

Approved

**THE COUNCIL OF THE CITY OF HOBOKEN
MINUTES FOR MEETING OF FEBRUARY 15, 2012**

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 comments that there are special guests from tonight, a group known as Una Voice who is present and they are here to present an award to Mayor Dawn Zimmer along with the Film Commission to reject the film shooting of the Jersey Shore Mayor Zimmer receives the award from Una Voice.

Councilwoman Mason has left the table at 7:09 PM

Councilwoman Mason has returned to the table at 7:11 PM

12-354

WHEREAS, the City of Hoboken encourages the spirit of patriotism amongst our residents at certain times throughout the year, during holidays and at times when national unity is needed as we face a conflict at home or abroad; and

WHEREAS, in the time of war we take time to honor the sacrifice and dedication of our veterans, active armed forces members and to appreciate the liberty we enjoy as Americans' and

WHEREAS, the students from **Ms. Kathleen Temple's 5th Grade Class** at the Wallace Primary School will gather together at Wallace Primary School, requesting that the City declare the **Eleventh Annual "Red, White and Blue Day"** throughout Hoboken, in honor of our country, our armed forces and our efforts to preserve and promote democracy throughout the world;

NOW, THEREFORE, BE IT RESOLVED that I DAWN ZIMMER, Mayor of the City of Hoboken, do hereby commend **Ms. Kathleen Temple's 5th Grade Class** as they honor our country, our veterans and our active armed forces members and hereby proclaim **Thursday, March 1, 2012 as "Red, White and Blue Day"** throughout the City of Hoboken and urge all of our residents to display our American Flag on Thursday, March 1, 2012, in observance of this day, and wear the colors of "Old Glory" as a symbol of democracy and liberty for all people.

Received and Filed.

12-355

Memorandum from Mayor Zimmer appointing Bo Dziman (replacing Fred Moret) and James Tricarico to Commissioner(s)(replacing Marie Luizzi) on the Shade Tree Commission .

Received and Filed.

12-356

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi Owners-----2
Parking Facilities-----4

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

Reports of City Officers

12-357

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of January 2012 **\$14,937,599.73 (Abatement Totals - \$33,247.95)**

Received and Filed.

12-358

A report from Municipal Court indicating receipts for the month of January 2011 as **\$326, 377.71**

Received and Filed.

12-359

Annual Financial Statement and Annual Debt Statement for TY 2011 from the Chief Financial Officer (original filed in City Clerk’s office upon request to review)

Received and Filed.

12-360

---By Councilman Cunningham

CLAIMS

Total for this agenda \$3,123,513.19 (revised)

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 4

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

---Nays: Castellano (12-00115) Occhipinti, Russo and Mason

Councilwoman Mason has left the table at 7:34 PM

Councilwoman Mason has returned to the table at 7:35 PM

* **PLEASE NOTE: Resolution # 26 FAILED # (12-377)**

** **PLEASE NOTE: Due to the failure of Resolution #26, Resolution #4, 5, 6 13 and 25 have been removed off the agenda.**

12-361

PAYROLL

---By Councilman Cunningham

For the two week period starting January 19, - February 1, 2012

Regular Payroll	O/T Pay	Other Pay
\$1,500,585.23	\$58,977.22	\$567,838.19
Total	\$2,127,400.64	

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 - NAYS: 1

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

---Nays: Mason (O/T)

Councilwoman Mason left the table at 7:56 PM

Councilwoman Mason returned to the table at 7:57 PM

12-362

---By Councilman Giattino

RESOLUTION DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the *City of Hoboken* desires to further the public interest by obtaining funding in the amount of \$600,030 from the State to fund following project(s): *(describe the project) Improvements to Elysian Park will include replacement of deteriorated play equipment and sprinkler play area, leveling / resurfacing of basketball court, improvements to dog run and improvements to the electrical system* at a cost of \$800,040 ____ *(project cost)*;

NOW, THEREFORE, the governing body/board resolves that Dawn Zimmer *(name of authorized official)* or the successor to the office of *_Mayor_ (title of authorized official)* is hereby authorized to:

(a) make application for such a loan and/or such a grant,

(b) provide additional application information and furnish such documents as may be required, and

(c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE *_Council of the City of Hoboken.*

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Elysian Park;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$177,000;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-363

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI, FALCON & HEALY FOR THE SERVICES OF JOSEPH MARAZITI AS SPECIAL LEGAL COUNSEL-REDEVELOPMENT TO THE CITY OF HOBOKEN FOR A ONE YEAR TERM WITH A NOT TO EXCEED AMOUNT OF \$41,500.00.

WHEREAS, the City previously appointed and contracted for the services of Joseph Maraziti of Maraziti Falcon & Healy to serve as Special Legal Counsel-Redevelopment for the City of Hoboken; and,

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Redevelopment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon & Healy responded to; and,

WHEREAS, the evaluation committee scored Maraziti Falcon & Healy's proposal as one of the top two proposals for said services, the Administration has presented Maraziti Falcon & Healy as one of the City's two Special Legal Counsel for Redevelopment for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, *Maraziti Falcon & Healy is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$41,500.00 is available in the following appropriations 02-01-21-181-036 in the temporary CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the temporary CY2012 budget.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED, that a contract with **Maraziti Falcon & Healy** to represent the City as Special Legal Counsel-Redevelopment be awarded, for a one year term to commence January 1, 2012 and expire December 31, 2012, in a not to exceed

amount of Forty One Thousand Five Hundred (\$41,500.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Maraziti Falcon & Healy shall be paid maximum hourly rates of \$190.00/hour for attorneys when such is payable by the City and \$225.00 when such is payable by third parties, \$50.00/hour for paralegals, and \$20/hour for support staff, these are the only hourly charges allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of **Maraziti Falcon & Healy**; 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 and Corporation Counsel 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.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Russo.

12-364

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MCMANIMON & SCOTLAND FOR THE SERVICES OF JONG SOOK NEE, ESQ. AS SPECIAL LEGAL COUNSEL-REDEVELOPMENT TO THE CITY OF HOBOKEN FOR A ONE YEAR TERM WITH A NOT TO EXCEED AMOUNT OF \$41,500.00

WHEREAS, the City previously appointed and contracted for the services of Jong Sook Nee, Esq. of McManimon & Scotland to serve as Special Legal Counsel-Redevelopment for the City of Hoboken; and,

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Redevelopment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McManimon & Scotland responded to; and,

WHEREAS, the evaluation committee scored McManimon & Scotland's proposal as one of the top two proposals for said services, the Administration has presented McManimon & Scotland as one of the City's two Special Legal Counsel for Redevelopment for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

***WHEREAS**, McManimon & Scotland is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$41,500.00 is available in the following appropriations 02-01-21-181-036 in the temporary CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the temporary CY2012 budget.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED, that a contract with McManimon & Scotland to represent the City as Special Legal Counsel-Redevelopment be awarded, for a one year term to commence January 1, 2012 and expire December 31, 2012, in a not to exceed amount of Forty One Thousand Five Hundred (\$41,500.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: McManimon & Scotland shall be paid maximum hourly rates of \$190.00/hour for attorneys when such is payable by the City and \$225.00 when such is payable by a third party, \$50.00/hour for paralegals, and \$20/hour for support staff, these are the only hourly charges allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice.

BE IT FURTHER RESOLVED, the contract shall expressly state that McManimon & Scotland shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of **Maraziti Falcon & Healy**; 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 and Corporation Counsel 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.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason and Russo

---Absent: Cunningham

Councilman Cunningham recuses himself on the vote due to a conflict of interest at 10:30 PM
Councilman Cunningham returned to the table at 10:35 PM*

Councilwoman Mason has left the table at 10:39 PM

Councilwoman Mason has returned to the table at 10:39 PM

12-365

---By Councilman Cunningham

RESOLUTION TO PLEDGE THE ENTHUSIASTIC AND UNQUALIFIED SUPPORT OF THE CITY OF HOBOKEN FOR THE EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY EMPLOYER SUPPORT GUARD AND RESERVES

WHEREAS, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, “Above all, our freedom endures because of the men and women in uniform who defend it,” and that “ this generation of heroes has made the United States safer and more respected around the world.”; and

WHEREAS, the President, further, promised, “As they come home, we must serve them as well as they’ve served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation.”; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

WHEREAS, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-366

---By Councilman Cunningham

RESOLUTION TO APPROVE AN EXTENSION OF TIME TO THE “RELEASE AND HOLD HARMLESS AGREEMENT” between the CITY OF HOBOKEN AND THE TOWN OF SECAUCUS

WHEREAS, the City of Hoboken (“Hoboken”) desires to continue using 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 fact that Hoboken’s street sweeper broke; and

WHEREAS, it is understood that Hoboken will continue to utilize the street sweeper in Hoboken, New Jersey, until March 1, 2012; 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 until March 1, 2012; and

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

1. Approval of the attached amended "Release and Hold Harmless Agreement" between the City of Hoboken and the Town of Secaucus.
2. Approval of the attached amended "Release and Hold Harmless Agreement" between the City of Hoboken and the Town of Secaucus.
3. Approval of the attached amended "Release and Hold Harmless Agreement" between the City of Hoboken and the Town of Secaucus.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-367

---By Councilman Cunningham

APPOINTING ELLIOT GREENEAS A REGULAR MEMBER TO THE HOBOKEN ZONING BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE ON DECEMBER 31, 2015

WHEREAS, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to a recent amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

WHEREAS, there is a current vacancy, due to the expiration of the term of Board Member Lisa, in the Zoning Board of Adjustment; and,

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in applications for the position were publicly sought and reviewed, and

Elliot Greene has timely submitted his/her application to the Clerk of the City of Hoboken; **NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints Elliot Greene, residing at 2-14th St. Apt. 1112, to serve as a regular member of the Hoboken Zoning Board of Adjustment, for a four term to expire on December 31, 2015.

This resolution shall take effect immediately upon passage.

The speakers who spoke: Frank Raia

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason, Occhipinti

---Present: Russo

Councilman Mello nominates John Branciforte as Alternate Member #1 seconded by Councilwoman Marsh.

12-368

---By Councilman Cunningham

RE- APPOINTING JOHN BRANCIFORTE AS ALTERNATE MEMBER #1 TO THE HOBOKEN ZONING BOARD OF ADJUSTMENT FOR A TWO YEAR TERM TO EXPIRE ON DECEMBER 31, 2013

WHEREAS, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to a recent amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

WHEREAS, §44-11(D) provides for the appointment of up to two (2) alternate members to the Zoning Board of Adjustment who serve for a term of two (2) years; and,

WHEREAS, there is a current vacancy, due to the expiration of the term of Mr. John Branciforte, in the position of alternate member #1 to the Zoning Board of Adjustment; and, **WHEREAS**, this term is set to expire on December 31, 2013; and,

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in applications for the position were publicly sought and reviewed, and John Branciforte has timely submitted his/her application to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints John Branciforte, residing at 1125 Maxwell L. #1121, to fill the position of alternate member #1 of the Hoboken Zoning Board of Adjustment for a term to expire on December 31, 2013.

---Motion duly seconded by Councilman Mello

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

Councilman Mello nominates Jay Boucher as Alternate Member #2 seconded by Councilwoman Marsh

12-369

---By Councilman Mello

APPOINTING JAY BOUCHER AS ALTERNATE MEMBER #3 TO THE HOBOKEN ZONING BOARD OF ADJUSTMENT FOR A TWO YEAR TERM TO EXPIRE ON DECEMBER 31, 2013

WHEREAS, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to a recent amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,
WHEREAS, §44-11(D) provides for the appointment of up to two (2) alternate members to the Zoning Board of Adjustment who serve for a term of two (2) years; and,

WHEREAS, there is a current vacancy, due to the expiration of the term of Mr. Elliot Greene, in the position of alternate member #2 to the Zoning Board of Adjustment; and,
WHEREAS, this term is set to expire on December 31, 2013; and,

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in applications for the position were publicly sought and reviewed, and Jay Boucher has timely submitted his/her application to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints Jay Boucher, residing at 64-10th Street. #4, to fill the position of alternate member #3 of the Hoboken Zoning Board of Adjustment for a term to expire on December 31, 2013. This resolution shall take effect immediately upon passage.

---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.

12-370

---Councilman Cunningham

RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE ATTACHED GRANT AGREEMENT BETWEEN THE CITY OF HOBOKEN (GRANTEE) AND FEMA (GRANTOR)

WHEREAS, the Hoboken Fire Department applied for a FEMA Grant Agreement, which was awarded to the City, which award letter is ***attached hereto***, for the purpose of obtaining funding for the purchase of a protective gear by the Hoboken Fire Department; and,

WHEREAS, the attached award describe the terms and conditions of the grant funding, which include a FEMA share of \$272,697.00, and a matching cost by the City in the amount of \$68,174.00 for a total project cost of \$340,871.00; and,

WHEREAS, the City Council desires to accept the terms and conditions of the attached Grant Award.

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

A. This resolution authorizes the Administration to accept the FEMA grant in the amount of \$272,697.00, as described in the grant award letter, as ***attached hereto***; and, the City Council consents to the amount required in matching City funds, which constitute \$68,174.00, for a total project cost of \$340,871.00; and,

B. The Mayor or her agent is hereby authorized to take action to accept the grant award, access and appropriate the necessary matching funds, and obtain the provisions contemplated therein;

C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-371

---By Councilwoman Gittiano

RESOLUTION AUTHORIZING THE ADMINISTRATION TO APPLY FOR STATE RECYCLING GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as

condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the City of Hoboken to apply for such tonnage grants will memorialize the commitment of the City of Hoboken to recycling and to indicate the assent of the Mayor and Council of the City of Hoboken to the efforts undertaken by the City of Hoboken and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and filed in a timely manner.

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

1. The above recitals are incorporated herein as though fully set forth at length.
 2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
 3. The Mayor or his designee is authorized to execute and submit a recycling tonnage grant application to the New Jersey Department of Environmental Protection for tonnage of recyclables collected in CY 2011 and designates the Director of the Department of Environmental Services to ensure that the application is timely filed.
 4. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.
 5. Furnish such documents as may be required.
 6. Act as authorized correspondent of the City of Hoboken.
 7. Execute necessary contracts, if funding is awarded.
- This Resolution is effective immediately.

---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.

12-371

---By Councilwoman Castellano

RESOLUTION SUBMITTING THE QUESTION TO ASCERTAIN THE SENTIMENT OF THE VOTERS OF THE CITY OF HOBOKEN CHANGING THE DATE OF THE SCHOOL BOARD ELECTION TO THE GENERAL ELECTION DATE IN NOVEMBER

WHEREAS, the City Council is authorized, pursuant to N.J.S.A. 19:37-1 et seq., to submit a question of policy concerning municipal governance to the voters of the City of Hoboken in order to ascertain the sentiment of the legal voters on the question of policy; and,

WHEREAS, the results of the question presented are not binding on the City, but the City Council may, in its discretion and in accordance with all applicable laws, follow the sentiment of the voters; and,

WHEREAS, P.L. 2011, c.202 of the Laws of the State of New Jersey authorizes the City to change the school board elections from the third Tuesday in April to the date of the General Election held on the first Tuesday after the first Monday in November; and,

WHEREAS, the City Council wishes to ascertain the sentiment of the City's legal voters prior to taking any action in conformity with P.L. 2011, c.202; and,

WHEREAS, the City Council has determined that it would be in the best interest to place a non-binding question on the November 6, 2012 General Election ballot for the purpose of ascertaining the public sentiment.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that:
1. The Clerk of the County of Hudson is hereby formally directed, pursuant to N.J.S.A. 19:37-1 et seq., to print the following non-binding question and interpretive statement upon the official ballots to be used in the November 6, 2012 General Election of the City of Hoboken, County of Hudson:

a. "Shall the City of Hoboken adopt the provisions of P.L. 2011, c.202 to change the date of school board elections from the third Tuesday in April to the date of the General Election held on the first Tuesday after the first Monday in November?"

b. "Interpretive Statement: A 'YES' vote on this question means you want the City of Hoboken to change the school board election date from April to the date of the General Election in November in accordance with P.L. 2011, c.202. A 'NO' vote for this proposal means you want the City of Hoboken to continue to hold school board elections on the third Tuesday in April."

---Motion duly seconded by Councilman Occhipinti

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

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

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

12-373

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO PROPARK AMERICA TO PROVIDE PROFESSIONAL OPERATION AND MANAGEMENT SERVICES TO THE CITY OF HOBOKEN AT ALL PUBLICLY OWNED PARKING GARAGES IN ACCORDANCE WITH THE CITY'S BID NO. 11-19 FOR A TWO (2) YEAR TERM WITH A NOT TO EXCEED AMOUNT OF \$511,401.00 IN YEAR ONE AND A NOT TO EXCEED AMOUNT OF \$525,517.00 IN YEAR TWO

WHEREAS, proposals were received for professional management and operation of the City's public parking garages, as specified in Bid Number 11-19; and,

WHEREAS, the three (3) lowest bidders were:

VENDOR PROPOSAL AMOUNT
ProPark America \$1,036,918.00
560 Warburton Avenue
Hastings on Hudson, NY 10706

Central Parking System, Inc. \$1,135,906.00
360 West 31st Street – Ste 1100
New York, NY 10001

SP Plus Municipal Services \$1,595,283.62
60 East 42nd Street – Ste 1425
New York, NY 10165

WHEREAS, ProPark America submitted the lowest, responsible, responsive bid of \$1,036,918.00 for the total contract term (2 years); and,

WHEREAS, the consulting firm responsible for the specifications of the work and the Qualified Purchasing Agent both recommend that a contract be awarded to ProPark America; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$511,401.00 is available in the following appropriations _____ in the temporary CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the temporary CY2012 budget.

Signed: _____, George DeStefano, CFO

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

A. This resolution awards a contract to ProPark America in an amount not to exceed \$511,401.00 for the first year of the contract, which constitutes and shall be distributed in the amount of \$42,616.75 per month, for the professional management and operation of the City's public off-street parking garages, in accordance with the specifications (Bid No. 11-19) set forth. The not to exceed amount of \$525,517.00 for the second year of the contract, which shall be distributed in the amount of \$43793.08 per month, shall be subject to certification of sufficient funds and adequate appropriations, which shall be a term of the contract for this service.

B. The term of the agreement shall be for a period of two (2) years, which shall commence at 12:00 a.m. on the first day of April 2012; however, that portion of the contract term for which availability of funds is not certified herein shall be subject to availability of funds, appropriation of funds, and certification of funds after adoption of the annual budget that portion of the contract is subject to.

C. The contract shall be in accordance with the terms of the specifications and ProPark's corresponding bid proposal documents.

D. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with ProPark America.

E. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

Councilman Russo has left the table at 10:00 PM

Councilman Russo has returned to the table at 10:05 PM

Councilwoman Castellano has left the table at 10:09 PM

Councilwoman Castellano has returned to the table at 10:13 PM

Councilwoman Mason has left the table at 10:22 PM

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

12-374

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2011 TAX APPEALS

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$3,160.76**

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

Skoloff & Wolfe
293 Eisenhower Parkway
Livingston, NJ 07039

NAME BL/LOT/UNIT PROPERTY AMOUNT

Kushnir, Gregory 262.3/1/C1008 2 Constitution Ct \$3,160.76

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-375

---By Councilman Cunningham

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 **\$ 15,194.66**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Singh, Akshay & Susan 89 Murray Street Apt 8K New York, NY 10007	15/6/C002A	81-87 Jackson St	4/11	\$ 221.14
Singh, Akshay & Susan 89 Murray Street Apt 8K New York, NY 10007	18/4/C0P66	70 Adams St	4/11	\$ 18.11
Jakob, Lisa Ann 62 Jefferson St #B Hoboken, NJ 07030	17/45/C62-B	62 Jefferson St	1/11	\$ 3,397.67
Chase (OH-4-7326) Att: Tax Department OH4-7326 P O Box 24695 Columbus, Ohio 43224-9935	25/1/C004L	700 First St	4/10	\$ 1,629.81
Kontos, Michael & Steve 133 Jackson St Hoboken, NJ 07030	27/16/C004B	133 Jackson St	2/11	\$ 2,191.00
Vricella, Marilyn 300 First St #3N Hoboken, NJ 07030	33/32/C003N	300 First St	1/12	\$ 1,211.86
Mihlon, David 336 Kingsland Ave Lyndhurst, NJ 07071	76/1/C07-B	607 Madison St	2008	\$ 1,172.32 in Excel I
Mihlon, David 336 Kingsland Ave Lyndhurst, NJ 07071	76/1/C07BP	607 Madison St	2008	\$ 40.43 in Excel I
Sood, Rohit & Singh, Priya 254 Seventh St Hoboken, NJ 07030	169/41	254 Seventh St	1/11	\$ 3,310.83
Nationstar Mortgage 1 Corelogic Drive Westlake, Tx 76262	182/53	204 Seventh St	3/11	\$ 2,001.49

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-376

---By Councilman Cunningham

RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR ADDITIONAL REPAIR WORK OF THE ADA BATHROOM PROJECT AT THE MULTI-SERVICE CENTER OF THE CITY OF HOBOKEN IN THE AMOUNT OF \$10,372.12

Whereas, the City of Hoboken has appropriated funds totaling \$213,800.00 for the construction of ADA compliant restrooms at the multi-service center of the City of Hoboken; and

Whereas, the City Council awarded the contract to Pharos Enterprises, LLC, 979 Upper Main Avenue, South Amboy, New Jersey 08879 in the amount of \$213,800.00; and

Whereas, according to the letter from Pharos Enterprises, LLC, approval of a Change Order #1 in the amount of Ten Thousand Three Hundred Seventy Two Dollars and Twelve Cents (\$10,372.12) is necessary to cover additional work needed to be performed as a result of unknown existing conditions at the site; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,372.12 is available in the following appropriations 6-55-56-CD0-301 in the TY2010 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the TY2010 budget.

Signed: _____, **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the attached Change Order #1 in the amount of Ten Thousand Three Hundred Seventy Two Dollars and Twelve Cents (\$10,372.12), so that the new project total is Two Hundred Twenty Four Thousand One Hundred Seventy Two Dollars and Twelve Cents (\$224,172.12).

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

12-377

---By Councilman Cunningham

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2012 BUDGET

WHEREAS, the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the 2012 budget and no adequate provision has been made in the 2012 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total appropriations authorized by resolutions in 2012, pursuant to the provisions of N.J.S.A. 40A:4-19 and N.J.S.A. 40A:4-20, including this resolution, total \$38,275,971.21 for Current Expenses and \$7,391,377.09 for the Parking Utility.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (*not less than two-thirds of all the members thereof affirmatively concurring*) that in accordance with the provisions of N.J.S.A. 40A:4-20 :

1) Emergency temporary appropriations be and the same are hereby made in the amount of \$533,000.00 for Current Expenses; and,

2) \$-0- for the Parking Utility as follows:
(See Attached)

---Motion duly seconded by Councilman Mello

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

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

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

12-378

---By Councilwoman Marsh

RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE ATTACHED GRANT AGREEMENT BETWEEN THE CITY OF HOBOKEN (GRANTEE) AND FEMA (GRANTOR)

WHEREAS, the Hoboken Fire Department applied for a FEMA Grant Agreement, which was awarded to the City, which award letter is *attached hereto*, for the purpose of obtaining funding for the purchase of a protective gear by the Hoboken Fire Department; and,

WHEREAS, the attached award describe the terms and conditions of the grant funding, which include a FEMA share of \$272,697.00, and a matching cost by the City in the amount of \$68,174.00 for a total project cost of \$340,871.00; and,

WHEREAS, the City Council desires to accept the terms and conditions of the attached Grant Award.

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

A. This resolution authorizes the Administration to accept the FEMA grant in the amount of \$272,697.00, as described in the grant award letter, as *attached hereto*; and, the City

Council consents to the amount required in matching City funds, which constitute \$68,174.00, for a total project cost of \$340,871.00; and,

B. The Mayor or her agent is hereby authorized to take action to accept the grant award, access and appropriate the necessary matching funds, and obtain the provisions contemplated therein;

C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

***THE FOLLOWING RESOLUTION WAS ADDED RIGHT BEFORE CONSENT AGENDA BY COUNCILMAN MELLO

12-379

---By Councilman Mello

A RESOLUTION OF SUPPORT AUTHORIZING THE 2012 NJ TRAILS GRANT

WHEREAS, the NJ Trails grants program is being offered by the New Jersey Department of Environmental Protection; and,

WHEREAS, the NJ Trails grant program supports and supplements the goals and recommendations of the transportation element of the City's Master Plan and Bicycle and Pedestrian Plan; and,

WHEREAS, the NJ Trails grant program complements the City's Complete Streets Policy, which incorporates transportation planning that enables safe and convenient access for all users.

WHEREAS, as a part of the NJ Trails grant the New Jersey Department of Environmental Protection will offer up to \$25,000 in funding to municipalities for maintenance and restoration of existing trails or construction of new trails in existing parks; and

WHEREAS, if awarded funding through the NJ Trails grant program, the City of Hoboken will be required to offer a 20% match; and,

WHEREAS, the Department of Transportation and Parking has identified a unique opportunity to improve the safety and circulation of the Sinatra Greenway as it intersects with Fourth Street in Hoboken; and,

WHEREAS, pedestrians and cyclists will benefit from improved safety and accessibility to the Sinatra Greenway and Hudson River Waterfront Walkway; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, State of New Jersey, authorize the submission of the aforementioned NJ Trails grant.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

12-380

Z-159

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

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

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

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

WHEREAS, in addition to any and all other City Council legislative powers allowed by law, the City Council may, at their discretion, and upon the request of interested parties, review the efficacy of this new legislation one year from the date of final adoption.

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

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

Chapter 147 is hereby *established* and entitled “Mobile Retail Food Vendors” as follows (amendments subsequent to first introduction are noted by double underline):

Article I – General Regulations

§147-1.1 Purpose

- a. The City of Hoboken encourages the growth of Mobile Retail Food Vendors within the City of Hoboken while regulating the side effects of this growing industry, such as parking , traffic and waste disposal;
- b. This Chapter seeks to regulate Mobile Retail Food Vendors through the annual issuance of licenses and permits. This Chapter will assist the City with keeping record of Mobile Retail Food Vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties.
- c. This Chapter limits the proximity of Mobile Food Trucks to brick and mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or manmade disaster;
- d. This Chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, selling food to residents, mobile food trucks and brick and mortar restaurants function separately and are not complimentary in nature.
- e. This Chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate Mobile Food Trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.
- f. This chapter is not intended to effect, and shall not apply to activities conducted on private property.

§147-1.2 Scope

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

§147-1.3 Definitions

MOBILE RETAIL FOOD VENDOR: any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term mobile retail vendor shall include and incorporate the term mobile retail food vendors, as defined in §115-1. Only the following mobile units shall be allowed within the City limits for use as a mobile retail food vendor, none of which shall exceed 35 feet in length:

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

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

MOBILE RETAIL PRE-PACKAGED FOOD VENDORS - A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 146, and shall be exempt from the regulations of this Chapter 147.

a. *Weekdays*: Sunday through Thursday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM to 9:00 PM.

b. *Weekends*: Friday and Saturday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM and 11:00 PM

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

a. No person holding a Mobile Retail Food Vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a Mobile Retail Food Vendor license and/or permit.

b. A license and/or permit holder may transfer said item as part of the sale of a majority of the stock in a corporation holding such a license and/or permit, as part of the sale of a majority of the membership interests of a limited liability company holding such license and/or permit, or as part of the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the license and/or permit, and provided that:

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

c. Any unauthorized transfer or attempt to transfer a license and/or permit shall automatically void such item. Additionally, whoever violates this provision, including both the transferor and transferee, shall be subject to penalties pursuant to Section 147-1.10.

§147-1.6 Operation of Mobile Retail Food Vendors

a. Any Mobile Retail Food Vendor being operated without a valid Mobile Retail Food Vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.

b. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this Chapter.

c. No City of Hoboken employee shall own more than 10% of any Mobile Retail Food Vendor license and/or permit.

§147-1.7 Enforcement

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

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

§147-1.8.1 License Fees

a. Mobile Retail Motorized Food Vendor Business License – The application fee for a license or any renewal of a license granted by the City shall be \$500. The cost of the annual Health Certificate shall be included in this fee.

b. Mobile Retail Motorized Food Vendor Parking Permit -Mobile-operating within the City of Hoboken are required to purchase annual Parking Permit. Permits are available as follows:	Time	Annual Amt. -
	Length	\$1,600 -\$2,500
	4 Day 7 Day Weekly	Weekly

of a City of Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this Chapter.

c. No City of Hoboken employee shall own more than 10% of any Mobile Retail Food Vendor license and/or permit.

1. The Parking Permit shall be renewable on an annual basis.
2. Parking Permit Extended Time Endorsements: Applicant’s with both a valid Business License and Parking Permit may seek an Extended Time Endorsement on their Parking Permits. This endorsement will allow mobile vendors to extend their stay in metered parking zones beyond the customary 2 hours allowed under Section 190-29.8. This fee for extended parking shall be based on the length a mobile vending vehicle. This fee shall be \$20 dollars per linear foot. Length of vehicle will be determined by the City at the time of the annual Health Inspection. Extended time endorsement shall not exempt Mobile Food Vendors from paying the standard rates when parked in metered parking zones.

§147-1.9 Supplemental Regulations

- a. Mobile Retail Food Vendors shall not exceed 35 feet, this number may be increased upon special written request, at the discretion of the Director of Transportation and Parking.
- b. Mobile Retail Food Vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- c. The City reserves the right to temporarily move any Mobile Retail Food Vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.

- d. Any permit not used for a period of fourteen (14) consecutive days or longer shall be revoked by the City.
- e. All licensees and permittees shall comply with all applicable state statutes, all applicable City of Hoboken ordinances, and any other law or regulation which may be applicable under the given circumstances.
- f. Mobile Retail Food Vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the City of Hoboken, County of Hudson and State of New Jersey.
- g. During periods of Special Events, as herein defined, the Director of the Department of Health and Human Services may suspend Sections 147-1.9 and 147-3.4 of this Chapter. The Director of Health and Human Services at his/her sole discretion, may declare, in writing with notice to all licensed and/or permitted Mobile Retail Food Vendors, that any event within the City of Hoboken is a "Special Event" for purposes of this section.
- h. Mobile Retail Food Vendors shall maintain an on-vehicle GPS-based system that transmits standard GPS latitude and longitude coordinates in a format/protocol compatible with the City's GPS tracking systems/maps, and shall make these data openly available to the public and the City of Hoboken for tracking and enforcement purposes. GPS coordinates shall be broadcast no less frequent than once every five minutes and shall transmit these coordinates whenever the vehicle is within City limits. Vendors should be aware that enforcement of overlapping vendor operations will be documented via these data, so non-functioning or delayed data service will significantly impact any determination called for by the City as to which vendor arrived first at a particular location.
1. Violators of this subsection (h) shall, upon conviction, be subject to a fine not exceeding \$250, or imprisonment for a period not exceeding ninety (90) days, or both. These penalties are in addition to any penalties resulting from separate violations incurred under this Chapter.

§147-1.10 Violations and Penalties

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

Article II – Health Regulations

§147-2.1 Mobile Retail Food Vendor License Required

- a. No person of business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor on any public property within the City of Hoboken without a license issued by the City of Hoboken and a Health Certificate issued by the Department of Health and Human Services' Health Officer.

b. The Department of Health and Human Services' Health Officer may, from time to time, set a limit on the number of total licenses that may be issued or renewed per year; however, no more than one license may be issued to a single person or business entity or both.

i. Mobile Retail Motorized Food Vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' annually.

ii. Mobile Retail Non-Motorized Food Vendor: No more than 50 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' annually.

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

Any person desiring a business license and/or health certificate shall file with the Hoboken Division of Health an application which shall contain the following information:

a. The name of the applicant.

b. If a trade name is used, whether the applicant is an individual, partnership, association or corporation. For any business entity, include names and addresses of all partners, members, officers and shareholders holding greater than 10% interest.

c. The address of the applicant and telephone number.

d. The names and addresses of the persons from which goods making up the stock were or are to be purchased.

e. Three business references.

f. The place or places of residence of the applicant, and any individual listed in accordance with subsection (b), for the preceding three years.

g. A description of the food items to be sold.

h. If the applicant is a corporation, the state in which its Charter is registered and the registered agent's name and address in this state.

i. The number and nature of any arrests or convictions against the applicant, officers, partners or any salesmen to be employed.

j. As to the application, there must be appended a letter or, when applicable, a corporate resolution from the firm authorizing the person signing the application to act as its representative and certifying that the information is correct and accurate.

k. Whether the applicant, in previously operating in this state under a business license, has had such license revoked or suspended and, if so, the reasons therefore (Motorized).

l. The make and model of vehicle, state license plate number, drivers identification number, copy of current insurance, and copy of state registration (Motorized).

§147-2.3 Enforcement

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

§147-2.4 Supplemental Regulations

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

a. Such rules and regulations are in writing and served on all licensees at least seven (7) days prior to enforcement; and,

b. Mobile food vendors shall provide trash and recycling receptacles on or at their facility, and are responsible for litter within 5 feet of the licensed vehicle. All waste containers shall be emptied by and at the expense of the Mobile Retail Food Vendor operator.

§147-2.4 Inspection

a. Inspectional Services: Mobile Retail Food Vendors are subject to all applicable regulations found in Hoboken Code Section 115-2.

b. Mobile Retail Food Vendors will have 45 days from being issued a Business License, per Section 147-1.8.1a, to complete a Health Inspection. Failure to complete a Health Inspection in this 45 day timeframe will result in revocation of the Business License.

§147-2.5 License and Health Certificate Renewal

Business licenses and Health Certificates shall be valid from January 1 to December 31 of the year stated thereupon, regardless of the date the license and/or certificate is granted by the City. There is no right to renewal of business licenses or health certificates hereunder.

Article III – Parking Regulations

§147-3.1 Mobile Retail Food Vendor Parking Permit Required

a. No person of business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor on any public property within the City of Hoboken without a parking permit issued by the Department of Transportation and Parking.

b. The City of Hoboken may, from time to time, set a limit on the number of total parking permits that may be issued and/or renewed per year; however, no more than one permit may be issued to a single person or business entity or both. All applicants for a Mobile Retail Food Vendor Parking Permit must show proof of a current business license and health certificate prior approval of the parking permit application.

c. No person shall operate a Mobile Retail Motorized Vehicle without the granting of a parking permit.

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

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

- a. A copy of a current Hoboken Mobile Retail Food Vendor business license;
- b. A notarized letter from the business owner authorizing an individual as a responsible officer of the business, if the applicant is not the owner;
- c. Verification that there is no off-street parking contractually provided to the business address as determined by the Parking Utility;
- d. The regular working hours of the owner or nonresident employee(s) listed on the application for whom a business permit is sought;
- e. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore
- f. The make and model of vehicle, state license plate number, drivers identification number, copy of state registration, vehicle insurance information and copy of current valid motorized Mobile Food Vendor License.
- g. A description of the food items to be sold.
- h. Any other information as required by the Parking Utility.

§147-3.3 Parking Permit Renewal

Mobile Retail Food Vendor parking permits shall be valid from January 1 to December 31 of the year stated thereupon, regardless of the date the permit is granted by the City. There is no right to renewal of parking permits hereunder.

§147-3.3 Enforcement

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

§147-3.4 Mobile Retail Motorized Food Vendor Regulations

The Department of Transportation and Parking is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this Section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the permitting of Mobile Retail Food Vendors provided that such rules and regulations are in writing and served on all permits at least seven (7) days prior to enforcement; and,

a. Parking

i. Mobile Retail Food Vendors shall be parked and/or conduct business at a minimum 75 foot distance from the business entrance of any menu-serving restaurant.

ii. Mobile Retail Food Vendors may not occupy Resident Only parking spaces.

iii. Mobile Retail Food Vendors in possession of a Mobile Retail Motorized Food Vendor Parking Permit, per Section 147-1.8.1.b , may occupy any parking space in a permit-only zone within the City for up to 4 consecutive hours unless otherwise restricted and may

occupy any parking space in a metered zone for up to 2 consecutive hours unless otherwise restricted.

iv. Mobile Retail Food Vendors in possession of a Mobile Retail Motorized Food Vendor Parking Permit with an Extended Parking Endorsement per Section 147-1.8.1.b.2 may occupy any parking space in a permit-only zone within the City for up to 4 consecutive hours unless otherwise restricted, and may occupy any parking space in a metered zone for up to 6 consecutive hours unless otherwise restricted, and may occupy any combination of metered spaces for up to 8 hours so long as time in any one space does not exceed 6 hours and the metered spaces utilized are not be on the same street segment that is between two intersections.

v. Mobile Retail Food Vendors must pay for their first two (2) hours at a metered parking space and, if in possession of a Parking Permit, must display receipt of payment verification for these two (2) hours for the entire period of any parking event.

vi. No Mobile Retail Food Vendor shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the Mobile Retail Food Vendor unit.

vii. Any Mobile Retail Food Vendor unit which is found to be unattended or parked during overnight hours shall be considered a public safety hazard and may be ticketed and impounded.

viii. Mobile Retail Food Vendors shall not be eligible for a business parking permit.

ix. There shall be no more than two (2) Mobile Retail Food Vendors parked within any street segment not interrupted by intersections.

Article IV – Non-Motorized Mobile Retail Food Vendors

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

§147-4.1.1 License Fees

a. Mobile Retail Non-Motorized Food Vendor Health Department Certificate – The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.

b. Mobile Retail Non-Motorized Food Vendor Annual Business License – The annual fee required for the issuance or renewal of a Mobile Retail Non-Motorized Food Vendor business license shall be \$150.

§147-4.1.2 Supplemental Regulations

a. No non-motorized retail food vendor shall remain at the same location on any sidewalk or street for more than thirty (30) minutes without transacting a sale. At the expiration of the thirty (30) minute period, the vendor must move location by at least thirty (30) feet.

1. For purposes of this Article, “sale” shall mean the transaction of vendor’s goods in return for valuable consideration.

2. Immediately after any sale, the thirty (30) minute period begins anew.
3. The vendor may not return to any location from which he has moved in accordance with the requirements of this subsection or to any place within thirty (30) feet of the location for at least two hours two (2) hours.
 - b. Any locations upon which a Mobile Retail Non-Motorized Food Vendor parks, stops or remains, pursuant to this Section, shall not violate any City promulgated parking ordinances or regulations, or state or federal statutes and/or regulations.
 - c. Non-motorized retail food vendors shall be a minimum of 10 feet from any crosswalk.
 - d. Non-motorized retail food vendors shall be a minimum of 10 feet from any fire hydrant.
 - e. Non-motorized retail food vendors shall not park any vehicle used for the transportation of non-motorized food vending units in the street in violation of the City's parking ordinances or state statute.
 - f. All non-motorized vending under this Article shall occur on the sidewalk. Non-motorized vending under this Article shall not take place on the street.
 - g. Non-motorized retail food vendors units shall not be placed in any location that restricts sidewalk width to less than 5 feet.
 - h. Vehicles used to transport such vendor units shall not park in violation of any section of parking codes

SECTION TWO: AMENDMENTS TO CHAPTER 115

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

Section 115-1: Definitions

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

Section 115-10.8: Mobile Retail Vendors

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

SECTION THREE: AMENDMENTS TO CHAPTER 128

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

Section 128-5: Business Licenses; Fees

1. Food Businesses

Business	Fee
Vendor (Mobile Retail Non-Motorized Food Vendor)	\$150.00
Vendor (Mobile Retail Motorized Food Vendor)	See §147-1.8.1(a)
Vendor, hot dog (push cart)	\$175.00
Vendor, mobile vehicle (not to exceed 15 feet) (Mobile vendors and hot dog pushcarts not to Exceed a total of 50 licenses)	\$500.00

SECTION FOUR: AMENDMENTS TO CHAPTER 146

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

Section 146-1: Definitions

PEDDLER OR VENDOR

A person, commonly referred to either as a "transient merchant," "itinerant merchant," or "salesman," "peddler," "vendor" or other such person, who goes from place to place by traveling on the streets, or from house to house, and carries or transports with him pre-packaged foodstuffs, goods, wares and merchandise for the purpose of selling and delivering them to consumers, or who, without carrying or transporting merchandise, sells or proposes to sell services of any kind. This definition shall include Mobile Retail Pre-Packaged Food Vendors, as defined in Code Section 147-1.3.

Section 146-2: Nonapplicability

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

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

SECTION FIVE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: EFFECTIVE DATE

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

SECTION EIGHT: CODIFICATION

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

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

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **MARCH 7, 2012 at 7:00 PM.**

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

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

---Nays: Mason

12-381

Z-160

AN ORDINANCE DELETING THE CURRENT CHAPTER §196-31 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER §196-31 ENTITLED “SIGNS & SIGNAGE”

WHEREAS, the language, rules and regulations of Chapter 196-31 of the current Code of the City of Hoboken have become antiquated and outdated; and

WHEREAS, it is in the City ‘s best interest to update the City Code to reflect modern issues and conditions and to promote an aesthetic consistent with the Master Plan and the character of our vibrant, urban, pedestrian oriented city.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: DELETION

Section §196-31 of the Code of the City of Hoboken entitled “Signs”, as it currently exists, and shown below, is hereby deleted in its entirety.

~~§ 196-31. Signs.~~

~~Signs may be erected and maintained only when in compliance with the following conditions:~~

~~A. General regulations shall be as follows:~~

~~(1) Interference with vision and safety.~~

~~(a) Signs, other than municipal, county or state traffic direction signs, shall not be erected within the right of way of any street, nor shall any sign be located so as to be a traffic hazard.~~

~~(b) No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic direction and identification signs, adjacent properties, businesses or signs, or windows or buildings on which they are located.~~

~~(c) No sign shall project into a public way traversed by vehicles or pedestrians.~~

~~(2) Action by Building Inspector.~~

~~(a) A permit shall be secured from the Building Inspector for the erection, alteration or reconstruction of any signs, other than nameplates, identifications, sales or rental signs.~~

~~(b) Whenever a sign becomes structurally unsafe or endangers the safety of the public or the building to which it is affixed, the Building Inspector shall order such sign to be made safe or removed. Such order shall be complied with within 10 days thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which the unsafe sign is affixed or erected.~~

~~(3) Temporary signs. All temporary signs erected for a special event, such as an election or a sale, shall be removed by the property owner when the event shall have taken place. No permit is required for such temporary signs, provided that they do not exceed 32 square feet and provided that all temporary signs, other than election signs, shall not remain in place more than four weeks.~~

~~(4) Illuminated, flashing and animated signs.~~

~~(a) No sign with red, green, amber or blue in a flashing beam or beacon form shall be erected.~~

~~(b) All lighted signs shall be indirectly illuminated so that such light source is properly shielded from residences and streets.~~

~~(c) Signs using mechanical and/or electrical devices to display movement or the illusion of movement are prohibited in all districts, except that signs displaying the time and/or temperature shall be permitted.~~

~~B. Signs in residential districts. The following signs are permitted in residential districts:~~

~~(1) Nameplate and identification signs. A sign indicating the name and/or address of the occupants may be permitted, provided that the sign shall be no larger than two square feet. A permitted home occupation may be included with the name of the occupant and occupation. Only one sign per dwelling unit is permitted.~~

~~(2) Sales or rental signs. Signs advertising the sale or rental of the premises upon which they are located may be permitted, provided that:~~

~~(a) The size of any such sign is not in excess of eight square feet.~~

~~(b) Not more than one sign is placed upon any property.~~

~~(c) Such signs shall be promptly removed when premises are sold or rented.~~

~~(3) Institutional signs. Signs of schools, colleges, churches or other institutions of similar public or semipublic nature may be erected and maintained, provided that:~~

~~(a) The size of such sign is not in excess of 25 square feet.~~

~~(b) Not more than one such sign is placed on a property, unless such property front is upon more than one street, in which event two such signs may be erected, one on each of two frontages. In the event that the property has 800 feet of frontage on one road or has a number of entrances or exits, the Planning Board may authorize placement of additional signs.~~

~~(c) If illumination is permitted, lights must be placed so as not to shine directly or indirectly on neighboring properties.~~

~~(4) Retail businesses and services. The total gross advertising area of a sign for a retail business or service in a residential district shall not exceed 10% of the area of the first story of the building frontage to which it is attached. Where signs are required for retail uses on floors, other than the first or street level floor, the total area of all signs displayed on such building frontage shall not exceed 20% of the area of the first floor building frontage. For buildings with more than one retail use, each use shall be permitted no more than one sign for each street frontage, and the maximum area of all signs on a building frontage shall not exceed 20% of the area of the first floor frontage.~~

~~C. Signs in special and industrial districts.~~

~~(1) Special districts.~~

~~(a) Retail businesses or services, hotels, motels and other commercial activities shall be permitted one primary sign each, which shall be attached flat against a wall. The primary sign shall not exceed an area equivalent to 10% of the area of the first story of the building frontage to which it is attached, but not to exceed 200 square feet for a hotel or motel or 100 square feet for other uses, whichever is smaller. Signs may be lighted.~~

~~(b) In addition to the signs otherwise permitted under this Article within the district in which a planned development is located, a planned development shall be permitted one freestanding lighted sign which shall not exceed a height of 10 feet nor a width of six feet. The precise location of the sign shall be approved by the Planning Board as part of the site plan approval process with due regard to issues of traffic~~

safety and the need for proper identification of the planned development and the uses located therein.

~~(2) Industrial districts.~~

~~(a) Service stations may be permitted one freestanding lighted sign and one lighted sign attached flat against the building. The freestanding sign shall not be closer to any street than 30 feet and shall not exceed a height of 25 feet nor an area of 48 square feet. The attached sign shall not exceed 48 square feet in area or be higher than the height of the roofline.~~

~~(b) Each structure shall be permitted unlighted signs identifying tenants or owners. Total area of the signs shall not exceed 10% of the area of the wall to which it is attached or 200 square feet, whichever is smaller. There shall be no more than three separate signs on any one wall.~~

~~D. Advertising signs. Advertising signs shall not be permitted in any zoning district in the City of Hoboken.~~

~~E. Permanent signs in Historic Subdistricts.~~

~~(1) General provisions.~~

~~(a) All signage within an historic district or on a designated historic landmark shall conform to all city codes and shall require a certificate of appropriateness or of no effect. Any sign hereafter erected, displayed or repaired [more than 50% of replacement] within an historic district or on a landmark shall conform to the provisions of this section and any other ordinance or regulation of the City of Hoboken.~~

~~(b) All signage shall reflect the historic character of the area of the proposed sign placement and will respect the size, scale and mass of the facade, building height and rhythms and sizes of windows and door openings.~~

~~(2) Prohibited signs. Large mechanical portable signs shall not be permitted within historic districts or on historic landmarks. Other signs which shall not be permitted are:~~

~~(a) Any sign placed upon a building, structure, object or site in any manner which disfigures, damages or conceals any window opening, door or significant architectural feature/detail of any building.~~

~~(b) Any sign which is not directly identified or associated with a permitted use in a specific district or landmark.~~

~~(c) Any sign which is abandoned for more than six months or damaged beyond 50% of its replacement value.~~

~~(d) Any attachment to an already affixed sign which does not meet the provisions of the City Code.~~

~~(e) Any roof mounted signs, except in the case of landmark signs.~~

~~(3) Regulations.~~

(a) All signs shall comply with the following regulations:

~~{1} No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.~~

~~{2} No sign other than official traffic signs shall be erected within or shall project over the lines of any street right of way unless specifically authorized.~~

~~{3} No sign shall be backlighted within the historic districts. No sign shall be lighted with flashing lights. No sign shall be lighted with lights that are disproportionately large in relation to the building facade.~~

~~{4} In addition to the other requirements of this section, every sign referred to in this section must be constructed of durable materials, must be kept in good condition and repair and shall not be allowed to become dilapidated.~~

(b) Hanging signs shall also comply with the following regulations:

~~{1} The maximum projection of hanging signs from the building surface shall not exceed four feet. In no event shall any sign extend over the public right of way.~~

~~{2} The support of such signs shall be of materials in keeping with the historic character of the district.~~

~~{3} The size of such sign shall be in proportion to the building facade on which it is displayed, but in no event shall the size of the sign exceed eight square feet.~~

~~{4} The face of the sign shall represent the name of the firm, store or establishment or represent the craft, guild or profession practiced therein.~~

~~{5} The minimum distance between the ground and the bottom of such signs shall be eight feet.~~

~~{6} Hanging signs shall not be allowed in noncommercial areas.~~

(4) Signs for residential buildings permitted. The following signs are permitted:

~~(a) A nameplate sign situated within the property lines and bearing only the name and address of the principal occupants or home occupation/professional office, provided that the sign does not exceed 24 square inches in total area.~~

~~(b) One "For Sale" or "For Rent" sign may be erected on the property to be sold or rented, except that on corner properties an additional sign may be erected on the side of the building. Signs shall not exceed four square feet in area.~~

(5) Signs for mixed use/commercial buildings permitted. Wall signs are permitted on each building wall that faces on a street, subject to the following limitations and requirements:

~~(a) The requirements of Subsection E(4)(a) and (b) above.~~

~~(b) Not more than one wall sign shall be permitted for each business establishment or use located in the building except for corner buildings which will be allowed one minor sign not to exceed six square feet.~~

~~(c) No such sign shall extend farther than six inches from the face of the building wall to which it is attached.~~

~~(d) The height of any sign shall not exceed three feet or 20% of the height of the building wall to which it is attached, whichever is less.~~

~~(e) The total of the widths of all such signs may be equal to the building wall to which they are attached.~~

~~F. Banners, flags and/or pennants that promote the consumption of alcohol shall be prohibited.~~

SECTION TWO: ADDITION

The following Section is hereby added to the City Code of the City of Hoboken:

§196-31 Signs and Signage

§196-31.1 Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

Awning Sign – A sign that is mounted, painted, or attached to an awning or other window or door canopy. Awnings may be fixed or retractable. The sign area of an awning is based on the total gross printed area.

Billboard – A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Blade Sign – A vertically oriented wall sign that projects from the façade of the building to which it is attached.

Bulletin Board – A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Bus Shelter Sign – Advertising signs that are enclosed by a frame, glass or are otherwise mounted to a bus shelter.

Canopy Sign – A sign that is affixed to a ridged building canopy. See also Awning Signs.

Directional Sign – Signs limited to directional messages such as “one way,” “entrance,” and “exit.”

Feather Flag Sign – Temporary advertising signs made of lightweight cloth that are supported by a light weight freestanding pole or frame.

Freestanding Sign – Any of a group of sign types, including but not limited to; A-frames, poster signs, “swinger” or “springer” signs, specifically designed for use on the sidewalk, and not permanently affixed to a building or other structure.

Governmental Sign – A sign erected and maintained pursuant to an in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Pole Sign – A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

Political Sign – A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable Sign – See Freestanding Sign.

Projecting Sign – A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from the façade of that building.

Real Estate Sign – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Roof Sign – A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign Area – The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure; or the unprinted area of an awning.

Suspended Sign – A sign hanging from a marquee, awning, porch or canopy.

Temporary Sign – A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time. Other than political signs, temporary signs shall not remain in place more than four (4) weeks unless expressly approved by the Zoning Officer.

Wall Sign – A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

Window Sign – A sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or for advertising special sales, events, or products.

§196-31.2 Compliance, Certification and Permits.

- A. All signs hereinafter erected, altered, enlarged, relocated, or repaired shall require a Certificate of Zoning Compliance issued by the Zoning Officer and a Building Permit issued by the Construction Code Official.
- B. Applications shall include the following:
 - (1) Drawings indicating plot plan, building elevation, sections showing sign location, size, type, material, method of attachment and indicating all other existing wall signs, projecting signs, and/or other signs on the building, lighting and support details.
 - (2) Proof of ownership or authorization of the owner to erect a sign.
- C. Signs; on buildings, structures, or property, whether public or private, designated a historic site, or located within any historic district; erected, altered, enlarged, relocated, or repaired, must obtain prior approval from the Hoboken Historic Preservation Commission.
- D. Exceptions. Those signs enumerated in 196-31.3.A below do not require zoning or building permits.

§196-31.3 Signs Permitted In All Districts.

- A. Signs Permitted in All Districts.
 - (1) Any public notice or warning required by a valid and applicable Federal, State, County, or local law, regulation or ordinance.
 - (2) Traffic control signs which meet Department of Transportation standards, and which contain no commercial message of any sort.
 - (3) Governmental and public utility signs.
 - (4) Flags of the United States, New Jersey, the City of Hoboken, flags of any foreign nation, or other flags with purely non-commercial purposes.
 - (5) Signs or banners advertising public or quasi-public events that are posted with the permission of the City of Hoboken according to guidelines set by the City of Hoboken and with a set time limit to their posting.
 - (6) Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which may be cut into a masonry surface or made of bronze or of similar permanent material such as historic tables, cornerstones, memorial plaques and emblems. Such "address signs" shall be no larger than two (2) square feet. No more than two (2) such signs shall appear on any single building façade, and no more than three (3) on any two (2) adjoining facades.

- (7) Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
- (8) Real estate signs for the sale or rental of the premises upon which the sign is posted provided that the sign is no more than eight (8) square feet and removed within one (1) week of the date of sale or rental of the property. One (1) sign shall be permitted per dwelling or commercial unit listed for sale or rent, however, no single real estate company, office or agency shall display more than one (1) sign regardless of the number of listed units.
- (9) Political signs may be displayed for a period of not more than sixty (60) days prior to an election and no more than three (3) days after the election.

B. Signs Prohibited in All Districts.

- (1) Signs which interfere with, disrupt, or block a pedestrian or vehicular circulation pattern or site line, and which constitute a safety hazard to persons or vehicles.
- (2) Signs projected, painted, printed or written, or otherwise attached in any manner to a public sidewalk.
- (3) “Illuminated Signs” which have interior or exterior flashing light sources, which have intermittent or variable intensity lighting, or which cause glare on pedestrian or vehicular circulation patterns within or into residential areas.
- (4) Privately owned or operated signs which simulate or resemble by color, size, shape, or location any governmental, public utility, official, traffic, directional or warning sign or device.
- (5) Advertising signs for products or services on any building exclusively used for residential purposes, or on any structure, fence or lot where the product or service is not made, produced, assembled, stored or sold.
- (6) Signs which move either by wind, motion, mechanical or electrical means, except signs with time or temperature messages.
- (7) Feather flags.
- (8) Roof signs.
- (9) Signs on any building façade not fronting on a public right-of-way or driveway with direct access to a public right-of-way.
- (10) Signs applied to the façade of a building which cover any portion of a window, cornice or other architectural detail of the building.
- (11) Televisions used for promotional purposes projected onto the public right-of-way.
- (12) Billboard signs.

§196-31.4 Signs Permitted in Residential, Waterfront and Redevelopment Districts.

In addition to the permitted signs enumerated in 196-31.3.A, the following signs are permitted in Residential (R), Waterfront (W), and Redevelopment (RDV) districts:

- (1) Home Occupation signs, identifying a permitted use in residential districts, affixed to the structure, and not exceeding one (1) square foot in area.
- (2) Institutional signs for schools, colleges, churches, or other institutions of similar public or semipublic nature provided that; (i) the sign does not exceed twenty-five (25) square feet in area, (ii) if freestanding, is not more than five (5) feet in height, and/or (iii) not more than one (1) sign is placed on a property, unless such property fronts upon two (2) non-adjoining streets, in which event two (2) signs are permitted, one (1) on each frontage.
- (3) Retail businesses and services, where permitted, shall be allowed one (1) sign affixed to the front of the building. The total gross advertising area of a sign for a retail business or service shall not exceed ten percent (10%) of the area of the first floor frontage, up to but not exceeding one hundred (100) square feet. For buildings with more than one (1) retail use or where retail uses are located on floors other than the first or street level floor, each use shall be permitted one (1) sign, and the maximum area of all signs on a building frontage shall not exceed twenty percent (20%) of the area of the first floor frontage.
- (4) Projecting signs are permitted provided they comply with the following regulations:
 - (a) The maximum projection of a hanging sign from the building surface shall not exceed forty-eight (48) inches. In no event shall a projecting sign extend over the street.
 - (b) The support of such signs shall be of materials in keeping with the character of the district and/or the supporting structure.
 - (c) If an existing sign, which predates the adoption of this ordinance, is being refaced, then the sign size and style shall not be altered. New signs shall not exceed eight (8) square feet.
 - (d) Sign shall be not less than eight (8) feet above grade.
- (5) Awning and canopy signs. See 196-31.7.
- (6) Window signs, not exceeding thirty percent (30%) of the window area to which the sign is affixed. Temporary signs hung in the window of a retail business or service location may not exceed fifty percent (50%) of the window area and shall not obstruct visibility in such a manor as to be unsafe.
- (7) Non-illuminated temporary signs on new construction sites, not exceeding twelve (12) square feet, provided that a building permit for said

construction has been issued and that said sign is removed prior to the issuance of a certificate of occupancy.

- (8) Directional signs for entry and exits to parking areas, not to exceed four (4) square feet in area.

§196-31.5 Signs Permitted in the Central Business Districts (CBD)

In addition to the permitted signs enumerated in 196-31.3.A, the following signs are permitted in the CBD:

- (1) Those signs permitted in Residential, Waterfront and Redevelopment Districts.
- (2) Bus shelter advertisement signs. Information is available through the Office of the Director of Transportation and Parking.
- (3) Pole signs are permitted, affixed to lamp posts on Washington Street, provided the bottom edge of any sign is not less than (8) feet above grade, and the sign area does not exceed twelve (12) square feet. These sign spaces are reserved for use by the municipality and other not-for-profit organizations. Information and applications are available through the Office of Cultural Affairs.
- (4) Free-standing signs such as a-frames, poster stands or similar, are permitted for retail business and service locations, provided the following criteria are met:
 - (a) The number of signs shall be limited to one (1) sign per business location.
 - (b) The sign shall be located immediately in front of the business for which it is advertising, and shall not be more than six (6) feet from the entrance to the business.
 - (c) No sign shall be located within the sight triangle of an intersection.
 - (d) The maximum size of any free-standing sign shall not exceed twenty-four (24) by thirty-six (36) inches.
 - (e) No sign shall have more than two (2) display faces.
 - (f) No sign shall be displayed when there is snow covering more than 25% of any part of the sidewalk.
- (5) Restaurants shall be permitted one (1) menu display not to exceed three (3) square feet attached either to the façade of the building or to an approved café divider.
- (6) Temporary banner signs, provided:
 - (a) No banner is displayed for more than four (4) weeks.

- (b) No more than one (1) banner is displayed at any time and the total area of the banner does not exceed thirty (30) square feet.
- (c) No banner shall be displayed that promote the consumption of alcohol or cigarettes.

§196-31.6 Signs Permitted in I-1 and I-2 Industrial Zones

In addition to the permitted signs enumerated in 196-31.3.A, the following signs are permitted in the I-1 and I-2 Industrial zones:

- (1) Those signs permitted in Residential, Waterfront, and Redevelopment Districts and signs permitted in the Central Business Districts.
- (2) Service stations shall be permitted one (1) lighted pole sign and one (1) lighted sign attached flat against the building. The pole sign shall not be closer to any street than thirty (30) feet and shall not exceed a height of twenty-five (25) feet or a sign area of forty-eight (48) square feet.

§196-31.7 Awning and Canopy Signs.

- A. An awning or canopy sign may be used in lieu of or in combination with a permitted wall sign. In either case the total sign area shall not exceed the coverage permitted in 196-31.4 (3) above.
- B. The sign area of an awning shall be calculated based on the total gross printed area.
- C. A fixed awning shall project no more than thirty-six (36) inches from the front façade of the building to which it is attached.
- D. Retractable awnings are permitted to extend up to but not more than ten (10) feet from the building to which they are attached.
- E. The bottom edge of either a fixed or retractable awning shall be not less than eight (8) feet or more than ten (10) feet in height above the sidewalk.
- F. A fabric building canopy constructed over a fixed frame shall be limited in use to multi-unit residential dwellings (where expressly permitted as part of site-plan approval), funeral homes, nursing homes, senior housing facilities, assisted-living facilities, hospitals and acute patient care facilities. No canopy shall extend beyond the curb-line or ten (10) feet whichever is less. No framework or supporting structure shall encumber the sidewalk or limit the public right-of-way.
- G. Awnings and canopies located at the entrance of any dwelling, store or other building shall be imprinted with the address of the building.

§196-31.8 Lighting Regulations for Signs.

- A. All signs to be lighted, including awning signs, shall be indirectly illuminated so that such light source is properly shielded from residences and streets.
- B. Signs using mechanical and/or electrical devices to display movement or the illusion of movement are prohibited in all districts.
- C. No sign with red, green, amber or blue in a flashing beam or beacon form shall be permitted.
- D. Backlit signs are not permitted in historic districts unless expressly permitted by the Historic Preservation Commission.
- E. Neon signs are not permitted in historic districts unless expressly permitted by the Historic Preservation Commission.
- F. Signs affixed to a commercial structure that display time and/or temperature shall be permitted provided all other sign regulations are met.

§196-31.9 Historic Districts; Approval Procedure and Protections.

- A. A Zoning Letter shall accompany all applications to the Historic Preservation Commission (HPC). The application shall not be deemed complete and no Board hearing shall be scheduled until said letter has been filed with the Board secretary.
- B. A Certificate of Appropriateness from the Historic Preservation Commission shall be required for all signs within a historic district or on a designated historic landmark.

§196-31.10 General Provisions, Maintenance and Appearance.

- A. All signs shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning; regular painting and removal of any peeled, chipped or blistered paint; the renewal or replacement, in whole or in part, or any sign which has been caused to crack, break, peel or otherwise disintegrate or fall apart.
- B. All signs attached to the ground or to a building or other structure shall be thoroughly and rigidly secured and shall be repaired and maintained as necessary to keep them secure, safe and free from causing any danger or damage to persons or property.
- C. No sign shall be erected or maintained so as to obstruct access to any fire escape, window, door, exit or standpipe, or obstruct passage by either vehicular or pedestrian traffic on any public or quasi-public right-of-way.
- D. Signs shall be constructed and erected in such a manner as to allow for the effects of high winds and other natural forces.
- E. If the Zoning Officer or Building Inspector determines that any sign, now or hereafter erected or maintained, is unsafe or insecure or is a menace to the

public, or has been constructed or erected or is being maintained in such a manner as to pose a hazard to persons or property, or has been constructed or erected or is being maintained in violation of the provisions of this chapter or any other law or ordinance, he/she shall give written notice to the permittee, and, if there is no permittee, to the owner of the premises, of such violation. If the permittee or owner fails to remove or alter the sign within ten (10) days after such notice, such sign may be removed or altered by the City at the expense of the permittee or owner of the premises upon which it is located. The Zoning Officer or Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

- F. Any sign, now or hereafter erected or maintained, which no longer advertises a bona fide business conducted or product sold, or notice of a current or future event, shall be taken down and removed by the permittee or by the owner of the premises, if there is no permittee, within thirty (3) days after such business ceases, such product ceases to be sold or such event occurs. Upon failure to comply, the Zoning Officer is hereby authorized to cause the removal such sign and any expense incident thereto shall be paid by the permittee or owner of the premises upon which the sign is located. The Zoning Officer shall thereafter refuse to issue a permit for the erection of any sign, awning, canopy or marquee in the City of Hoboken to any permittee or property owner who refuses to pay the cost of such removal.
- G. Temporary signs erected for a special event or sale shall be removed by the property owner when the event shall have taken place, or after four (4) weeks, whichever is less.

§196-31.11 Nonconforming Signs.

Signs lawfully in existence at the effective date of the section, which shall be made nonconforming at the passage of this section, shall be allowed to continue as of right, regulated as follows:

- (1) Repair of an existing sign is permitted, provided that the cost of repair does not exceed fifty percent (50%) of the replacement costs of the sign. If a sign is identified as a landmark sign by the Historic Preservation Commission, that sign may be maintained regardless of cost.
- (2) The structural alteration of a nonconforming sign shall only be permitted if said alteration brings the sign into conformance with this section.
- (3) No permits shall be issued for new signs on single-tenanted properties where nonconforming signs exist.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **MARCH 7, 2012 at 7:00 PM.**

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

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

---Nays: Occhipinti

NEW BUSINESS

Councilwoman Castellano comments on Red White and Blue day

At Wallace School Gym on the 1st and March and comments on Pearson and SJP Properties, would like a briefing of the YMCA and hire police and fire and consider that Administration, and why we had the Special Meeting and why (2) two council members walked out

Councilwoman Mason comments on the Monarch Project, the terms on objects and when will we hear about it further

Councilwoman Marsh has left the table at 12:01 AM

Councilwoman Marsh has returned to the table at 12:05 AM

Corporation Counsel comments and will get back to the Governing Body

Councilwoman Mason consider an option to the issue of Developmental Piers

Councilman Mello comments

Councilwoman Mason would like to have the auditor to attend the meeting and if they could come to the next meeting and for the next council meeting, how much in tax appeals vs. what we actually budgeted

Councilman Russo comments on fighting against the Administration but very disappointed on Councilwoman Marsh and Councilman Cunningham that they left in the last meeting, there had to be a Special meeting and the costs and ask the Adm. prepare how much it would cost and would like the two council members reimburse the costs

Council President comments on Monarch Project and due to the failure of the resolution, we can't have it both ways and discuss it both ways and it is a serious concern for the 2nd ward and take action and the meeting on Feb. 1, 2012 and it was a rare incidents but there was a resolution placed right before the meeting that was pertaining to the School Board and commend Councilman Cunningham and Councilwoman Marsh

Councilman Cunningham comments that he wished he could have been there, but it's a matter of trust and did not know I was going to be 1 of 2, then minutes before the meeting, Occhipinti placed a resolution on the table and will never trust you and it's a shame and a distrust to some of my Council colleagues and thank you the support for the Zoning Board tonight and it was a saving day for Hoboken, the Budget hopefully we will get it before the end of Feb. or schedule a Special Meeting for the introduction of the budget

Council President comments please work with the Administration and try to schedule a meeting

Councilman Russo comments

Councilwoman Castellano comments

Councilman Mello comments that the SW Redevelopment will be designated to certain area in the South West, the first meeting was cancelled but the next one will be Feb. 23rd in the Multi service center at 7PM

Councilman Occhipinti comments and thanks the City on coordinating with NJ Transit and getting graffiti removed from the SW entrance and waiting to hear back on having a mural project, thank the city for the Sweepers, and would like to know the process in place for flyers to be dropped on the streets, would like to know more about the online renewals but is the PILOT Program fully accessible, Director Pellegrini about the projects by April 15, were you able to come up with a temporary solution for no timelines, playground equipment
Director Pellegrini comments that it should be ready by April 15th

Councilman Occhipinti comments if possible to get working on it ahead of schedule since the weather has been mild.

Councilman Occhipinti comments on Feb. 25 from 2-6PM at Hoboken Elks Lodge for the Hoboken Volunteers Chilli & Brew Cookoff, it will cost \$25/person

Councilman Mello comments on that the issue on the flyers and the ordinance is vague

Councilwoman Giattino comments

Council President comments to look into and meet in sub-committee

Councilwoman Giattino comments that we should notify the Environmental Services to notify about the flyers

Councilwoman Giattino comments on the Super bowl for 2014 and gives an overview of the trip to Indianapolis and the purpose was to see what kind of activities such as concerts, indoor events where this city lacks, but there is Economic potential for minority and women businesses through the NFL and does donate 150 Million and projected that 550 Million spent in the NJ/NY area in 2014 and this would benefit tremendously, the Super bowl this year united all the local communities, met with Super bowl volunteers. Councilwoman Giattino paid for her trip to Indianapolis and watched the Super bowl in her home in Hoboken.

Director Pellegrini comments that the networking and opportunities have grown with the NFL the past (3) three years and having the NFL experience and it has invested in our communities and there is huge economic development for that week

Councilman Mello comments

Director Pellegrini comments that Hoboken is a transportation hub in the tri-state
Council President comments on commending Director Pellegrini on creating economic
opportunities for Hoboken

Councilman Occhipinti comments if this trip was a tax payer funded trip prior to
authorization and that is my concern

Director Pellegrini comments that it does not come out of tax payer's fund, it was placed in
the trust – events and it was cleared with the Finance Director

Councilman Mello comments that this is done in other governments for economic
development expenditure and commends the Councilwoman for doing this

Councilman Russo comments and thought it was a great idea.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion”
of the meeting: Vic Zarish, Elizabeth Adams, Joe Branco.

At 1:08 A.M. Councilman Russo on a motion duly seconded by the Council President

Council President Bhalla then adjourned the meeting at 1:08 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK