PM.**

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

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

---Nays: None.

---Absent: Russo.

(Sponsored by Councilman Mello and seconded by Councilman Bhalla)

11-986

Z-108

ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY ADOPTING CERTAIN AMENDMENTS TO THE FINANCIAL AGREEMENT WITH MBS HOUSING URBAN RENEWAL, LLC RELATING TO A HOBOKEN-NORTH HUDSON YMCA-SPONSORED HOUSING PROJECT

WHEREAS, the New Jersey Housing Mortgage Finance Agency Law of 1983, as amended, *N.J.S.A. 55:14K-1 et seq.*, the rules promulgated thereunder at *N.J.A.C. 5:80-1 et seq.*, and all other applicable guidelines (collectively, the “**HMFA Requirements**”) govern the financing, development, construction and management of certain publicly-financed multi-family housing projects; and

WHEREAS, the Hoboken-North Hudson YMCA (the “**Sponsor**”) proposes to renovate and expand a 96-unit single room occupancy special needs housing project for low-income single males (collectively, the “**Project**”), into two (2) condominiums which separate the residential space from the

community space; said Project shall include a fifth floor addition and renovation of the third and fourth floors to include 96 single room occupancy units in addition to renovation of the building entrance to comply with accessibility laws, installation of an elevator, two stairwells, a community room for the residents, installation of a fire suppression system, upgrade of utilities and heating, installation of air conditioning, renovation of existing bathrooms and the addition of handicap accessible bathrooms, all in accordance with the HMFA Requirements and all applicable state and municipal building codes; and

WHEREAS, in furtherance of the Project and in accordance with the HMFA Requirements, on April 4, 2007 the City of Hoboken (the “**City**”) adopted a resolution granting the Project a tax exemption from the date of execution of a mortgage between the New Jersey Housing Mortgage Finance Agency (the “**Agency**”) and the Sponsor; and

WHEREAS, on _____ in accordance with the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.* (the “**LTTE Law**”), the City and MBS Housing Urban Renewal, LLC (“**MBS Housing**”) entered into a financial agreement (the “**Financial Agreement**”), granting MBS Housing an exemption from taxes on all improvements relating to the Project commencing “[f]rom and after the date of issuance of the Permanent Certificate of Occupancy [by] the City of Hoboken Building Department or the City of Hoboken Construction Code Official;” and

WHEREAS, despite the best efforts of the Sponsor and MBS Housing, the financing for the Project could not be consummated in 2007 or thereafter, as a result of the economic downturn affecting the credit market; and

WHEREAS, the Sponsor and MBS Housing currently seek to secure financing for the construction of the Project and in conjunction therewith, seek to clarify the commencement date for the tax exemption under the Financial Agreement; and

WHEREAS, the Parties agree that the Project will remain subject to the HMFA Requirements, the LTTE Law, the New Jersey Department of Community Affairs (the “**DCA**”) Neighborhood Preservation Balanced Housing Program in accordance with *N.J.A.C. 5:43-1.1 et seq.*, the mortgage and such other documents executed between the Sponsor, the Agency and the commissioner of the DCA; and

WHEREAS, the City has determined that an exemption of the project is warranted under the HMFA Requirements and makes the following findings:

- (a) The relative benefits of the Project to the area greatly outweigh the cost of the tax exemption, as the Project will permit the Sponsor to update and renovate an existing affordable housing project for the male population at need within the community. Further, the Project will expand the existing units, bringing them into code compliance, creating a community room and generally enhancing the protection of and services to the residents; and
- (b) In assessing the importance of the tax exemption in influencing the locational decisions of the occupants, it is evident that the tax exemption is a critical component of the financing package for the rehabilitation of the Project. Without the financing, the existing units would continue to deteriorate and remain inaccessible to certain residents. The Sponsor, as a tax-exempt entity, would normally be exempt from land and property taxation; however, the tax credit financing requires the Project to be owned by a for-profit entity and, therefore, MBS Housing is the current owner of the Project. Thus, while the Project would normally be tax-exempt, the financing structure requires the Project to be taxable which could adversely affect the ability to maintain the rents at affordable levels. In order to maintain the affordability of the rental units for the residents, the Sponsor and MBS Housing seek an exemption from taxation to maintain low cost overhead and preserve the financial accessibility of the Project to the targeted residents; and

WHEREAS, in light of the continued importance of the tax exemption to the Project, the City has determined to amend the Financial Agreement to clarify the commencement of the tax exemption period to reflect that such exemption shall commence upon the execution of the amended Financial Agreement.

NOW THEREFORE, BE IT ORDAINED, that an amendment to the Financial Agreement, in the form attached hereto as Exhibit A, is hereby approved and the Mayor, in consultation with counsel to the City, is hereby authorized to execute and/or amend, modify or make such changes to the Financial Agreement necessary to effectuate the provisions of this Ordinance; provided that, such amendments, modifications or changes do not materially change the rights of the City to the payment of the Annual Service Charge (as defined in the Financial Agreement) for use by the City for any lawful purpose in the exercise of the City's sole discretion.

FURTHER ORDAINED, that the Mayor, in consultation with counsel to the City, is hereby authorized to prepare, execute, amend, modify or make such changes to any other documents necessary to effectuate the provisions of the Financial Agreement, as amended, and this Ordinance.

FURTHER ORDAINED, that an executed copy of the Financial Agreement shall be certified by the City Clerk to the Office of the City Tax Assessor, in accordance with Section 12 of the LTTE Law.

FURTHER ORDAINED, that the City Clerk is directed to transmit a certified copy of this Ordinance and the Financial Agreement, as amended, to the Director of the Division of Local Government Services, in accordance with Section 12 of the LTTE Law.

FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption and publication thereof according to law.

President Mason then instructed the City Clerk to call the Vote for the above Ordinance. 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 **MAY 4, 2011 at 7:00 PM**.

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

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

---Nays: None.

(Sponsored by Councilwoman Marsh and seconded by Councilman Mello)

FAILED FIRST READING NO NUMBER GIVEN

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 strikethrough, 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.

BC. 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.

CD. 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.

President Mason then instructed the City Clerk to call the Vote for the above Ordinance. 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 **MAY 4, 2011 at 7:00 PM.**

---**FAILED** by the following vote: YEAS: 4- NAYS: 4 - ABSENT: 1
---Yeas: Council persons Bhalla, Cunningham, Marsh, Mello.
---Nays: Castellano, Giacchi, Occhipinti, and President Mason.
---Absent: Russo.

(Sponsored by Councilman Bhalla and seconded by Councilman Cunningham)

11-987
Z-109

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 141A-4 ENTITLED ‘VISITORS PERMITS’ TO BETTER ACCOMMODATE THE CITY’S DISABLED RESIDENTS

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

WHEREAS, the General Code of the City of Hoboken, at Section 141A-4 currently regulates visitor parking permits within the City of Hoboken;

WHEREAS, the City’s current parking permits system has unintentionally created difficulties for the disabled residents of the municipality who do not utilize their own vehicles; and,

WHEREAS, the City Council seeks to supplement Section 141A-4 to better accommodate the reoccurring needs of the disabled residents of the City.

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

Section One: Section 141A-4 Amendments

§ 141A-4. Visitor permits.

- A. Visitor permits are issued only to Hoboken residents and are to be used only so long as the visitors are actually visiting the household of a resident to which the permit is issued.
- B. There shall be a visitor permit issued to any resident who applies in person to the Hoboken Parking Utility for a period of one to seven (1-7) days and may not extend for more than seven (7) consecutive business days.
- C. Visitor permits are not required on Sundays or announced holidays. As used in this Chapter 141A, "day", "Sunday" and "Holiday" shall commence at 12:00 a.m. and terminate at 11:59 p.m. on the designated day.
- D. The documentation required of the resident to establish residency for the purposes of obtaining a visitor permit is the same as provided in Section 141A-3C.
- E. A visitor permit will not be issued to anyone residing in any building exclusively used by students of a college.
- F. Use of a visitor permit is confined to permit parking only areas as designated by the Parking Utility.

G. All visitor permits are to be displayed prominently in the front windshield where they are easily visible and fully readable from the exterior of the vehicle.

H. Visitor permits shall be discarded once the resident no longer needs the permit or the permit expires, whichever occurs first.

I. The Parking Utility shall have the power to extend the duration of visitor permits up to two (2) weeks upon application in person to the Parking Utility and upon a showing of special circumstances.

J. All Hoboken residents sixty-two (62) years of age or older shall receive up to two (2) year-long "Senior" visitor permits free of charge if they request. Proof of age shall be required and may be shown by birth certificate, social security check, and Medicare card or by other official documents acceptable to the Parking Utility.

K. All Hoboken residents who are disabled, to the extent that they are not able to personally drive a motor vehicle, and elect to forfeit eligibility for a residential parking permit shall receive one (1) annual "Disabled" visitor permit free of charge upon request. Proof of residency is same as described in 141A-3C. Proof of disability shall be required and may be shown by providing at least two of the following documents showing the same name as the resident seeking the Disabled visitor permit.

- (1) A valid New Jersey Motor Vehicle Commission "Disabled Person" identification card;
- (2) A valid New Jersey Transit "Disabled" identification card;
- (3) A valid New York City Metropolitan Transportation Authority "Disability" identification card;
- (4) Other appropriate documentation sufficient for establishing disability of an individual upon approval of the Director of the Parking Utility.

The remainder of Section 141A remains unchanged.

Section Two: Repeal of Inconsistent Provisions

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

Section Three: Severability

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

Section Four: Effective Date

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

Section Five: Codification

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

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

President Mason then instructed the City Clerk to call the Vote for the above Ordinance. 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 **May 4, 2011 at 7:00 PM.**

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

(Sponsored by Councilman Mello and seconded by Councilman Bhalla)

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Ron Simoncini, Patricia Waiters, Cheryl Fallick, Helen Hirsch, Eric Volpe & Roman Brice.

At 1:00 AM the Governing Body on a motion by the Governing Body; duly seconded by the Council

President Mason then adjourned the meeting at 1:00AM.

PRESIDENT OF THE COUNCIL

CITY CLERK