

THE COUNCIL OF THE CITY OF HOBOKEN
MINUTES FOR MEETING OF WEDNESDAY, SEPTEMBER 7, 2011

President Bhalla opened the meeting at 7:00 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice 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 and President Bhalla

Council President announces that we will go into Closed Session regarding Hurricane Irene

Council President reads off the memo from Mayor Zimmer pertaining to FEMA relief

Council President that he will suspend the agenda to go into Executive Session to get a briefing from Mr. Hollander on the HUMC

Councilwoman Castellano and Councilwoman Mason comments that they will leave their phone on for family emergencies

Corporation Counsel comments about going into Executive Session

Councilman Russo motions and seconded by Councilman Mello to go into Closed Session

CLOSED SESSION

Resolution authorizing Closed Session relating to attorney-client privilege and the release of confidential memoranda concerning allegations of conflicts of interest.

At 7:05 PM the Governing Body goes into Executive Session

At 7:22 P.M. The Governing Body came out of closed session.

Second Reading/Public Hearing and Final Vote

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 6 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED "RESIDENCY REQUIREMENTS" **(Z-123)**

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

The speakers who spoke: Scott Siegel.

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

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

---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 ORDINANCE Z-41 WHICH ESTABLISHED
REGISTRATION FEES FOR RECREATION PROGRAMS UNDER CHAPTER 39 OF
THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN (**Z-128**)

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

The speakers who spoke: Scott Siegel.

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

President Bhalla moved that the hearing be closed.

--Motion duly seconded by Councilman 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.

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

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

AN ORDINANCE TO AMEND THE TABLE OF ORGANIZATION FOR POLICE AND FIRE UNDER
CHAPTER 59A ENTITLED “DEPARTMENT OF PUBLIC SAFETY” (**Z-121**)

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: Mark Markey, Andrew Markey.

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 Councilman Cunningham

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

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

Councilman Occhipinti motions to table Ordinance (Z-121) and seconded by Councilwoman Mason to postpone indefinitely

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

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

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

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

11-110

September 7, 2011

Dear City Council Members,

I am writing to provide an update on a variety of issues.

Sinatra Park & Castle Point Park

I am please to inform you that the City of Hoboken has received permits from the Department of Environmental Protection approving the plans for reconstruction of Sinatra Park and Castle Point Park. The City is finalizing an agreement with Stevens Institute of Technology for the construction of the waterfront walkway adjacent to Sinatra Park which we hope to have on the next Council agenda. Upon reaching an agreement and getting approval of the agreement by the Council, the project will be put out to bid for construction.

1600 Park & Hoboken Cove

The City is revising plans for the design of 1600 Park that will result in a lower elevation for the field and retaining walls. As a result, we have put forward a resolution to revise the engineering contract for Remington and Vernick. This revised contract incorporates the re-design and engineering of the field to lower its elevation, associated environmental professional oversight for the revised remediation controls, and a sub-consultant landscape architect design firm to develop conceptual plans for 1600 Park and Hoboken Cove. We are also rescinding the previously awarded construction contract which was awarded based on specifications that will change due to the planning revisions.

In addition, the City is working on an agreement with Hudson County to expedite the installation of a traffic signal at 16th Street and Park Avenue to improve pedestrian safety at the park.

Federal Disaster Assistance

Representative of FEMA visited Hoboken last Saturday to tour damage to our hospital and fire hospital. Residents and businesses of Hudson County can now apply for federal disaster assistance by visiting www.DisasterAssistance.gov or calling 1-800-621-FEMA(3362). I ask that you please distribute this important information to constituents who were affected by the storm.

I thank you for your tremendous help in getting the word out before and during the storm and helping to ensure the safety of our residents.

Sincerely,

Dawn Zimmer
Mayor

Received and Filed.

September 1, 2011

On the agenda this week is very important bond ordinance for various capital improvements, including an upgrade of the HVAC system in the Police Department, a new street sweeper, and a rewiring of City Hall's communication system.

It is critically important that this funding be approved now, or else there will not be time to upgrade the heating system in the Police Department before the winter. We cannot allow our Police to go another winter without a proper heating system in place.

One of our street sweepers continually requires repairs and is frequently unusable, which means our streets are not being properly cleaned. Although Secaucus Mayor Gonnelli has graciously agreed to lend us one of their street sweepers, this is only a short-term solution, and we must replace our broken street sweeper with a new one.

Finally, it is past time to upgrade the wiring in City Hall so that we have a modern telecommunications network. During the last few weeks, dozens of phone lines in City hall have been out of operation, and due to a strike by Verizon, they were not repaired. Many of our phone lines still are not working, and residents are unable to reach departments and receive service.

These are all long overdue investments in our aging infrastructure, and I urge you to support the bond ordinance so we can make these important improvements.

Sincerely,

Mayor Zimmer

Received and Filed.

11-111

DECLARATION OF EMERGENCY – CITY OF HOBOKEN

To all resident and persons within the City of Hoboken, New Jersey and to all departments of the Municipal Government of the City of Hoboken.

WHEREAS, pursuant to the powers established by Chapter 251 of the Laws of 1942, as amended and supplemented, and codified at N.J.S.A. App. A:9-30 et. seq., the Municipal Emergency Management Coordinator, in conjunction with the Mayor of Hoboken, is authorized to declare a local disaster emergency to exist within the boundaries of the City of Hoboken; and ,

WHEREAS, a of 1:00 P.M. on Friday, August 26, 2011, a local disaster emergency is declared to exist within the boundaries of the City of Hoboken, due to Hurricane Irene bringing the potential for severe weather conditions including: heavy rains, high winds, and heavy flooding that may threaten homes and other structures and endanger the lives of the citizens of Hoboken; and,

WHEREAS, these conditions may adversely affect the health, safety and welfare of the people in the City of Hoboken; and,

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations as are necessary to meet the various problems which have or may occur due to such an emergency; and,

NOW, THEREFORE, in accordance with the aforesaid laws, it is promulgated and declared that the following regulations shall be implemented, in addition to all other laws of the State of New Jersey and the City of Hoboken:

1. All vehicles parked on the traveled portion of the roadway, in such a manner as to endanger the welfare of the resident of the City of Hoboken, are subject to being summonsed and towed at the expense of the owner.
2. The Municipal Emergency Management Coordinator or his designee shall be empowered to restrict all non-essential motor vehicle operation at any location with the City of Hoboken.
3. A copy of this declaration shall be transmitted immediately to the Hudson County Office of Emergency Management.

James Fitzsimmons - Emergency Management Coordinator

Mayor Dawn Zimmer

Received and Filed.

11-112

REVOKING OF DECLARATION OF EMERGENCY - CITY OF HOBOKEN.

WHEREAS, Declaration of Emergency in the City of Hoboken was issued by Mayor Dawn Zimmer and Emergency Management Coordinator James Fitzsimmons, on August 26, 2011 in anticipation of extreme weather conditions;

WHEREAS, the City took necessary and appropriate steps to implement the declarations therein to protect the public and property from harm and continues to do so as the City begins repairs and recovery from the extreme weather; and

WHEREAS, revocation of all regulations, directions and orders associated with the August 26, 2011 Declaration is advisable at this time.

NOW, THERFORE, by the power vested in me as Mayor of the City of Hoboken, as provided in New Jersey Statute N.J.S.A. App. § A:9-33 et. seq., it is hereby ordered and directed:

§1. That the State of Emergency is hereby terminated effective at 12:00 NOON on August 30, 2011.

§2. All emergency directions, emergency regulations, and emergency orders associated with the Declaration of Emergency are hereby lifted.

§3. Any person who knowingly violates any provision of this Order is guilty of a class B misdemeanor.

§4. This Order shall take effect immediately.

At this time I would also like to express my gratitude of the residents of the City of Hoboken for their cooperation, and to the tireless efforts of the emergency personnel who responded promptly and effectively in maintaining the health, safety and general welfare of the City of Hoboken relating to Hurricane Irene.

Dawn Zimmer
Mayor

James Fitzsimmons
Emergency Management Coordinator

Received and Filed.

11-113

Communication from City Clerk James J. Farina certifying referendum petitions for **Z-88 “Ordinance amending certain provisions Chapter 155 of the City Code, entitled, “Rent Control”** by Court Order on August 25, 2011.

Received and Filed.

APPLICATIONS FOR MISCELLANEOUS

11-114

Parking Facilities-----	1
Vendor-----	1

--- President Bhalla moved that the licenses be granted.
 ---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.
 ---Nays: None.

11-115

---By Councilman Cunningham

CLAIMS

Total for this agenda **\$2,799,259.06**

---Motion duly seconded by President Bhalla

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

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

---Nays: Mason CY-03078 (\$40,000) and CY-02844 (\$7,683.00) Occhipinti CY-03078 (\$40,000)

11-116

---By Councilman Cunningham

PAYROLLS

For the two week period starting July 20, 2011 – August 3, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,433,433.10	\$131,171.67		\$160,444.45
Total	\$1,725,049.22		

For the two week period starting August 4, 2011 – August 17, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,425,130.10	\$97,917.71		\$40,857.05
Total	\$1,563,904.86		

Council President comments that the vote will be on both payrolls

Councilman Russo comments on Salary Settlement page 3-1-01-36-479-000 for \$97,537.61

Councilwoman Castellano comments on public property 1-01-28-377 for \$1,117.83 (O/T)

Councilman Occhipinti comments on O/T for the Hoboken Fire Department and issues pertaining to the TO BA Liston responds to the Governing Body

Councilwoman Mason comments on the O/T for Public Safety

---Motion duly seconded by President Bhalla

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

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

---Nays: Mason (on O/T) and Russo (on O/T)

11-117

---By Councilman Cunningham

RESOLUTION TO AMEND CAPITAL BUDGET

WHEREAS, the City of Hoboken, New Jersey, desires to amend the 2011 Capital Budget of said municipality by inserting thereon the items therein as shown in such budget for the following reasons:

Various Building Improvements, HVAC System, Masson Dump Truck, Portable Vehicle Lift and a Traffic Light.

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

Section 1 of the 2011 Capital Budget of the City of Hoboken is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 1
CAPITAL BUDGET OF THE
CITY OF HOBOKEN, NEW JERSEY
Planned Funding Services for Current Year – 2011

Project	Est. Cost	Capital Improvement Fund	Capital	General Surplus	General Bonds	To Be Funded In Future Yrs
Various Bldg. Improvements	(\$150,000)	\$ 7,500)			(\$142,500)	
HVAC	\$560,000	\$28,000			\$ 532,000	
Mason Dump Truck	\$ 46,000	\$ 2,300			\$ 43,700	
Portable Vehicle Lift	\$ 44,000	\$ 2,200			\$ 41,800	
Traffic Light	\$350,000	\$17,500			\$ 332,500	

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

---Motion duly seconded by President Bhalla

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

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

---Nays: Castellano, Occhipinti

11-118

---By Councilwoman Marsh

RESOLUTION CONSENTING TO THE MAYORAL APPOINTMENT OF JON TOOKE AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY FOR THE CITY OF HOBOKEN

WHEREAS, Section 59A-5(C) of the Code of the City of Hoboken establishes the position of Director of the Department of Public Safety within the Department of Public Safety; and,

WHEREAS, the position of Director of the Department of Public Safety is currently vacant, and the Mayor has appointed Jon Tooke to fill said vacancy; and,

WHEREAS, appointment to the position of Director of the Department of Public Safety is for the term of the appointing Mayor and until the appointment of his successor or elimination of the position; and,

WHEREAS, the Council hereby seeks to consent to the Mayor's appointment of Jon Tooke to the Directorship.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Jon Tooke, as Director of the Department of Public Safety, effective immediately, pursuant to and in accordance with the requirements of Section 59A-5(C), including but not limited to, the term and salary requirements therein; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Castellano, Occhipinti

11-119

---By Councilman Cunningham

RESOLUTION TO AMEND THE CONTRACT WITH OKIN, HOLLANDER & DELUCA, LLP FOR SERVICES AS SPECIAL LEGAL COUNSEL – BANKRUPTCY TO THE CITY OF HOBOKEN RELATING TO THE BANKRUPTCY FILINGS INVOLVING HOBOKEN UNIVERSITY MEDICAL CENTER TO INCREASE THE NOT TO EXCEED AMOUNT BY FIFTY THOUSAND (\$135,000.00)

WHEREAS, the filing of a bankruptcy suit relating to Hoboken University Medical Center made it necessary to retain bankruptcy counsel on an emergency basis in order to fully protect the City's interests throughout these proceedings; and,

WHEREAS, the Administration has chosen to appoint Paul S. Hollander, Esq. of Okin, Hollander & DeLuca, LLP to serve as Special Legal Counsel relating to any bankruptcy proceedings commencing in relation to Hoboken University Medical Center, and the Council authorized such appointment by Resolution dated August 18, 2011; and,

WHEREAS, the City of Hoboken currently has a contract with Okin, Hollander & DeLuca, LLP, in the amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00), which not to exceed amount needs to be increased by One Hundred Thirty Five Thousand Dollars (\$135,000.00); and,

WHEREAS, the August 4, 2011 proposal of Paul S. Hollander which previously constituted the Agreement between Okin, Hollander & DeLuca, LLP and the City relating to the within services shall be supplemented and amended as described herein; and,

WHEREAS, *Okin, Hollander & DeLuca, LLP is hereby required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, there is an emergency need for said service, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED that the contract with Okin, Hollander & DeLuca, LLP, as authorized by Resolution dated August 18, 2011, shall be amended to increase the not to exceed amount by One Hundred Thirty Five Thousand Dollars (\$135,000.00);

BE IT FURTHER RESOLVED that no other changes shall be made to the original contract;

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

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

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

The speaker who spoke: Scott Siegel.

---Motion duly seconded by President Bhalla

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

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

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

11-120

---By Councilwoman Giattino

RESOLUTION AUTHORIZING AMENDMENT OF THE CONTRACT WITH REMINGTON AND VERNICK ENGINEERS FOR ENGINEERING AND DESIGN SERVICES RELATING TO 1600 PARK

WHEREAS, on December 15, 2010, the City of Hoboken awarded Remington and Vernick Engineers a contract for General Engineering Services for 1600 Park and Hoboken Cove, in an amount not to exceed One Hundred Ninety Five Thousand Eight Hundred Ten Dollars (\$195,810.00); and,

WHEREAS, as a result of additional information and approvals by the Department of Environmental Protection, 1600 Park and Hoboken Cove are being redesigned by Remington and Vernick Engineers in accordance with Remington and Vernick Engineers' September 1, 2011 letter to the City, attached hereto; and,

WHEREAS, the services of Paul J. Kenny, LSRP, of Remington and Vernick Engineers, shall be utilized for the site remediation would associated with the 1600 Park project, and the fees for said services shall be included in the within not to exceed amount; and,

WHEREAS, said services require the City to increase the contract sum in the amount of Eighty Five Thousand Five Hundred Dollars (\$85,500.00); and,

WHEREAS, *Remington and Vernick Engineers is hereby required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq.*

of the Code of the City of Hoboken) and the affirmative action contract compliance requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.; and,

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

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED (*a majority of the whole Council concurring*) that the professional service contract between the City of Hoboken and Remington and Vernick Engineers be amended as follows:

1. The services of Remington and Vernick Engineers shall be ***amended*** as described in their September 1, 2011 proposal letter to the City, ***attached hereto***, for an increase in the not to exceed amount in the sum of Eighty Five Thousand Five Hundred Dollars (\$85,500.00); and,
2. The services of Paul J. Kenny, LSRP, of Remington and Vernick, shall be utilized for the site remediation work associated with the 1600 Park project and the fees for said services shall be included in the within not to exceed amount.

BE IT FURTHER RESOLVED that the remainder of the original contract terms shall continue unchanged, including but not limited to, the liquidated damages clauses, the non-appropriations clause, and the express date of completions with time of the essence; and,

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

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

The speakers who spoke: Leah Healy.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

11-121

---Councilman Occhipinti

RESOLUTION APPROVING A CHANGE ORDER FOR DEMOLITION WORK PERFORMED AND MATERIAL FURNISHED ON A MULTI-STORY RESIDENTIAL BUILDING AT 417 JACKSON STREET PURSUANT TO BID NO. 11-06

Whereas, the City of Hoboken has appropriated funds totaling \$84,600.00 for the building demolition of 417 Jackson Street; and

Whereas, at the City Council meeting of June 1, 2011, a construction contract for building demolition work of 417 Jackson Street was awarded to Yannuzzi & Sons, Inc., 152 Route 206 South, Suite 14, Hillsborough, New Jersey 08844 in the amount of \$84,600.00; and

Whereas, according to the letter from the City's General Engineers, Boswell McClave Engineering, approval of a Change Order #1 in the amount of Seven Thousand Six Hundred One Dollar

and Seventy Five Cents (\$7,601.75) is necessary to cover unforeseen roofline repairs to cover exposed roof rafters at 419 Jackson (adjacent structure) and delay costs associated with the temporary shutdown of the project on July27, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the attached Change Order #1 in the amount of Seven Thousand Six Hundred One Dollar and Seventy Five Cents (\$7,601.75).

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

11-122

---By Councilwoman Giattino

APPOINTING COLIN TOBIAS AS BOARD MEMBER TO THE HOBOKEN ALCOHOL BEVERAGE CONTROL BOARD TO SERVE THE REMAINDER OF THE TERM VACATED BY STUART ROSEN, WHICH WILL EXPIRE ON JUNE 30, 2013

WHEREAS, N.J.S.A. 33:1-1 et seq., and Chapter 9 of the Code of the City of Hoboken establishes the City's Alcohol Beverage Control Board; and

WHEREAS, N.J.S.A. 33:1-5 and Section 9-2 of the Code of the City of Hoboken provide for appointment of Hoboken Alcohol Beverage Control Board Members by the Mayor, subject to Governing Body advice and consent; and

WHEREAS, Commissioner Rosen resigned from the Alcohol Beverage Control Board leaving a vacancy in the seat, and the vacancy needs to be filled for the remainder of the term, which expires on June 30, 2014; and

WHEREAS, the Mayor has appointed Colin Tobias for appointment to the Board of Alcohol Beverage Control to fill said vacancy, and the Governing Body consents to the appointment of Colin Tobias to serve the municipality in such capacity.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Colin Tobias of Hoboken, as a Hoboken Alcohol Beverage Control Board Member, effective immediately, to fill the unexpired term vacated by Commissioner Rosen, which began on July 1, 2010 and expires on June 30, 2013, pursuant to §9-2 of the Code of the City of Hoboken and N.J.S.A. 33:1-5; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Hoboken Alcohol Beverage Control Board Secretary expeditiously.

Councilman Occhipinti has left the table at 9:22 PM

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Occhipinti

Councilman Occhipinti has returned to the table at 9:25 PM

11-123

---By Councilman Cunningham

RESOLUTION TO APPROVE THE “RELEASE AND HOLD HARMLESS AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND THE TOWN OF SECAUCUS

WHEREAS, the City of Hoboken (“Hoboken”) desires to use a street sweeper owned by the Town of Secaucus (“Secaucus”) whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094, on an emergency basis due to the circumstances caused by the hurricane of August 27, 2011; and

WHEREAS, it is understood that Hoboken will utilize the street sweeper in Hoboken, New Jersey, from August 31, 2011 to September 30, 2011; and

WHEREAS, it is understood that Secaucus will receive no compensation from Hoboken; and

WHEREAS, it is understood that Hoboken’s intent is to indemnify and hold harmless the Town of Secaucus whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094, against any and all liability, claims, damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with Hoboken’s use of the street sweeper owned by Secaucus during this time period; and

WHEREAS, it is further understood that Hoboken will make no claim, will file no suit and seek no judgment against Secaucus in connection with the use of the street sweeper owned by the Secaucus during the time period that the street sweeper is being utilized by Hoboken; and

WHEREAS, Hoboken will name the Town of Secaucus as an additional insured on its insurance for the time period of August 31, 2011 to September 30, 2011; and

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

1. Approval of the attached “Release and Hold Harmless Agreement” between the City of Hoboken and the Town of Secaucus, which shall be considered and governed by the Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 et seq..
2. The Mayor or her agent is hereby authorized to enter into the attached agreement.
3. This resolution shall be retroactive to August 31, 2011.
4. The Clerk shall forward this Resolution and accompanying agreement to the DLGS pursuant to the requirements of the Shared Services and Consolidation Act.

---Motion duly seconded by President Bhalla

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

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

---Nays: None.

---Absent: Occhipinti

11-124

---By Councilman Mello

A RESOLUTION OF SUPPORT FOR CITY OF HOBOKEN'S PARTICIPATION IN PARK(ING) DAY 2011

WHEREAS, National PARK(ing) Day is a one-day global event in which volunteers temporarily transform metered parking spaces into "PARK(ing)" spaces that serve as temporary public parks and other social spaces for people to enjoy;

WHEREAS, participation in National PARK(ing) Day demonstrates the City's commitment to expanding and improving public space opportunities in Hoboken;

WHEREAS, the City of Hoboken participated in PARK(ing) Day 2010, which as a global event included more than 800 "PARK" installations in more than 180 cities on six continents;

WHEREAS, participating in PARK(ing) Day is recommended in the City of Hoboken's Bicycle and Pedestrian Plan;

NOW, THEREFORE, BE IT RESOLVED, on September 16, 2011, volunteers will be able to set up curbside green spaces in areas where there are none or space is commonly reserved for vehicles in an effort to highlight the need for more open space and parks in our urban areas. At least one individual who participates in this event occupying a parking space shall pay the meter for the duration of their occupancy or must present a valid parking permit demonstration that he or she is entitled to occupy city space for PARK(ing) purposes;

BE IT FURTHER RESOLVED, that the Council of the City of Hoboken hereby lends its support to a one day use of parking spaces for demonstration purposes that public spaces are for people, not just cars.

BE IT FURTHER RESOLVED, that the Mayor and Director of Parking shall be authorized to take whatever additional steps are necessary to effectuate the purpose and intent of this resolution, and the Hoboken Police Department shall work cooperatively with those individuals participating in PARK(ing) day to ensure the safety and welfare of the participants.

---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.

11-125

---By Councilman Occhipinti

RESOLUTION AUTHORIZING SPECIFIC ACTIONS RELATING TO A FORCAUSE REMOVAL OF NANCY PINCUS FROM HER APPOINTED POSITION OF CITY OF HOBOKEN ZONING BOARD MEMBER

WHEREAS, the Council of the City of Hoboken is entitled to remove an appointed City of Hoboken Zoning Board Member for cause, after a public hearing if requested, pursuant to N.J.S.A. 40:55D-69; and ,

WHEREAS, prerequisites to removal include providing notice of the intended removal to the Zoning Board Member, and an opportunity for a hearing prior to removal, if requested, and,

WHEREAS, the Council of the City of Hoboken hereby wishes to notify Nancy Pincus of its intention to remove her from her Zoning Board position for cause; and,

WHEREAS, the Council of the City of Hoboken hereby directs written notice of its herein intentions be served on Nancy Pincus, and provide Nancy Pincus with a ten (10) day period from the date of service to notify the City Council in writing if she requests a public hearing prior to removal; and

WHEREAS, in the event Nancy Pincus requests a public hearing prior to removal, the City Council directs Corporation Counsel to (1) obtain the services of a former New Jersey Judge or Justice (in good standing), to preside as hearing officer over the removal hearing and provide the City Council with a recommendation on removal, including findings of fact and conclusions of a law, within forty-eight (48) hours of the hearing, and (2) obtain the services of a New Jersey licensed attorney to prosecute the herein referenced charges on behalf of the City Council, and (3) obtain the services of a certified court reporter to transcribe the hearing contemporaneous to the hearing.

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

1. The City Council hereby puts Nancy Pincus on notice of intent to remove her from her position as Zoning Board Member, for cause; and,
2. The City Council directs written notice of its herein intentions be served on Nancy Pincus, and provides Nancy Pincus with a ten (10) day period from the date of service to notify the City Council in writing if she requests a public hearing prior to removal; and
3. In the event Nancy Pincus requests a public hearing prior to removal from the position of Zoning Board Member, the City Council hereby directs Corporation Counsel effectuate:
 - a. A hearing officer be appointed to act on behalf of the City Council and provide the City Council with a factually and legally detailed recommendation concerning removing of Nancy Pincus as a Zoning Board Member, for cause, within forty-eight (48) hours of the hearing; and,
 - b. A prosecutor be appointed to prosecute the charges, herein authorized, at the hearing referenced herein; and,
 - c. That the hearing be transcribed by a certified transcriptionist contemporaneous to the hearing.

BE IT FURTHER RESOLVED, that the City Clerk transmit a certified copy of this Resolution to the Mayor and the Office of Corporation Counsel for action in conformity herewith; and,

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately.

---Motion duly seconded by Councilman Mello

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

---Yeas: Council persons Castellano, Mello, Occhipinti, Russo.

---Nays: Cunningham, Giattino, Marsh, Mello and President Bhalla.

---Present: Mason

11-126

---By Councilman Mello

RESOLUTION - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BIKEWAY OBSERVER HIGHWAY TO HUDSON STREET PROJECT

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2012-Hoboken City-00028 to the New Jersey Department of Transportation on behalf of City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---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.

11-127

---By Councilman Mello

RESOLUTION - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE STREETS TO TRANSIT – HUDSON STREET SIDEWALKS PROJECT.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2012-Hoboken City-00023 to the New Jersey Department of Transportation on behalf of City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---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.

11-128

---Councilman Mello

RESOLUTION – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE VARIOUS STREETS FY 2012 PROJECT.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Hoboken City-00090 to the New Jersey Department of Transportation on behalf of City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---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.

11-129

---By President Bhalla

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 **\$ 11,583.74**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>OTR/YEAR</u>	<u>AMOUNT</u>
Lee, Joshua 900 Jefferson St Unit # 5I Hoboken, NJ 07030	95/25/C005I	900-912 Jefferson St	2/11	\$ 2,461.47
Polloway, Melanie A & Michael S 1327 Grand St #411 Hoboken, NJ 07030	115/9.01/C0P20	1317-27 Grand/ 1326 Clinton	1/11	\$ 118.62
Polloway, Melanie A & Michael S 1327 Grand St #411 Hoboken, NJ 07030	115/9.01/C0303	1317-27 Grand/ 1326 Clinton	1/11	\$ 1,921.73
Baveja, Gaurav & Deepika Gupta 99 Park Avenue #4C Hoboken, NJ 07030	176/7.1/C04-C	209-215 First St/ 99 Park	1/11	\$ 2,752.10
Cunningham, Peter &	197/4.4	1009 Garden St.	1/11	\$ 4,329.82

Jennifer Walsh
1009 Garden Street
Hoboken, NJ 07030

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

11-130

---By Councilman Cunningham

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the
City Treasurer made payable to the following totaling **\$ 24,726.05**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Davenport & Spiotti 219 Changebridge Road Montville, NJ 07045	8/1/C004K	550-554 Newark St	2009	\$ 224.45
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/1	1401-1407 Willow Ave	2009	\$ 4,008.68
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/1	1401-1407 Willow Ave	2010	\$ 4,237.29
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/5	1409-1411 Willow Ave	2009	\$ 1,427.50
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/5	1409-1411 Willow Ave	2010	\$ 1,508.91
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	200/29	112 Washington Street	2010	\$ 1,437.74
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	212/14	133 Washington Street	2010	\$ 3,796.00

Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	216/15	527 Washington Street	2010	\$ 2,154.23
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	216/16	529 Washington Street	2010	\$ 1,898.00
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	221/12.21039	Washington Street	2010	\$ 1,186.25
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	248/6	1314 Washington Street	2010	\$ 2,847.00

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

11-131

---By Councilman Cunningham

REFUND ERRONEOUS PAYMENT - CITY OWNED PROPERTY

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, on May 6, 2011 the City of Hoboken acquired Lot 1, Block 269.4, known as 1501 Park Avenue and,

WHEREAS, this property is city owned and tax exempt as of May 6, 2011.

RESOLVED, that the 3rd Quarter 2011 amount of \$3,507.66, 4th Quarter 2011 amount \$3,507.66, 1st Quarter of 2012 amount of 3,604.38, and 2nd Quarter of 2012 amount of \$3,604.38 be cancelled from the Tax Duplicate.

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

11-132

--By Councilman Cunningham

RESOLUTION AUTHORIZING FOR DISABLED VETERANS PROPERTY TAX REDUCTION

Resolved, by the Council of the city of Hoboken, that whereas, Michael S. Rosenblum applied for 100% Disabled Veterans Property Tax Deduction Against 2011 taxes, effective June 1, 2011 and whereas his taxes for 2011 2nd quarter has been paid in full; therefore, be it

Resolved: that a warrant be drawn to the order of the following:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount of refund</u>
193	20	M. Rosenblum & Gansberg, Sandra Moss (spouse)	<u>\$3,003.03</u> Michael Rosenblum 631 Garden St. Hoboken, NJ 07030

Pro-rated as follows:

2011 Second Quarter Property Taxes: \$4,504.56

\$4,504.56 / 90 days= \$50.05 per day

\$50.05 x 60 days = \$3,003.00

AND, ALSO BE IT RESOLVED: that the above amount be cancelled from the 2011/2012 tax duplicate Also: Cancel Third and Fourth quarters 2011 \$ 8,531.72

And the First and Second quarters 2012 \$8,770.43 from the Tax Duplicate.
This property is now Tax exempt as per the Tax Assessor.

---Motion duly seconded by President Bhalla

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

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

---Nays: None.

11-133

---By Councilman Mello

A RESOLUTION APPROVING PARTICIPATION WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY. Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown

WHEREAS, the City of Hoboken is interested in participating with the N.J. Division of Highway Traffic Safety and supporting their **Drive Sober or Get Pulled Over 2011 Statewide Crackdown**, and

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

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

WHEREAS, the end of the year is traditionally a time of social gatherings which often include alcohol , an enforcement crackdown is planned to combat impaired driving, and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety provides grant funding for overtime police enforcement, and has asked law enforcement agencies throughout the state to participate in the Drive Sober or get pulled over 2011 Statewide Crackdown from December 5, 2011 through January 2, 2012 in an effort to increase impaired driving enforcement , and

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

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

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

2) As a matter of public policy, the City of Hoboken wishes to participate to the fullest extent possible with the **Drive Sober or Get Pulled Over 2011 Statewide Crackdown** both locally and nationally from December 5, 2011 through January 2, 2012 and pledges to increase awareness of the dangers of drinking and driving

---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.

ORDINANCES

Introduction and First Reading

11-134

Z-130

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$350,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$332,500; and
- (c) a down payment in the amount of \$17,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$332,500 to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$17,500, which amount represents the required down payment, are hereby

appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$332,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$332,500, is hereby authorized. Pursuant to the Local Bond Law, the Director of Finance is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Director of Finance is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$90,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$350,000	\$17,500	\$332,500	15 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$332,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for

inspection.

Section 12. The City hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 13. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposed, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such terms is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Mayor and City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on September 7, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the Mayor and City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on September 21, 2011 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF**

**HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE
AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500;
MAKING CERTAIN DETERMINATIONS AND COVENANTS;
AND AUTHORIZING CERTAIN RELATED ACTIONS IN
CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$350,000	\$17,500	\$332,500	15 years

Appropriation: \$350,000
 Bonds/Notes Authorized: \$332,500
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$90,000
 Useful Life: 15 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Mayor and City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on September 21., 2011 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue;	\$350,000	\$17,500	\$332,500	15 years

together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto

Appropriation: \$350,000
Bonds/Notes Authorized: \$332,500
Grants (if any) Appropriated: N/A
Section 20 Costs: \$90,000
Useful Life: 15 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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 **September 21, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

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

11-135
Z- 131

AN ORDINANCE TO CREATE AND ESTABLISH CHAPTER 184 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED "TOWING"

WHEREAS, N.J.S.A. 40:48-2.49 authorizes municipalities to regulate, by Ordinance, the removal of motor vehicles from private and public property by operators engaged in such practice, including, but not limited to, the fees charged for storage following removal and the mercantile licensing of such operators;

WHEREAS, the City of Hoboken has traditionally contracted with a single towing supplier pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., which has multiple downfalls including, but not limited to, lack of oversight, inefficiency in towing services, lack of necessary services during times of emergency and high volume, litigation, and lack of ability to recoup costs incurred by the City relating to the services; and,

WHEREAS, the City now wishes to move to the towing model authorized by N.J.S.A. 40:48-2.49 in an attempt to increase effectiveness and efficiency of the towing services within the City of Hoboken.

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

SECTION ONE:

Chapter 184 is hereby established within the General Code of the City of Hoboken, entitled "TOWING" as follows:

184-1: Purpose

To establish mercantile licensing for, and rules and regulations associated with, the towing and storage of motor vehicles from public roadways within the city limits of the City of Hoboken.

184-2: Scope

The provisions of this chapter shall apply to any entity that engages in towing and storage of motor vehicles within the city limits of the City of Hoboken for the benefit of the public.

184-3: Definitions

“Abandoned Vehicle” shall mean a motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.

“Accident Vehicle” shall mean a motor vehicle which has been involved in an accident.

“Authorized Agent of the Owner” shall mean any individual who is not the owner who provides sufficient proof of authority, provided by the owner, to represent the owner’s interests with regard to a motor vehicle.

“Basic Tow” shall mean the towing of a vehicle at the request of the Hoboken Police Department or Hoboken Department of Parking and Transportation either to the towing service’s storage site from the point of call or to City Hall from the storage site.

“City” shall mean the City of Hoboken.

“Director” shall mean the Director of the Department of Parking and Transportation.

“Disabled Vehicle” shall mean any motor vehicle which is unable to operate under its own power.

“Heavy Duty Tow” shall mean the recovery of any motor vehicle over 7,500 pounds gross vehicle weight which requires the vehicle to be up-righted or recovered from either on or off the traveled portion of a public roadway.

“Heavy Duty Towing List” shall mean the annual rotating list of all heavy duty towing services registered with and licensed by the City of Hoboken.

“Impounded Vehicle” shall mean a vehicle which, at the discretion of the police department, is taken into police custody because the operator of the vehicle was engaged in a violation of the law.

“Licensed Towing Service” shall mean a business engaged in the towing and storing of motor vehicles within the City of Hoboken which has registered with the City of Hoboken and been provided a mercantile towing license by the City Council.

“Licensee” shall mean a towing service which has been provided a municipal towing license by the City of Hoboken.

“Light Duty Tow” shall mean the recovery of all vehicles 7,500 pounds or less gross vehicle weight.

“Motor Vehicle” shall mean all vehicles propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

“Owner” shall mean the registered title holder of a motor vehicle

“Storage Rates” shall mean the fees charged for the storage of vehicles, assessed as required in the within Chapter.

“Towing List” shall mean the annual rotating list of all towing services registered with and licensed by the City of Hoboken.

“Towing Rates” shall mean the fees charged by the towing service for recovery of a motor vehicle from the initial site to the storage site or from the storage site to City Hall.

“Towing Service” shall mean a business engaged in the towing and storing of motor vehicles. When used herein without referring to Heavy Duty or Light Duty the term shall include both types.

“Towing Vehicle” shall mean a motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

184-4: Towing Service Licensing and Registration

- A. No entity or individual shall operate a towing service within the City limits unless such entity or individual shall have obtained a towing license issued by the City Clerk of the City of Hoboken, in accordance with this Chapter.
- B. No such license shall be issued except upon the approval of the Director.
- C. The City shall license up to six (6) light duty towing services annually. The City shall license up to three (3) heavy duty towing services annually. In any year in which a greater number of towing services apply than the number of licenses available the City shall conduct a random lottery, at the direction of the Director, to determine which towing services shall be licensed.
- D. Each license issued shall be assigned a number, and shall obtain a sticker indicating that the towing service’s name, the assigned number, and the year of licensure. The sticker shall be visibly placed on each towing vehicle which shall be utilized under this Chapter.
- E. Application for a towing license shall be made on an annual basis to the Director on or before November 1st. Application shall be made on forms provided by the Director which shall be made available on an annual basis on or before September 1st. No late applications will be allowed.
- F. Licensees shall be named on or before January 1st of each year, and shall provide the services under a license, as described in this Chapter, from January 1st to December 31st.

184-5: License Requirements

- A. No towing service shall be placed upon the annual towing list for the towing or storing of motor vehicles within the City until the service shall be registered with the City and provided a Towing License by the City Council. No Towing License shall be supplied to a towing service unless that service meets the following criteria:
 - 1. Light Duty Towing services must have and utilize a storage site located within five (5) miles of the City limits;
 - 2. Heavy Duty Towing services must have a storage site located within twenty-five (25) miles of the City limits;
 - 3. Towing services must provide proof of ownership or similar property rights, a final certificate of zoning compliance and a certificate of occupancy for any and all storage sites to demonstrate control over the site as well as to demonstrate that the site and the proposed use on the site complies with all zoning and building codes;
 - 4. Towing services must maintain insurance at or above the requirements described in N.J.S.A. 56:13-12;
 - 5. Towing services must provide evidence of all towing equipment that may be utilized in servicing the City of Hoboken, demonstrating current motor vehicle registration, motor vehicle licensing, and vehicle insurance;
 - 6. Towing services must provide evidence of ownership or a leasehold of at least one flat bed and one wheel lift;

7. Towing services must provide a statement of corporate ownership, and a stockholder disclosure statement;
8. Towing services must provide such other items as the Director of the Department of Transportation shall require by Administrative Rule or Regulation, in his or her discretion.
9. Towing services must provide a list of all customer service representatives employed by the entity.
10. Towing service providers must provide evidence that their internal software system is internet capable and must certify that they will, at their own cost and expense, purchase and utilize software which is compatible with the City's towing software system.
11. Towing service providers must certify that they will operate their storage site in accordance with the regular business hours and after-hours required by the Director. The Director shall provide the required hours, in writing, as part of the annual application.
12. Towing service providers must certify that they agree to provide towing services twenty-four hours a day, three hundred sixty five days a year within fifteen minutes of being summoned.
13. All applicants agree to maintain the following during the term of the License:
 - i. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
 1. Hazardous materials endorsement.
 2. Double- and triple-trailer endorsement.
 3. Within two years of the effective date of this chapter, all Licensees shall maintain the following:
 - a. Tow-truck drivers that operate tow vehicles under a City of Hoboken Towing License must maintain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification.
 - b. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
 - c. General employees shall have TRAA Level 1 certification or other nationally recognized certification.
 - d. To perform any recovery operation, the Licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.
- B. Failure to supply all required material will render an applicant unqualified for a license in that calendar year. Such failure shall have no effect on the same towing service's ability to qualify for a license in subsequent years.
- C. No sworn member of the City of Hoboken Police Department shall be permitted to own greater than ten percent (10%) of any towing service licensed by the City.
- D. Each application shall be accompanied by an Administrative Fee of \$1000.00, payable to the City of Hoboken, which fee shall be in addition to any other fees, including but not limited to fees for criminal background checks. Said fee shall be held by the City until such time as licenses are granted in the quantities described in Section 184-4. Any applicant who does not qualify for a license and any applicant, who qualifies but does not receive a license as a result of the lottery, when applicable, shall have their Administrative Fee returned.

184-6: Investigation of Applicants for License

- A. The Director has the authority to investigate each applicant for a towing license to determine whether the individual or entity is of good moral character and to determine whether the vehicles and equipment of the entity or individual are in such condition that they can be operated in a safe and efficient manner.
- B. The Director shall have the right to investigate the driving history, criminal background, and financial stability of any individual or entity applying for an annual towing license.

- C. Any negative history relating to an applicant which is ten (10) years or older may not be considered by the Director as part of the investigation.

184-7: Display of Information

- A. Each licensed tower shall be required to make the following available in every towing vehicle:
 - 1. The towing service's schedule of fees
 - 2. The phone number of the Department of Parking and Transportation
 - 3. The towing service's City of Hoboken Towing License number for the current year
- B. Each licensed tower shall be required to visibly display the following information on the exterior of every towing vehicle:
 - 1. The towing service's name
 - 2. The annual City of Hoboken License sticker, which shall include the license year and license number
 - 3. The towing service's phone number

184-8: Towing License Transferability

No towing license shall be transferred from the entity or individual named on the initial application except upon proper application to the Director and prior written approval of the Director. Transfers shall only be considered for approval upon death of an individual Licensee or upon sale of 50% or more of a business Licensee.

184-9: Rotating System for Summoning Licensed Towers

- A. Separate and distinct lists shall be maintained for Heavy Duty Tows and Light Duty Tows.
- B. The City shall, by lottery, determine the numerical placement of each Licensee on the annual list. On the first day of each month, the Licensee at the top of the list from the previous month shall be placed at the bottom of the list. The Licensee at the top of the list shall be summoned first for each call. If any Licensee summoned refuses to provide the service, can only provide partial service, or fails to present on the scene summoned to within fifteen (15) minutes of the call, the next Licensee on the list shall be called. Each individual listed in 184-6(D) shall maintain their own list and perform this procedure independent of all other individuals listed therein.
- C. The City shall begin at the top of the monthly list for each service call.
- D. The procedural details of the rotating system for summoning Licensees shall be developed by and amended, as necessary, at the discretion of the Director. The procedure and any amendments thereto shall be in writing, and shall be made available to the public upon request.
- E. Licensees may only be summoned by the Chief of Police, or his authorized agent, the Director, or his authorized agent, the Mayor, or his authorized agent, the Director of Public Safety, or his authorized agent, and the Chief of the Office of Emergency Management.

184-10: Schedule of Allowable Fees

- (a) Licensed towing services may charge fees to vehicle owners for the following services:
 - 1. Basic tow, which shall be a maximum flat fee of \$100.00 for Light Duty Tows and \$450.00 for Heavy Duty Tows;
 - 2. In the case of a motor vehicle involved in an accident the following additional services, if actually performed:
 - i. Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the call site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15, which shall be a maximum fee of \$12.50 per 15 minutes;

- ii. Brush cleaning, including collection of debris that can be picked up by hand, which shall be a maximum flat fee of \$25.00;
- iii. Site clean-up, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25.00 per bag;
- iv. Winching, which shall be based upon each one-half hour spent performing winching, which shall be at a maximum rate of \$50.00 per one-half hour for Light Duty vehicles and \$200.00 per one-half hour for Heavy Duty vehicles;
- v. The use of window wrap, which shall be a maximum flat fee of \$40.00;
- vi. Tarping, which shall be a maximum flat fee of \$40.00;
- vii. Transmission disconnect, which shall be charged only if a motor vehicle is locked and the towing company is unable to obtain the keys for the motor vehicle, which shall be a maximum flat fee of \$40.00;
- viii. Use of a flat bed tow truck, which shall be charged if a motor vehicle can be transported only by a flat bed tow truck, which shall be a maximum flat fee of \$125.00;
- ix. Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$65.00 per one-half hour;
- x. Decoupling, which shall be a maximum flat fee of \$75.00;
- xi. Storage at a towing company's storage facility, which shall be at a maximum daily (24 hour) rate of \$30.00 for Light Duty Tows and \$100.00 for Heavy Duty Tows;
- xii. More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee by the Towing Service, which shall be a flat fee of \$45.00 per trip;
- xiii. Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a maximum flat fee of \$10.00.

(b) A licensed towing service that engages in towing at the request of the City shall not charge for the use of a flat bed tow truck if a motor vehicle can safely be towed in an upright position by another type of tow truck, even if the private property towing company chooses to use a flat bed tow truck for the tow.

(c) A licensed towing service that engages in towing at the request of the City may not charge for the tolls it incurs driving to the site from which a motor vehicle will be towed and while towing the motor vehicle from that site to the towing company's storage facility.

(d) A licensed towing service that engages in towing at the request of the City shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 P.M. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage. However, time shall not begin to accrue for purposes of calculating storage fees until midnight (12:00 a.m.) next following the time the vehicle reaches the storage site.

(g) A towing company performing a private property tow or other non-consensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.

(h) The bill for any tow allowed herein shall include the time at which a towed motor vehicle arrived at the towing service's storage site.

(i) In addition to the fees allowed to be charged against towed vehicle within this Section 183-6, the City has the authority, at the discretion of the Director, to charge a tow release processing fee up to \$25.00 per vehicle.

184-11: Additional Rules and Regulations

- A. All persons operating a towing vehicle within the municipality, and all their agents, shall keep in their possession a pad of pills containing the owner's name and the address of his or her place of business and, before towing a vehicle, shall prepare a bill on their billhead form, in duplicate, the original of which shall be furnished to the owner or authorized agent of the owner of the vehicle.
- B. The bill shall contain the following information:
 - a. Full name, address and business telephone number of the towing service;
 - b. Full name and address of the person engaging the towing vehicle;
 - c. State registration number of the vehicle being towed;
 - d. Maximum rates which may be charged by the towing service;
 - e. State registration number of the towing service;
 - f. Municipal license number of the towing service;
 - g. Address of the storage site to which the vehicle will be towed.
- C. Licensees shall not furnish estimates of the cost of repairs to vehicles at the site of the accident.
- D. Licensees shall not make any repairs or cause any repairs to be made at the site of the accident, unless such repairs are necessary to effectuate the towing of the vehicle.
- E. All bills for services, estimates, and contracts relating to the towing of vehicles by Licensees shall be in writing and shall conform to the provisions of this Chapter. No oral agreements shall be made with vehicle owners or authorized agents of owners.
- F. The Licensee shall keep an accurate record of all towing calls made at the request of the City. The City shall be provided with a copy of all bills and invoices relating to the Licensee's services to the City within thirty (30) days of creation of the bill or invoice.
- G. The City shall have no financial responsibility for the services provided by towing services within the City, unless provided for in N.J.S.A. 56:13-7, or N.J.A.C. 13:45A-31.1.
- H. Towing services operating within the City shall abide by all state statutes, rules and regulations, and any violation of a state statute, rule or regulation shall be considered a violation of this Chapter which may affect the rights of the Licensee.
- I. The Licensee shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a four-year period. These records shall include the name of the City of Hoboken employee summoning the Licensee, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- J. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- K. The Director shall, upon request have immediate access to any and all of these records. The Department of Parking and Transportation shall conduct a quarterly audit of each tower's records and provide a written report to the City Clerk's office.
- L. The Licensee shall notify the Director, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- M. The Licensee must permit payment of fees by the use of at least two major credit cards. The City will not be held liable for, or assist the Licensee in the collection of any unpaid fees that were incurred under the provisions of this chapter.

- N. The Licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.
- O. The Director shall have the authority to establish additional rules and regulations, as necessary, to effectuate the purpose and intent of this Chapter. All rules and regulations shall be in writing, shall be mailed to each Licensee within twenty-four (24) hours of enactment, and shall be made available to the public immediately upon request.

184-12: Enforcement

The provisions of this Chapter shall be enforced by the Department of Parking and Transportation and the Hoboken Police Department.

184-13: Suspension or Revocation of License; Effect on Future License Applications

- A. In addition to any other penalties set forth within this Chapter, under other City ordinances, or under State law for violations by Licensees, the Director may, after notice and an opportunity to be heard, suspend or revoke any annual license.
- B. For severe violations and/or recurring violations, the Director may, after notice and an opportunity to be heard, revoke any annual license and, in addition, use such violation as the determining factor for refusing to approve subsequent annual applications for a period up to ten (10) years.

184-14: Violations and Penalties

Unless otherwise specified herein, any individual or entity violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding:

1. \$1,000, or imprisonment for a period not exceeding seven (7) days, or both, for the first offense;
2. \$2,000, or imprisonment for a period not exceeding thirty (30) days, or both, for the second offense;
3. \$5,000, or imprisonment for a period not exceeding ninety (90) days, or both, for the third or subsequent offense.

The actual amount of each penalty 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.

SECTION TWO:

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

SECTION THREE:

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

Council President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **September 21, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Mello
 ---Adopted by the following vote: YEAS: 6 - NAYS: 3

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

11-136
Z-132

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$2,680,365 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,546,347 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,680,365 including the aggregate sum of \$134,018 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,546,347 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) (1) Purpose: Acquisition of various vehicles, including, but not limited to, three trash trucks with six containers, four 4x4 vehicles and one special operations vehicle, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$336,000
Estimated Maximum Amount of Bonds or Notes:	\$319,200
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 16,800

(2) Purpose: Acquisition of various equipment, including, but not limited to, a Payloader, a sweeper, an S650 Bobcat skid-steer loader, a utility vehicle with Mason

dump and plow and Mohawk portable vehicle lifts, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$434,365
Estimated Maximum Amount of Bonds or Notes:	\$412,647
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 21,718

(3) Purpose: City wide phone and rewiring system projects, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$550,000
Estimated Maximum Amount of Bonds or Notes:	\$522,500
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 27,500

(4) Purpose: Various improvements and safety upgrades to City Police building, including, but not limited to, window replacements, floor refinishing, correction of insect problems, HVAC, sewer, bathroom and shower improvements, lighting upgrades, ceiling tile replacement, fencing and jersey barriers, sidewalk repairs and/or replacement, parking lot paving, electrical distribution upgrade, room reconfigurations and acquisition of furniture, electrical upgrades, door repairs, roof improvements, gas heater improvements painting and related expenses and tasks, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$1,110,000
Estimated Maximum Amount of Bonds or Notes:	\$1,054,500
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 55,500

(5) Purpose: Acquisition of cameras, computers, software and IT security equipment for various City departments and buildings, including, but not limited to the Police Department, City Hall and the City Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$250,000
Estimated Maximum Amount of Bonds or Notes:	\$237,500
Period or Average Period of Usefulness:	7 years
Amount of Down Payment:	\$ 12,500

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer and/or Director of Finance; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and/or Director of Finance. The Chief Financial Officer and/or Director of Finance shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's or Director of Finance's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from

time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer and/or the Director of Finance is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer or Director of Finance is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.90368 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,546,347 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$530,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond

ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Council President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **September 21, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

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

NEW BUSINESS

Councilwoman Castellano comments about the council meetings on tv

BA Liston comments

Councilwoman Castellano commends the public safety and everyone who worked on the hurricane Irene

Councilwoman Castellano and Councilwoman Marsh has left the table at 9:44 PM

Councilwoman Castellano and Councilwoman Marsh has returned to the table at 9:48 PM

Councilman Occhipinti comments on the status regarding SW Redevelopment plan and where do we stand

Director Forbes comments

Councilman Occhipinti asks Director Sacs about bus routes with NJ Transit

Director Sacs comments that there was a meeting and discussion for potential locations and rolling the bus lanes to street modifications – Harrison and Jackson St., hopefully goes into sub-committee for review and make changes

Councilman Occhipinti comments Councilman Mello to be included in the next sub-committee meeting

Director Sacs comments

Director Pellegrini comments

Councilman Occhipinti comments on 9/11 memorial service will be at 6:00 PM at Pier A Park

Director Forbes comments and responds to the logistics and operations for the Memorial and have worked with the Memorial committee, and will be finishing the bid specs once the leaves fall from the trees and work with the Parks Maintenance department and start construction

Councilman Mello comments and thanks Police Chief for the SW Redevelopment Study and thank everyone for their efforts for helping out during Hurricane Irene

Councilman Cunningham comments about 10th St. and Park sign and asked Director Sacs and evaluate stops signs and traffic controls for 14th St. viaduct

Revenue and Finance sub-committee tomorrow at 6:00 PM in City Hall about the healthcare contribution and review the budget expenditures, prof. services for legal and engineering and the bond ordinances

Councilman Russo comments that he will not be able to attend the meeting since he has a Housing Authority meeting

City Clerk comments if we can get a consensus of the Council for the meeting regarding Z-88 and when the Council would have this meeting

Corporation Counsel comments that there is a need of a sponsor to repeal the ordinance and the deadline is Sept. 14th

Council President comments that there needs to be a first reading and have no intention to introduce a resolution to repeal Z-88

Councilwoman Castellano comments

Councilman Russo

City Clerk comments that if the City Clerk's office does not hear back from the Council tomorrow then it will go to the ballot

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion" of the meeting: Vic Zarrish, Cathy Cardillo, Elizabeth Adams, Ron Simoncini, Dan Tumpson, Euelin Pasqueso.

Councilwoman Castellano has left the table at 10:25 PM

Councilwoman Castellano has returned to the table at 10:27 PM

CLOSED SESSION

11-137

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(8) TO DISCUSS MATTERS RELATING TO THE CITY COUNCIL'S POTENTIAL REMOVAL OF HOBOKEN ZONING BOARD MEMBER NANCY PINCUS

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

The Governing body votes to go into Closed Session.

At 10:37 P.M. The Governing Body entered into a closed session.

Corporation Counsel comments that action may be taken at the conclusion of Executive session

To vote to enter into Closed Session:

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

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

---Nays: None.

At 10:54 P.M. The Governing Body came out of closed session.

At 10:55 P.M. the Council President on a motioned and seconded by Councilman Cunningham to come out of closed session

President Bhalla then adjourned the meeting at 11:00 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK