

THE COUNCIL OF THE CITY OF HOBOKEN
MINUTES FOR MEETING OF MONDAY, NOVEMBER 14, 2011

President Bhalla opened the meeting at 7:02 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 published in the Jersey Journal, City website, copies were provided in 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 Castellano, Cunningham, Giattino, Marsh Mason, Mello, Occhipinti, Russo (** arrived at 7:36PM) and Bhalla

ABSENT: Russo ** (see below)

Council President announces that Councilman Russo will be arriving shortly and Ordinance #5 for second reading will be carried to the next city council meeting

Council President comments that they are suspending the agenda and going to Resolution #2 since there is a bankruptcy attorney that is present for that resolution

Council President reads the letter from Director Thomas Neff addressing the City Council pertaining to Budget Transfers.

Councilwoman Mason comments budget transfers

Mayor Zimmer comments on the budget transfers

Go to Resolution #2

Councilman Russo arrives to the council meeting at 7:36 P.M.**

Second Reading/Public Hearing and Final Vote

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFINANCING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING PARKING UTILITY GENERAL OBLIGATION BONDS, SERIES 2002A, DATED DECEMBER 15, 2002; AUTHORIZING THE ISSUANCE OF UP TO \$19,100,000 OF GENERAL OBLIGATION REFUNDING BONDS (PARKING UTILITY) OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING **(Z-145)**

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. Franz Paetzold.

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 Mello

---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.

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

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

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

AN ORDINANCE TO ACQUIRE THREE ROADS AS MUNICIPAL ROADS AND ACCEPT THE COUNTY OF HUDSON'S ACTIONS TO CEDE JURISDICTION AND CONTROL TO THE CITY OF HOBOKEN PURSUANT TO N.J.S.A. 27:16-28 (**Z-140**)

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.

The speakers who spoke: Scott Seigel.

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.

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

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

---Nays: Russo.

AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 39 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN **Z-141**)

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.

---Motion duly seconded by Councilwoman Marsh

---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.

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

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

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

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 204 BLOOMFIELD STREET AND 532 GARDEN STREET (Z-143)

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.

---Motion duly seconded by Councilwoman Marsh

---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.

---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.

AN ORDINANCE TO DELETE CERTAIN SECTIONS OF THE HOBOKEN CITY CODE DUE TO UNCONSTITUTIONALITY, PREEMPTION, REPEAL BY CASE LAW, AND/OR REPEAL BY INCONSISTENCY (Z-144)

---Motion to **TABLE** to the next City Council meeting by the following vote:

---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.

Council President comments to consider the resolution prior to the Ordinance below.
Corporation Counsel comments and confirms that this is alright.

NORTHWEST REDEVELOPMENT ZONE AMENDMENT

RESOLUTION

11-220

RESOLUTION OF THE CITY OF HOBOKEN REFERRING AN AMENDMENT TO THE NORTHWEST REDEVELOPMENT PLAN TO THE CITY OF HOBOKEN PLANNING BOARD FOR REVIEW AND REPORT PURSUANT TO N.J.S.A. 40A:12A-7

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken (“City Council”) adopted a redevelopment plan known as the Northwest Redevelopment Plan Area, which was determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et. seq;

WHEREAS, Block 95, Lots 6 through 21 are located within the Northwest Industrial Area; and

WHEREAS, the City Council has prepared certain amendments to the Northwest Redevelopment Plan, which amendments are in furtherance of the redevelopment, which are set forth in a proposed Ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken”; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, prior to amendment of a Redevelopment Plan, proposed revisions must be referred to the Planning Board for review and recommendations.

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

1. A copy of the proposed ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken” be transmitted to the Planning Board of the City of Hoboken for its review and recommendations pursuant to N.J.S.A. 40A:12A-7.
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.

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

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

ORDINANCES

Introduction and First Reading

11-221
Z-146

AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken (“City Council”) adopted a redevelopment plan known as the Northwest Redevelopment Plan for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area, which was

determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.;

WHEREAS, the Northwest Redevelopment Plan is reprinted in Appendix A of Chapter 196 of the Code of the City of Hoboken;

WHEREAS, Block 95, Lots 6 through 21 are located within the Northwest Industrial Area; and

WHEREAS, the Planning Consultant for the City of Hoboken Planning Board has prepared certain amendments to the Northwest Redevelopment Plan, which amendments are in furtherance of the redevelopment; and

WHEREAS, the City Council has reviewed and considered the recommendations of the Planning Board regarding the amendments to the northwest Redevelopment Plan; and

WHEREAS, the amendments to the Northwest Redevelopment Plan meet the statutory requirements of, and can be adopted consistent with, the applicable provision of the Redevelopment Law.

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

Section 1. The “Zone 1” portion of The Northwest Redevelopment Plan is hereby amended to read as follows:

Zone 1

The following blocks will be permitted to have residential buildings: (Blocks B.88; B.89; B.95; B.99; B.100; B.103: Lots 1-6 & 27-32; B.104: B.109; B.110; B.114: Lots 1-13, 20-33, and parts of Lots 14-17 consisting of the southerly one-third 25 feet of these lots; B.115: Lots 1-14 & 19-32; B.150; B.151; B.156).

Sub-Area 1: All Sites With The Exception of Block 95, Lots 11-16 and 17-18

Where a redeveloper chooses to combine residential use with permitted nonresidential principal uses such as community facility or office or commercial recreation in a single building, all residential use — except for lobby access — must be located on floors above the other uses and have separate secure entrances. In such a case the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where preexisting nonresidential buildings remain, whether for continued nonresidential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings. See bulk regulations in Table 1: "Sub-Area 1, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building’s residential floors.

Sub-Area 2: Block 95, Lots 11-16

Where the redeveloper of Block 95, lots 11-16 proposes to create a mixed-use building which includes a music recording studio with special requirements for sound insulation, the following special conditions shall apply: in addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for such music recording studio and its ancillary space (including transient overnight accommodations as approved previously by the Zoning Board of Adjustment) provided that for every 2.0 square feet of commercial space built, a minimum of 1.0 square feet of programmable public space is also built on-site. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR. In no event, shall the total number of dwelling units created for the entire site exceed the maximum permitted at the base 3.0 FAR. Special bulk and parking regulations and urban design guidelines for this site can be found following the standard zone regulations immediately below. See bulk regulations in Table 2: "Sub-Area 2, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building’s residential floors.

Sub-Area 3: Block 95, Lots 17-18

The parcel identified as Block 95, Lots 17-18 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum of 10,000 sq. ft., the subject site measures 5,000 sq. ft. as it existed at the time of the adoption of the Plan. The Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, parking and floor area for corner buildings. Permitted density and building height will remain the same as in Sub-Area 1. See bulk regulations in Table 3: "Sub-Area 3, Building Design".

Table 1: "Sub-Area 1, Building Design".

In Sub-Area 1, residential buildings shall be designed pursuant to Table 1. -Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 1. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 1, Table 1 regulations shall control:

Building Height	Five residential floors 50 feet over one floor 10 feet of parking (maximum total building height 60 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
• Bonus Building Height	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 60 feet:
	<ul style="list-style-type: none"> • Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 65 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.
	<ul style="list-style-type: none"> • Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
• Bonus FA:	Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building in the form of one penthouse level occupying no more than half the area of the roof below and set back a minimum of ten feet from the front facade subject to the following controls:
	<ul style="list-style-type: none"> • The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed.
	<ul style="list-style-type: none"> • Penthouse may not rise higher than 10 feet above maximum

	building height permitted for the site.
<ul style="list-style-type: none"> Corner Buildings: 	Any residential building which “wraps around” a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback, density and parking requirements have been met; also see lot coverage exception.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	
	<ul style="list-style-type: none"> 60% for the residential portion of building (except on corner sites as described in the discussion of building depth and rear yards; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	<ul style="list-style-type: none"> 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 2: "Sub-Area 2, Building Design"

In Sub-Area 2, where the redeveloper proposes to create a mixed-use building which includes a music recording studio and its ancillary space (including transient overnight accommodations as approved previously for this site by the Zoning Board of Adjustment) with special requirements for sound insulation, the following special regulations shall apply (note: hereinafter, such development will be referred to as “studio”):

Building Height:	One building mass may contain up to six residential floors (maximum: 60 feet) which may be increased by a seventh partial floor (up to a maximum: 70 feet in height) if bonus floor area is granted, supported over a base building which contains no more than one level of parking and one or two levels of studio space (maximum total height: 30 feet) separated by an open volume of space not to exceed 13 feet in height. Maximum height of the entire mixed-use structure may not exceed 112 feet to the top of the roof slab.
Floor Area Ratio:	3.0 for residential floor area; additional floor area pursuant to the bonus described below:
<ul style="list-style-type: none"> Bonus FA: 	In addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for the studio provided that for every 2.0 square feet of studio space built, a minimum of 1.0 square feet of programmable public space shall be built onsite. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted base FA by 1,000 (to be calculated at 3.0 FAR). In no event, even if bonus floor area, is granted, shall the total number of dwelling units created exceed the maximum permitted at the base 3.0. FAR
Lot coverage:	
	<ul style="list-style-type: none"> 60% for the residential portion of the building
	<ul style="list-style-type: none"> 100% for the base building containing the parking and the

	music recording studio up to 30 feet above grade as required
Parking:	Five spaces for the music studio (pursuant to the previous variance granted); 0.5 spaces for each dwelling unit; no spaces required for public recreation space or any publicly accessible activity areas provided in the building base

Urban Design Guidelines:	The following regulations apply specifically to Sub-Area 2; where a conflict appears between these and the Urban Design Guidelines for the Plan as a whole, the following regulations shall control:
•	General Building Bulk and Yard Requirements:
	• Minimum front yard setback from north-south street: zero feet
	• Minimum side street setback from east-west street: zero feet
•	Building Base Design:
	• Door/Window/Stoop frequency: every 80 feet on Madison Street; every 50 feet on Tenth Street
	• Windows: see activity areas
•	Parking and Parking Design:
	• Window openings: may be satisfied per streetscape requirements (see below)
	• Garage roof may be developed for public recreation use (see below)
•	Streetscape Requirements:
	• Street trees: single row of trees every 25 feet on all streets
	• Activity areas: activity area requirement may be satisfied by provision of interactive glass wall extending not less than 50% of the length of each street facade at sidewalk level
•	Public Recreation Space:
	• Design, availability and programming to be approved by the City's Department of Cultural Affairs in conjunction with the Department of Community Development with permanent public easements per Corporation Counsel
	• Whereas the proposed public space occupies the 30% of the site normally attributed to required private open space, the roof above the topmost residential floor shall be developed as a "green" roof which shall allow access to tenants

Table 3: "Sub-Area 3, Building Design"

In Sub-Area 3, residential buildings shall be designed pursuant to Table 3. Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 3. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 3, Table 3 regulations shall control:

Site size, minimum	5,000 sq. ft.
Rear yard, minimum	20ft.
Rear wall, maximum	80ft. from front lot line
Side-street setback	none required from east-west streets
Building Height	See Sub-Area 1
• Bonus Building Height	See Sub-Area 1
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
• Bonus FA:	See Sub-Area 1

<ul style="list-style-type: none"> • Corner Buildings: 	Any residential building which “wraps around” a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 80 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	
	<ul style="list-style-type: none"> • 70% for the residential portion of building; see Urban Design Guidelines: General Building Bulk and Yard Requirements). • 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each of the first twelve dwelling units except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Section 2. A copy of this Ordinance shall be maintained in the offices of the City Clerk.

Section 3. The Northwest Redevelopment Plan shall continue to supersede applicable provisions of the Zoning Ordinance of the City of Hoboken. In all situations where zoning issues are not specifically addressed by the Northwest Redevelopment Plan, the Zoning Ordinances of the City of Hoboken shall remain in full force and effect.

Section 4. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon adoption and publication according to law, and upon filing with the Hudson County Planning Board.

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 **December 7, 2011** at 7:00 PM.

---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.

11-222

Letter from the Director of Local Government Services regarding Budget Transfers

Received and Filed.

APPLICATIONS FOR MISCELLANEOUS

11-223

TAXI, LIMOUSINE, AND LIVERY DRIVERS----- (6 ITEMS @ \$75.00)

SEE ATTACHED

RAFFLES-----2 ITEMS (\$20.00/DRAWING)

---Councilman Cunningham moved that the licenses be granted.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

Reports of City Officers

11-224

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of October 2011 \$20,192,459.43 (Abatement Totals - \$1,052,893.81)

Received and Filed.

11-225

A report from Municipal Court indicating receipts for the month of October 2011 as \$398,843.45.

Received and Filed.

11-226

---By Councilman Cunningham

CLAIMS

Total for this agenda **\$2,151,569.94**

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason and Russo

RESOLUTIONS (cont'd)

11-227

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE CY 2011 FUND APPROPRIATIONS

BE IT RESOLVED, that the following CY 2011 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO
Operations - Within "Caps"		
Personnel & Health S&W		\$ 5,000.00
Mayors Office S/W		\$11,000.00
City Council S&W		\$1,250.00
Alcoholic Bev Control S&W		\$1,000.00
Revenue & Finance S&W		\$22,000.00
Tax Collection S&W		\$6,000.00
Assessor's Office S&W		\$1,000.00
Corporation Counsel S&W		\$4,500.00
Special Counsel		\$500,000.00
Zoning Administration S&W		\$ 42,000.00
Housing Inspection S&W		\$7,000.00
Uniform Construction OE		\$25,000.00
Emergency Management S&W		\$45,000.00
Fire Dept S&W		\$900,000.00
Environmental Services OE		\$70,000.00
Legal Advertising OE		\$15,000.00
Central Garage S&W		\$31,000.00
Human Services S&W		\$2,000.00
Rent Leveling S&W		\$4,000.00
Public Property S&W		\$55,000.00
Salary Settlements		\$260,000.00
Municipal Court S&W		\$67,000.00
Public Defender S&W		\$600.00
Business Administrator S&W		
Community Development S&W	\$10,750.00	
Zoning Board of Adjustments	\$45,000.00	
	\$10,000.00	
Uniform Construction S&W	\$75,000.00	
Police Division S&W	\$1,235,000.00	
Environmental Services S&W	\$100,000.00	
Sanitation S&W	\$30,000.00	
Sanitation OE	\$30,000.00	
Health S&W	\$10,000.00	
Recreation OE	\$20,000.00	
Parks S&W	\$40,000.00	
Electricity	\$20,000.00	
Water & Sewer	\$100,000.00	
Salary Adjustments	\$304,000.00	
Municipal Court OE		
Public Defender OE		

Group Health Insurance OE	\$30,000.00	
	\$600.00	
	\$15,000.00	
	\$2,075,350.00	\$2,075,350.00

---Motion duly seconded by Councilman Mello
---**FAILED** by the following vote: YEAS: 5 - NAYS: 4
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello and President Bhalla
---Nays: Castellano, Occhipinti, Russo and Mason.

11-228

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT IN A MATTER KNOWN AS MUNOZ V. CITY OF HOBOKEN, ET. AL, CIVIL ACTION NO. 09-CV-4623

WHEREAS, the City of Hoboken is involved in a civil action in the United States District Court captioned Munoz v. The City of Hoboken, et al, bearing Civil Action No. 09-cv-4623 (SDW); and

WHEREAS, the insurance carrier for the City is funding the entire settlement and requires a resolution from the governing body to effectuate the settlement.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken, that the Mayor, City Clerk and any other appropriate officer are hereby authorized and directed to take such actions, as are necessary to effectuate the terms of this resolution, including but not limited to the execution of the settlement agreement in a form acceptable to Corporation Counsel and implementation of the executory provisions thereof.

---Motion 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.

11-229

---By Councilman Occhipinti

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE “MAMA JOHNSON FIELD SHARED SERVICE AGREEMENT” WITH THE HOBOKEN HOUSING AUTHORITY

WHEREAS, the Administration, has negotiated an agreement with the Hoboken Housing Authority which provides for both parties to contribute to improvements to Mama Johnson Field, and subsequently share in utilizing the rehabilitated field over a period of time; and,

WHEREAS, the terms of the agreement, as approved to by the Administration, are laid out in the Mama Johnson Field Shared Service Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

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 Mama Johnson Field Shared Service Agreement, *attached hereto*, as negotiated between the City and the Hoboken Housing Authority; and,
2. The City Council hereby directs the Mayor and her Administration to notify Hoboken Housing Authority of this acceptance immediately.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized and directed to proceed to execute and finalize this agreement, or one substantially similar with no substantive changes, expeditiously, and to take any steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilwoman Castellano and 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.

11-230

---By President Bhalla

RESOLUTION THANKING HOSPITAL AUTHORITY BOARD MEMBERS FOR THEIR SERVICE AND WISHING HUMC LONG TERM SUCCESS UNDER ITS NEW OWNERSHIP

WHEREAS, Hoboken University Hospital, formerly known as Saint Mary Hospital (“HUMC”) is a vital Hoboken institution that has provided essential services to Hoboken’s residents for over 150 years;

WHEREAS, the City of Hoboken has always supported HUMC, recognizing that the support of the local community is essential to the long term success of the Hospital;

WHEREAS, the financial difficulties facing HUMC resulted in the bankruptcy of its management company and would have caused its closure if a transfer to a private buyer had not been successfully completed;

WHEREAS, the closure of HUMC would have not only resulted in the loss of essential health care services to our community, but would also have caused severe damage to the financial health of our City due to Hoboken’s guaranty of \$52 million of Hospital bonds;

WHEREAS, thanks to the extraordinary efforts of the citizen Commissioners of the Hoboken Municipal Hospital Authority Board (“HMHA”), who serve for no compensation other than a desire to help their community, HUMC has been saved through the completion of a sale to HUMC Holdco, a company sharing common ownership with Bayonne Medical Center, and the \$52 million bond has been fully defeased relieving our City of an enormous financial burden;

WHEREAS, the Honorable Judge Donald H. Steckroth, who presided over the bankruptcy proceedings, characterized the result that was achieved for the City of Hoboken as follows:

“I think by any measure, the result that’s been put forth before the Court as a result of the lengthy and strenuous and difficult negotiations of the parties, is frankly, is quite spectacular.”

WHEREAS, Judge Steckroth went on to give credit to the many individuals whose work had enabled the achievement of this “spectacular” result, saying:

“I personally would like to complement the folks involved, the debtor hospital and its Attorneys, Mr. DiPasquale, in particular; the Authority, Mr. Rosen and Ms. Seymore; the City, Mr. Hollander took an active role, and the Mayor has been here on numerous occasions. I know she’s in the audience today and has taken a major role in trying to help resolve and bring about settlement, not only through the auspices of her City and the Council, but her efforts to intervene and speak with the State and have some assistance with State authorities.”

WHEREAS, Judge Steckroth further described the achievement as follows:

“The objective here is to try to save a hospital. As a result of the settlement, the Hospital’s going to stay open for at least seven more years. 1200 or more employees will retain their jobs. But you know, it goes beyond that. The settlement greatly benefits the City and its neighbors, and the neighboring communities....”

NOW THEREFORE, THE HOBOKEN CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. The Hoboken City Council, on behalf of the City of Hoboken, expresses its profound gratitude for the extraordinary service to our community provided by each of the following members of the HMHA Board:

- Tejal Desai
- Steven Rofsky
- Alfred Fayemi
- Joseph Kozel
- Catherine Williams
- Annette Tomarazzo
- Susan Tonry
- Norman Wilson
- Jonathan Metsch
- Eric Kurta

Their efforts, working as unpaid citizen volunteers have resulted in saving HUMC and relieving Hoboken’s citizens from the financial burden represented by the \$52 million hospital bond; and

2. The Hoboken City Council pledges to support HUMC under its new ownership and wishes it long term success in its continuing role as one of the most important institutions in our City.

---Motion 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.

11-231

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE TAX ASSESSOR TO CORRECT AN ASSESSMENT ON REAL ESTATE FOR 2011 TO EFFECTUATE A SETTLEMENT PREVIOUSLY APPROVED

WHEREAS, THE Tax Assessor with legal counsel had negotiated a Settlement Agreement with the owner of Block 16, Lot 25.2 C000B, which is attached hereto; and

WHEREAS, the Settlement Agreement negotiated for the tax year 2010 required the Tax Assessor to reduce the tax assessment on the aforesaid property for the tax year 2011 to \$247,000.00; and

WHEREAS, due to the volume of tax appeals for 2010, the Tax Assessor's Office did not correct its records to reflect the negotiated settlement assessment for 2011, and

WHEREAS, the governing body has the authority to direct the Tax Assessor to correct mistakes entered and assessed against real property; and

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

- A. The Tax Assessor shall correct the assessment for 2011 on Block 16, Lot 25.2 C000B and reflect same as \$150,000.00 consistent with the Settlement Agreement.
- B. The Collector of Revenue is herein directed to calculate any refunds due for 2011 based on the corrected assessment of \$247,000.
- C. This resolution shall take effect immediately upon passage.

---Motion 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.

11-232

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE SETTLEMENT OF TAX APPEALS (BLOCK 16 Lot 25.2 (\$247,000))

WHEREAS, there are certain tax appeals pending in the New Jersey Tax Court entitled Matthew Seriale v. City of Hoboken under Docket Nos. 016678-2009; 008235-2010 and 008239-201; and

WHEREAS, there has been a proposal of settlement submitted to resolve and conclude said tax appeals; and

WHEREAS, the Tax Assessor for the City of Hoboken recommends settlement of the matters as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, and State of New Jersey, that Special Counsel for the City of Hoboken be and I s hereby authorized to execute, on behalf of the City, a Stipulation of Settlement with the plaintiff as to the tax appeals pending in the New Jersey Tax Court, Docket Nos. 016678-2009; 008235-2010 and 008238-2011 for property located at Block 33, Lot 1.1 (a copy of which Stipulation of Settlement is annexed hereto and made a part hereof) under the following terms;

<u>TAX YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
2009	\$6,700,000	\$5,500,000
2010	\$6,700,000	\$5,200,000
2011	\$6,700,000	\$5,000,000

---Motion 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.

11-233

---By Councilman Cunningham

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT
(\$6,842.30)**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C005G	1501 Garden/1500 Bloom	2010	\$2,481.64
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C006G	1501 Garden/1500 Bloom	2010	\$2,481.64
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C010C	1501 Garden/1500 Bloom	2010	\$1,879.02

---Motion 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.

11-234

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (\$49,359.04)

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 **\$ 49,359.04**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Met Life Home Loans 1555 Walnut Hill Lane Ste 200-A Irving, Tx 75038	34/12/C001A	121 Willow Ave	4/11	\$1,839.92

Wells Fargo Real Estate 58/15/C004R 420 Madison St 4/11 \$3,366.46
 Tax Services, LLC
 1 Home Campus
 MAC X2302-04D
 Des Moines, Ia. 50328-0001

210 14th St, LLC 126/1 200 Fourteenth St 4/11 \$44,152.66
 1225 Willow Ave
 Hoboken, NJ 07030

---Motion 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.

ORDINANCES

Introduction and First Reading

11-235
Z-147

AN ORDINANCE TO AMEND CHAPTER 141A ENTITLED “PARKING PERMITS”, AND AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND PARKING REGULATIONS RELATING TO RESIDENT PARKING PERMITS, NO PARKING ZONES, AND TIME LIMIT PARKING

WHEREAS, Chapter 141A of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 141A and Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City’s actual parking practices with the best practices for parking and transportation.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, deletions noted in strikethrough):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 141A

§ 141A-2. Resident permits.

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

Name of Street	Side	Limits	Locations
Harrison Street	West	24 hours	Beginning at the southerly curblin e of Fourth Street and extending to the most southerly

Name of Street	Side	Limits	Locations
			terminus.
<u>Harrison Street</u>	<u>West</u>	<u>24</u> <u>hours</u>	<u>Beginning at the southerly curbline of Fourth Street and extending to the northerly curbline of Observer Highway.</u>
Jackson Street	West	24 hours	Beginning at the southerly curbline of Paterson Avenue and extending to the most southerly terminus
<u>Jackson Street</u>	<u>West</u>	<u>24</u> <u>hours</u>	<u>Beginning at the northerly curbline of Observer Highway and extending 96 feet northerly.</u>
<u>Observer Highway</u>	<u>North</u>	<u>24</u> <u>hours</u>	<u>Beginning at the easterly curbline of Jackson Street and extending to the westerly curbline of Paterson Avenue.</u>

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 190-3

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this AA 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers:

Name of Street	Side	Location
Jackson Street	East	Beginning at the southerly curbline of Newark Street and extending to the northerly curbline of Paterson Avenue
<u>Jackson Street</u>	<u>East</u>	<u>Beginning at the northerly curbline of Observer Highway and extending to the westerly curbline of Paterson Avenue</u>
Jackson Street	West	Beginning at the southerly curbline of Newark Street and extending to the southerly curbline of Paterson Avenue

SECTION THREE: AMENDMENTS TO HOBOKEN CODE SECTION 190-29.8

§ 190-29.8. Time limit parking locations and fees.

In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets:

Street Location	Side	Hours/Time Limits	Rate
<u>Adams Street from Fifteenth Street to Sixteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fifteenth Street from Madison Street to Clinton Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Grand Street from Sixteenth Street to Fifteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Harrison Street from Observer Highway to Newark Street</u>	<u>West</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Jackson Street from Newark Street to Observer Highway</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Observer Highway from the easterly curbline of Monroe Street and extending to a point 135 feet easterly therefrom</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION 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 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 SIX: EFFECTIVE DATE

This Ordinance shall take effect immediately 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.

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 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 **DECEMBER 7, 2011** at 7:00 PM.

---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.

11-236

Z-148

AN ORDINANCE TO CREATE CHAPTER 147 ENTITLED “MOBILE RETAIL FOOD VENDORS”

WHEREAS, there is a need for codification of rules and regulations relating to mobile retail food vendors within the City; and,

WHEREAS, Chapter 147 is hereby created to codify licensing, and rules and regulations relating to mobile retail food vendors; and,

WHEREAS, additional amendments to other Chapters of the Hoboken City Code in order to maintain consistency between Chapters.

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

SECTION ONE: ESTABLISHMENT OF HOBOKEN CODE CHAPTER 147, ENTITLED “MOBILE RETAIL FOOD VENDORS”

Chapter 147 is hereby *established* and entitled “Mobile Retail Food Vendors” as follows:

Article I – General Regulations

§147-1.1 Purpose

- a. The City of Hoboken encourages the growth of Mobile Retail Food Vendors within the City of Hoboken while regulating the side effects of this growing industry, such as parking , traffic and waste disposal;
- b. This Chapter seeks to regulate Mobile Retail Food Vendors through the annual issuance of licenses and permits. This Chapter will assist the City with keeping record of Mobile Retail Food Vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties.

- c. This Chapter limits the proximity of Mobile Food Trucks to brick and mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or manmade disaster;
- d. This Chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, selling food to residents, mobile food trucks and brick and mortar restaurants function separately and are not complimentary in nature.
- e. This Chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate Mobile Food Trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

§147-1.2Scope

The provisions of this section shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from Mobile Retail Food Vendors on or in public, private or restricted spaces.

§147-1.3Definitions

MOBILE RETAIL FOOD VENDOR: any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term mobile retail vendor shall include and incorporate the term mobile retail food vendors, as defined in §115-1. Only the following mobile units shall be allowed within the City limits for use as a mobile retail food vendor, none of which shall exceed 30 feet in length:

MOBILE RETAIL MOTORIZED FOOD VENDOR – A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors must comply with this Chapter and all requirements of this Chapter, as well as any other applicable Section of this Code. Shall also be known as Mobile Retail Food Vendors.

MOBILE RETAIL NON-MOTORIZED FOOD VENDOR – Movable non-motorized unit (i.e., pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

§147-1.4Hours of Operation

- a. *Weekdays:* Sunday through Thursday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM to 9:00 PM.
- b. *Weekends:* Friday and Saturday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM and 11:00 PM

§147-1.5Prohibition Against the Transfer of a License and/or Permit

- a. No person holding a Mobile Retail Food Vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a Mobile Retail Food Vendor license and/or permit.
- b. A license and/or permit holder may transfer said item as part of the sale of a majority of the stock in a corporation holding such a license and/or permit, as part of the sale of a majority of the membership interests of a limited liability company holding such license and/or permit, or as part

of the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the license and/or permit, and provided that:

- i. Prior to any such transfer, the transferor shall notify the Director of the Department of Health and Human Services's Health Officer and the Director of the Department of Transportation and Parking, in writing, and the transferee shall submit a mobile retail food vendor health license application **and** parking permit for approval. which approval must occur prior to transfer. Licenses and permits which are transferred prior to approval shall be null and void as of the date and time of transfer, if not previously approved pursuant to this Section.
 - ii. Any such transfer shall be subject to the terms and conditions of the original license and/or permit.
 - iii. A transfer fee of twenty five dollars (\$25.00) payable to the City Clerk, and any and all applications fees described in this Chapter, shall be received prior to any transfer being approved.
- c. Any unauthorized transfer or attempt to transfer a license and/or permit shall automatically void such item. Additionally, whoever violates this provision, including both the transferor and transferee, shall be subject to penalties pursuant to Section 147-1.10.

§147-1.6 Operation of Mobile Retail Food Vendors

- a. Any Mobile Retail Food Vendor being operated without a valid Mobile Retail Food Vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.
- b. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this Chapter.
- c. No City of Hoboken employee shall own more than 10% of any Mobile Retail Food Vendor license and/or permit.

§147-1.7 Enforcement

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Hoboken Police Department, and/or the Health Officer.

§147-1.8 Mobile Retail Motorized Food Vendor Fees and Regulations

§147-1.8.1 License Fees

- a. Mobile Retail Motorized Food Vendor Business License – The application fee for a license or any renewal of a license granted by the City shall be \$500.
- b. Mobile Retail Motorized Food Vendor Health Certificate - The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.
- c. Mobile Retail Motorized Food Vendor Parking Permit Application Fee – The application fee for a Mobile Retail Motorized Food Vendor Parking Permit shall be \$1250 per application per year.

- d. Mobile Retail Motorized Food Vendor Parking Permit - The parking permit fee required for the annual issuance or any renewal of a Mobile Retail Food Vendor parking permit shall be \$2500.

§147-1.9 Supplemental Regulations

- a. Mobile Retail Food Vendors shall not exceed 30 feet.
- b. Mobile vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- c. The City reserves the right to temporarily move any Mobile Retail Food Vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.
- d. Any license and/or permit not used for a period of fourteen (14) consecutive days or longer shall be revoked by the City.
- e. All license and/or permit shall comply with all applicable state statutes, all applicable City of Hoboken ordinances, and any other law or regulation which may be applicable under the given circumstances.
- f. Mobile vendors shall comply with all noise ordinances, laws and regulations in effect by the City of Hoboken, County of Hudson and State of New Jersey.
- g. During periods of Special Events, as herein defined, the Director of the Department of Health and Human Services may suspend Sections 147-1.9 and 147-3.4 of this Chapter. At the discretion of the Director of Health and Human Services, said Director may declare any event within the City of Hoboken as a “Special Event” for purposes of this section.
- h. Mobile vendor shall maintain an on-vehicle GPS-based system that transmits standard GPS latitude and longitude coordinates in a format/protocol compatible with the City's GPS tracking systems/maps, and shall make these data openly available to the public and the City of Hoboken for tracking and enforcement purposes. GPS coordinates shall be broadcast no less frequent than once every five minutes and shall transmit these coordinates whenever the vehicle is within City limits. Vendors should be aware that enforcement of overlapping vendor operations will be documented via these data, so non-functioning or delayed data service will significantly impact the decision of which vendor arrived first at a particular location.

§147-1.10 Violations and Penalties

Unless otherwise specified herein, any person violating any provision of this Chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000, or imprisonment for a period not exceeding ninety (90) days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this Chapter may subject the license to suspension or revocation as provided for herein.

Article II – Health Regulations

§147-2.1 Mobile Retail Food Vendor License Required

- a. No person or business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor in any public, private or restricted space without a license issued by the Department of Health and Human Services' Health Officer.
- b. The Department of Health and Human Services' Health Officer may, from time to time, set a limit on the number of total licenses that may be issued or renewed per year; however, no more than one license may be issued to a single person or business entity or both.
 - i. Mobile Retail Motorized Food Vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' Health Officer annually.
 - ii. Mobile Retail Non-Motorized Food Vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' Health Officer annually.

§147-2.2 Application for a Mobile Retail Food Vendor License

Any person desiring a license shall file with the Hoboken Division of Health an application which shall contain the following information:

- a. The name of the applicant.
- b. If a trade name is used, whether the applicant is an individual, partnership, association or corporation. For any business entity, include names and addresses of all partners, members, officers and shareholders holding greater than 10% interest.
- c. The address of the applicant and telephone number.
- d. The names and addresses of the persons from which goods making up the stock were or are to be purchased.
- e. Three business references.
- f. The place or places of residence of the applicant, and any individual listed in accordance with subsection (b), for the preceding three years.
- g. A description of the food items to be sold.
- h. If the applicant is a corporation, the state in which its Charter is registered and the registered agent's name and address in this state.
- i. The number and nature of any arrests or convictions against the applicant, officers, partners or any salesmen to be employed.
- j. As to the application, there must be appended a letter or, when applicable, a corporate resolution from the firm authorizing the person signing the application to act as its representative and certifying that the information is correct and accurate.
- k. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore (Motorized).
- l. The make and model of vehicle, state license plate number, drivers identification number, and copy of state registration (Motorized).

§147-2.3Enforcement

The Hoboken Health Officer shall have the authority to enforce all sections of this Article.

§147-2.4Supplemental Regulations

The Department of Health and Human Services' Health Officer is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the licensing of Mobile Retail Food Vendors provided that:

- a. Such rules and regulations are in writing and served on all licensees at least seven (7) days prior to enforcement; and,
- b. Mobile food vendors shall provide trash and recycling receptacles on or at their facility, and are responsible for litter within 5 feet of the licensed vehicle. All waste containers shall be emptied by and at the expense of the Mobile Retail Food Vendor operator.
- c. Inspectional Services: Mobile Retail Food Vendors are subject to all applicable regulations found in Hoboken Code Section 115-2.

Article III – Parking Regulations

§147-3.1Mobile Retail Food Vendor License Required

- a. No person or business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor in any public, private or restricted space without a parking permit issued by the Department of Transportation and Parking.
- b. The City of Hoboken may, from time to time, set a limit on the number of total parking permits that may be issued and/or renewed per year; however, no more than one permit may be issued to a single person or business entity or both.
 - i. Mobile Retail Motorized Food Vendor: No more than 25 mobile retail food vendor permits will be issued by the City of Hoboken annually.
 - ii. Mobile Retail Non-Motorized Food Vendor: No more than 25 mobile retail food vendor permits will be issued by the City of Hoboken annually.

§147-3.2Application for a Mobile Retail Food Vendor Permit

Any person desiring a permit shall file with the Department of Transportation and Parking an application which shall contain the following information:

- c. A copy of a current Hoboken business license;
- d. A notarized letter from the business owner authorizing an individual as a responsible officer of the business, if the applicant is not the owner;
- e. Verification that there is no off-street parking contractually provided to the business address as determined by the Parking Utility;

- f. The regular working hours of the owner or nonresident employee(s) listed on the application for whom a business permit is sought;
- g. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore
- h. The make and model of vehicle, state license plate number, drivers identification number, and copy of state registration
- i. A description of the food items to be sold.
- j. Any other information as required by the Parking Utility.

§147-3.3 License Renewal

Mobile Retail Food Vendors parking permits shall be valid for one year with no right to renewal.

§147-3.3 Enforcement

Hoboken Parking Enforcement Officers and the Hoboken Police Department shall have the authority to enforce all sections of this Article.

§147-3.4 Mobile Retail Motorized Food Vendor Regulations

The Department of Transportation and Parking is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this Section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the permitting of Mobile Retail Food Vendors provided that:

- a. Such rules and regulations are in writing and served on all permits at least seven (7) days prior to enforcement; and,
- b. Any rules and regulations promulgated shall not be inconsistent with the following limitations and restrictions:
 - i. Mobile Retail Food Vendors shall be parked and/or conduct business at a minimum 100 foot distance from the business entrance of any menu-serving restaurant.
 - ii. Mobile Retail Food Vendors shall park and/or conduct business at a minimum 50 feet from any other Mobile Retail Food Vendors.
 - iii. There shall be a maximum of two Mobile Retail Food Vendors per block face during the permitted hours of operation.
- c. Parking
 - i. Mobile Retail Food Vendors may not occupy Resident Only parking spaces.
 - ii. Mobile Retail Food Vendors may not occupy any other legal parking space in the City, including but not limited to metered parking spaces, for longer than four (4) consecutive hours.

- iii. Mobile Retail Food Vendors must pay for their first two (2) hours at a metered parking space and must display receipt of payment verification for these two (2) hours for the entire period of any parking event.
- iv. No Mobile Retail Food Vendor shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the Mobile Retail Food Vendor unit.
- v. Any Mobile Retail Food Vendor unit which is found to be unattended or parked during overnight hours shall be considered a public safety hazard and may be ticketed and impounded.
- vi. Mobile Retail Food Vendors shall not be eligible for a business parking permit.
- vii. In accordance with Section §147-1.8.1 in this Chapter, a parking permit fee shall be paid and a permit shall be granted by the Department of Parking and Transportation. This Permit must be visible during all times of operation.

Article IV – Non-Motorized Mobile Retail Food Vendors

§147-4.1 Mobile Retail Non-Motorized Food Vendor Fees and Regulations

§147-4.1.1 License Fees

- a. Mobile Retail Non-Motorized Food Vendor Health Department Certificate – The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.
- b. Mobile Retail Non-Motorized Food Vendor Annual Business License – The annual fee required for the issuance or renewal of a Mobile Retail Non-Motorized Food Vendor business license shall be \$150.

§147-4.1.2 Supplemental Regulations

- a. No non-motorized retail food vendor shall remain at the same location on any sidewalk or street for more than thirty (30) minutes without transacting a sale. At the expiration of the thirty (30) minute period, the vendor must move location by at least thirty (30) feet.
 - 1. For purposes of this Article, “sale” shall mean the transaction of vendor’s goods in return for valuable consideration.
 - 2. Immediately after any sale, the thirty (30) minute period begins anew.
 - 3. The vendor may not return to any location from which he has moved in accordance with the requirements of this subsection or to any place within thirty (30) feet of the location for at least two hours two (2) hours.
- b. Any locations upon which a Mobile Retail Non-Motorized Food Vendor parks, stops or remains, pursuant to this Section, shall not violate any City promulgated parking ordinances or regulations, or state or federal statutes and/or regulations.
- c. Non-motorized retail food vendors shall be a minimum of 10 feet from any crosswalk.
- d. Non-motorized retail food vendors shall be a minimum of 10 feet from any fire hydrant.

- e. Non-motorized retail food vendors shall not park any vehicle used for the transportation of non-motorized food vending units in the street in violation of the City's parking ordinances or state statute.
- f. All non-motorized vending under this Article shall occur on the sidewalk. Non-motorized vending under this Article shall not take place on the street.
- g. Non-motorized retail food vendors units shall not be placed in any location that restricts sidewalk width to less than 5 feet.
- h. Vehicles used to transport such vendor units shall not park in violation of any section of parking codes

SECTION TWO: AMENDMENTS TO CHAPTER 115

The following amendments shall be made to Chapter 115 (additions noted in underline, deletions noted in ~~strikethrough~~):

Section 115-1: Definitions

Mobile Retail Food Establishment: ~~The definitions in N.J.A.C. 8:24-1.3 "Definitions."~~ Shall have the meaning as defined in N.J.A.C. 8:24-1.5, and shall include Mobile Retail Motorized Food Vendor and Mobile Retail Non-Motorized Food Vendor, as defined in Chapter 147 of the Hoboken City Code.

Section 115-10.8: Mobile Retail Vendors

~~A mobile retail vendor shall not park his vehicle or pushcart for a period longer than the time it takes to make a sale to a customer.~~ Mobile retail vendors shall at all times comply with Chapter 147 of the Hoboken City Code.

SECTION THREE: AMENDMENTS TO CHAPTER 128

The following amendments shall be made to Chapter 128 (additions noted in underline, deletions noted in ~~strikethrough~~):

Section 128-5: Business Licenses; Fees

A. Food Businesses

Business	Fee
<u>Vendor (Mobile Retail Non-Motorized Food Vendor)</u>	<u>\$150.00</u>
<u>Vendor (Mobile Retail Motorized Food Vendor)</u>	<u>\$500.00</u>
Vendor, hot dog (push cart)	\$175.00
Vendor, mobile vehicle (not to exceed 15 feet) (Mobile vendors and hot dog pushcarts not to Exceed a total of 50 feet)	\$500.00

SECTION FOUR: AMENDMENTS TO CHAPTER 146

The following amendments shall be made to Chapter 146 (additions noted in underline, deletions noted in ~~strikethrough~~):

Section 146-2: Nonapplicability

The provisions of this Article shall not affect any nonprofit-making vendor or any person duly licensed by the Commissioner of Banking and Insurance or the Real Estate Commission of the State of New Jersey.

The provisions of the Article shall not affect any business which falls within the meaning of a Mobile Retail Food Vendor, as defined in Chapter 147 of the Hoboken City Code.

SECTION FIVE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION SIX: 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 SEVEN: EFFECTIVE DATE

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

SECTION EIGHT: 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 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 **DECEMBER 7, 2011** at 7:00 PM.

---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.

Councilman Russo has left the table at 10:29 PM

Councilman Russo has returned to the table at 10:34 PM

City Clerk reads the Closed Session resolution(s)

Corporation Counsel comments on another litigation to go into Executive Session

Councilman Russo motions to go into Closed Session seconded by Councilwoman Castellano

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

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

---Nays:

---Present: Mason

At 10:48 P.M. The Governing Body entered into a closed session.

Roll call for Closed Session: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla

CLOSED SESSION (Resolutions)

11-237

---By Councilman Cunningham

REGARDING FIRE DEPARTMENT CONTRACTS FOLLOWED BY ADOPTION OF A RESOLUTION TO APPROVE/REJECT COLLECTIVE BARGAINING AGREEMENTS

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12 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 collective bargaining agreements with the Hoboken Fire Department: and,

WHEREAS, a second reason is to discuss pending litigation, such as the matter of Munoz v. City of Hoboken, including a proposed settlement agreement which has been reached in the matter and legal implications thereof; and,

WHEREAS, the City Council wishes to be informed on the proposed agreements, and wishes to obtain legal advice and counseling relating thereto from its Corporation Counsel, pursuant to N.J.S.A. 10:4-12 and attorney client privilege; 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 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.

11-238

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH HOBOKEN IAFF LOCAL 1076 AND HOBOKEN IAFF LOCAL 1078

WHEREAS, the Administration, has negotiated a Memorandum of Agreement with Hoboken IAFF Local 1076 and Hoboken IAFF Local 1078, the terms of which the Administration now seeks to have the City Council approve or reject; and,

WHEREAS, if the terms and conditions of the Memorandum of Agreement, *attached hereto*, are approved by the Council, the Administration seeks authorization to enter into a collective bargaining agreement, as drafted by Corporation Counsel, with Hoboken Local IAFF 1076 and Hoboken Local IAFF 1078, which contains the same terms and conditions of the within Memorandum of Agreement; and,

WHEREAS, the substantive agreed upon terms are laid out in the Memorandum of Agreement, *as attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated Agreement.

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, as laid out in the Memorandum of Agreement, *as attached hereto*, as negotiated between the Administration and Hoboken Local IAFF 1076 and Hoboken Local IAFF 1078; and,
2. The City Council hereby directs the Mayor and her Administration to notify the Fire Unions of this acceptance immediately.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized and directed to proceed to finalize a Collective Bargaining Agreement with both Hoboken Local IAFF 1076 and Hoboken Local IAFF 1078 expeditiously, which includes the terms, conditions and obligations described in the attached Memorandum of Agreement, and which does not have any substantive changes, and to take any steps necessary to effectuate the Agreement.

---Motion 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.

11-239

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE TO DISCUSS EMPLOYMENT ISSUES AND COLLECTIVE BARGAINING AGREEMENTS WITH THE FIRE DEPARTMENT AND TO DISCUSS PENDING LITIGATION AND A PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF MUNOZ V. CITY OF HOBOKEN AND A PROPOSED CONSENT ORDER TO DISCUSS IN THE

MATTER OF 118 CLINTON STREET ASSOCIATS, LLC V. CITY OF HOBOKEN, DOCKET NO. HUD-L-4371-11.

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

WHEREAS, a second reason is to discuss pending litigation, such as the matter of Munoz v. City of Hoboken, including a proposed settlement agreement which has been reached in the matter and legal implications thereof, and the matter of 118 Clinton Street Associates, LLC v. City of Hoboken, including a proposed consent order dismissing the case; and,

WHEREAS, the City Council wishes to be informed on the proposed agreements, and wishes to obtain legal advice and counseling relating thereto from its Corporation Counsel, pursuant to N.J.S.A. 10:4-12 and attorney client privilege; 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 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.

---Motion 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.

11-240

---By Councilman Cunningham

REGARDING LITIGATION IN THE MATTER OF 118 CLINTON STREET ASSOCIATES, LLC V. CITY OF HOBOKEN, DOCKET NO. HUD L-4371-11

WHEREAS, the City of Hoboken is a Defendant in an action captioned as 118 Clinton Street Associates, LLC v. City of Hoboken, Docket No. HUD-L-4371-11; and

WHEREAS, the Parties have reached an amicable resolution of the matter; and

WHEREAS, a consent order dismissing the action without prejudice has been prepared by Counsel for Plaintiff.

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

- 1) That the City of Hoboken is hereby authorized to enter into the attached Consent Order of Dismissal.
- 2) Counsel for the City of Hoboken is authorized to execute the attached Consent Order of Dismissal on behalf of the City of Hoboken.

---Motion 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.

Councilwoman Giattino comments that next Tuesday November 22nd there will be a public meeting in the basement conference room.

At 11:07 PM the City Council came out of Closed Session

Corporation Counsel comments on requesting all three (3) resolutions to be voted on consent and reads again the items under Closed Session to the Governing Body

At 11:10 P.M. Councilman Russo on a motion duly seconded by the Governing Body

Councilwoman Marsh has left the table at 9:55 PM

Councilwoman Marsh returns to the table at 10:02 PM

NEW BUSINESS

Councilwoman Castellano comments on taking down something off the city website

Councilwoman Mason comments on the County Board meeting regarding the Monarch Project, it has been tabled till the 21st of November

Councilman Russo comments on providing information to the Governing Body

Councilwoman Marsh comments and corrects Councilman Russo about credit cards

Councilwoman Giattino comments that the meeting will be November 22nd from 5-7 PM regarding Mobile Food truck vendors and the sub-committee members

Councilman Occhipinti comments on 1st and Jackson Street and thanks for fixing it and legislation regarding NJ Transit and would like a Stop sign on 3rd and Jackson

Councilman Occhipinti comments that the Hoboken Volunteers doing a benefit at Elk's Club Nov. 19th 2 - 6:00 PM

Councilman Mello comments on North Hudson Sewerage Authority replacing piping on Jackson Street

Councilman Russo comments

Councilman Cunningham comments on a Revenue & Finance sub-committee and thank Councilman Mello and Councilwoman Castellano, went over line item transfers and Mr. Baldwin with the detail, general bond improvement which would benefit the city, the next meeting will be determined

Councilman Cunningham comments about the Federal Post Office, there's a meeting tomorrow night at the main Post office regards to the uptown Post office and made available for the public, tomorrow, November 15th at 5:30 PM, November 16th at 5:30, they are evaluating the west side of the Post office and fill out those evaluations, Director Sacs, the NJ Transit going on Washington and Clinton, need to re-evaluate their schedules and waiting a long time

Council President comments on discussions on the Budget Transfers and the Bond Ordinance and apologize to Councilwoman Castellano and trying to run the meetings as best as possible and ask everyone to do a better job and respect each other's time when they have the floor

Councilman Occhipinti has left the table at 10:17 PM
Councilman Occhipinti has returned to the table at 10:28 PM

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Margaret O'Brien, Patricia Waiters, Anthony Santomoro, Roman Brice, Joe Glazier, Adam Sobel.

Council President Bhalla then adjourned the meeting at 11:10 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK