

THE COUNCIL OF THE CITY OF HOBOKEN

DRAFT MINUTES FOR MEETING OF JUNE 21, 2017

Council Vice-President opened the meeting at 7:08 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 Meetings Act, and that notice was published in the Jersey Journal and on the 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. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

Roll call: Council persons Bhalla, DeFusco, Doyle, Cunningham, Fisher, Mello, Ramos Jr., Russo (arrived at 7:39PM) and Council President

ABSENT: ~~Councilman Russo~~ and President Giattino

Council Vice-President comments that there will be presentations from Special Counsel Maraziti and a presentation on the Neumann Leather Building from Principal Planner Jessica Giorganni

**PRESENTATION FROM SPECIAL COUNSEL JOESPH MARAZITI, ESQ.
REGARDING INTERIM USES**

*******Councilman Russo arrived to the meeting at 7:39 PM*******

PRESENTATION ON NEUMANN LEATHER

PUBLIC COMMENTS

The speakers who spoke: Anthony Soares, Thomas Neumann, Karen Mench, Carmen Grossman, Ron Rosenberg, Devjit Nagar, Thom Steukowski, Mike Small, Monica Polloch, Ed Coakley, Jinny Ko, Kelly O'Connor, Richard Koseghoi, Monica Giota, Ellis Roberts, Rich Nazario, Jessica Giorganni

****Councilman Mello comments that there will be a Community Development South Subcommittee meeting next Tuesday, June 27th with Special Counsel Maraziti Esq. ****

ORDINANCES

2ND Readings and Final reading

~~AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 OF THE (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN (Z-490)~~

*****CARRIED TO THE NEXT MEETING*****

Z-502

---By Councilman Bhalla

AN ORDINANCE AMENDING CHAPTER 110 OF THE HOBOKEN CITY CODE ENTITLED "GARBAGE, RUBBISH AND LITTER" ARTICLE II ENTITLED "REFUSE" TO INCLUDE §110-11 "BAMBOO PLANTS" (Z-502)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The following additions shall be made to Chapter 110 of the Hoboken City Code entitled "Garbage, Rubbish and Litter", Article II entitled "Refuse" to add §110-11:

§ 110-11 Bamboo Plants.

- A. **Purpose:** It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the City of Hoboken from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the City of Hoboken.
- B. **Prohibition.** No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as Running (monopodial) Bamboo or Clumping (sympodial) Bamboo upon any property located within the City of Hoboken. This prohibition shall include but is not limited to the following plant genera:
- a. Arundinaria;
 - b. Bambusa;
 - c. Chimonobambusa;
 - d. Dendrocalamus;
 - e. Fargesia;

- f. Phyllostia;
 - g. Pleioblastus;
 - h. Pseudosasa;
 - i. Sasa;
 - j. Sasaella;
 - k. Semiarundinaria.
- C. **Duty to Confine.** In the event any species commonly known as Running Bamboo or Clumping Bamboo is located upon any property within the City of Hoboken, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.
- a. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.
 - b. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.
 - c. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the City Inspector that the bamboo which is on his/her property at the time of the adoption of this Ordinance originated on another property.

D. **Removal.**

- 1. In the event Running Bamboo or Clumping Bamboo is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root, and the City Inspector, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborhood private or public property or public right-of-way (hereinafter, "the affected property"), the City shall serve notice to the bamboo property owner in writing that the bamboo has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the bamboo property owner's property. Notice shall be provided to the bamboo property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within forty-five (45) days of receipt of such notice, the bamboo property owner shall submit to the City Inspector, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the bamboo. Within one hundred twenty (120) days of receipt of approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the City.

2. If the bamboo property owner does not accomplish the removal of the bamboo from such other private or public property or public right-of-way in accordance herewith, the City Inspector shall cause a citation to be issued and penalties to be imposed in accordance with N.J.S.A. 40:49-5 (“Penalties for municipal ordinances”) for each day the violation continues, enforceable through the Municipal Court of the City of the City of Hoboken. The City may also institute civil proceedings for injunctive or civil relief.
3. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a Court of proper jurisdiction, nor the institution of civil proceedings against the property parties.

E. Replanting Prohibited: Any Running Bamboo or Clumping Bamboo either planted or caused to be planted or existing on the effective date of this regulation, may not be replanted or replaced once such bamboo is or has become dead, destroyed, uprooted, or otherwise removed.

SECTION TWO: 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 THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

---Motion duly seconded by Councilman Doyle
---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
---Nays: None.
---Absent: President Giattino

Z-503

---By Councilman Mello

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR OPEN SPACE PRESERVATION, THE CONSTRUCTION/EXPANSION OF SOUTHWEST RESILIENCY PARK (BLOCK 10) AND THE CONSTRUCTION/EXPANSION OF A STORMWATER MANAGEMENT AND FLOOD CONTROL SYSTEM THEREON IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,949,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,949,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**Z-503**)

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$4,949,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,949,000.

Section 3. The sum of \$4,949,000 to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$4,949,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Meeting of June 21, 2017

Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (“Application”) submitted by the City to said entities.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$4,949,000, is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$974,000.

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligati ons</u>	<u>Period of Usefuln ess</u>
A Acquisition of Certain Real Property identified on the official City Tax Map as Block 10, Lots 1-7 and 30-36, the Construction/Expansion of Southwest Resiliency Park (Block 10) for Open Space Preservation and the Construction/Expansion of a Stormwater Management and Flood Control System thereon; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application (Project No. S340635-08) on file and available for inspection in the office of the City Administrator.	\$4,949,000	\$0	\$4,949,000	30 years

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

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$4,949,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

Section 13. The City hereby covenants as follows:

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

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

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such terms is used in Section

148(f) of the Code) of the bonds or bond anticipation notes;

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

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

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

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

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

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Z-504

---By Councilman Doyle

AN ORDINANCE AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE ENTITLED “VEHICLES AND TRAFFIC” TO AMEND VARIOUS CURBSIDE PARKING REGULATIONS (Z-504)

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with circulation and parking within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapters 190 currently require amendments to better effectuate orderly and efficient use of public space and scarce curbside resources; and,

WHEREAS, converting one parallel parking space to two angle parking spaces will more efficiently utilize scarce curbside space used by official Hoboken Parking Utility vehicles on the south side of First Street between Bloomfield Street and Washington Street; and,

WHEREAS, the Hoboken Fire Department has agreed to relocate eight official City business parking spaces from Madison Street to Observer Highway in order to create space for an additional turning lane on Madison Street as part of the Southwest Traffic Improvement Plan; and,

WHEREAS, the Hoboken Fire Department requires eight dedicated parking spaces for vehicles owned and operated by the members of the Hoboken Fire Department’s Washington Street Firehouse, by permit issued, properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty; and,

WHEREAS, an error in the alternate parking locations (aka “street cleaning”) section of Chapter 190 is being corrected.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-6.1 Restricted parking for police vehicles, fire vehicles, and official business.

The following streets or portions thereof shall be designated “Restricted Parking – Official City Business – Tow Away Zone,” whereby the official City business at the below given locations shall at all times be in accordance with the restrictions described herein, and the permits provided for each below given location shall at all times be in accordance with the permitting process described herein:

Name of Street	Side	Location	Restriction
Eighth Street	North	Beginning at a point 50 feet east of the easterly curblines of Clinton Street and extending 50 feet easterly therefrom	Vehicles owned and operated by the members of the Hoboken Fire Department <u>that are properly identified by the a permit issued by the Fire Department Hoboken Parking Utility, and only for members actively on duty</u>
<u>Observer Highway</u>	<u>South</u>	<u>Beginning at a point 75 feet east of the easterly curblines of Henderson Street and extending 176 feet easterly therefrom</u>	<u>Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty</u>
Second Street	North	Beginning at a point 35 feet west of the westerly curblines of Jefferson Street and extending 163 feet westerly therefrom	Vehicles owned and operated by the members of the Hoboken Fire Department that are properly identified by a permit issued by the Hoboken Fire Department <u>Hoboken Parking Utility</u> for the hours of 8:00

a.m. to 4:00 p.m., Monday through Friday

Second Street South Beginning at a point 35 feet west of the westerly curbline of Grand Street and extending 163 feet westerly therefrom Vehicles owned and operated by the members of the Hoboken Fire Department that are properly identified by a permit issued by the ~~Hoboken Fire Department~~ Hoboken Parking Utility for the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday

Thirteenth Street North Beginning at a point 40 feet east of the easterly curbline of Washington Street and extending 100 feet easterly therefrom Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty

Washington Street East Beginning at a point 92 feet north of the northerly curbline of Thirteenth Street and extending _____ feet northerly therefrom Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty

§ 190-27. Angle parking locations.

In accordance with the provisions of this § 190-27, the herein described locations shall be designed as angle parking:

A. Angle Parking

**Name of Sides Angle Location
Street**

First Street South 60A Beginning at a point 33 east of the easterly curbline of Bloomfield Street and extending 20 feet easterly therefrom

§ 190-28. Alternate parking locations.

In accordance with the provisions of this §190-28, no person shall park or stand a vehicle between the hours specified upon any of the described streets or parts of streets for the times indicated herein and made part of this chapter:

**Name of Side Days/Hours Location
Street**

~~Sixth Street North Wednesday/11:00 a.m. to Willow Avenue to west boundary
12:00 noon~~

Sixth Street North Wednesday/11:00 a.m. to River Terrace to Willow Avenue
12:00 p.m.

SECTION TWO: 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 THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Z-505

---By Councilman Doyle

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR PERSONS WITH DISABILITIES" §192-4 "ENUMERATION OF SPACES" TO APPROVE THE ADDITION OF RESTRICTED HANDICAPPED PARKING SPACES FOR CERTAIN INDIVIDUALS (Z-505)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The following changes shall be made to Chapter 192 of the Code of the City of Hoboken entitled "Parking for Persons with Disabilities" §192-4 entitled "Enumeration of Spaces" to approve the addition and ~~deletion~~ of restricted handicapped parking spaces as follows:

Homayoon Kambiz- 1122 Hudson Street (west side of Hudson Street, beginning at a point 65 feet south of the southerly curblineline of 11th Street and extending 22 feet southerly therefrom).

~~Homayoon Kambiz- 228 Jefferson Street: west side of Jefferson Street, beginning at a point of 65 feet south of the southerly curblineline of Third Street and extending 22 feet southerly therefrom.~~

Section 2: 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.

Section 3: 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.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

Section 6: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7: This Ordinance shall take effect upon passage and publication as provided by law.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

PUBLIC COMMENTS

The speakers who spoke: Tony Soares, Karen Nason, Nadja Rutkowski, John Karacica (Rosairo's), Patricia Waiters, Andrew Impastato

PETITIONS AND COMMUNICATIONS

17-393

Miscellaneous Licenses

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-394

Memorandum from Mayor Zimmer making appointments to the Hoboken Green Team date June 16th

17-395

An Executive Order No. 10 from Mayor Zimmer allowing access to single-sex facilities consistent with gender identity and expression

Received and filed

REPORTS FROM CITY OFFICERS

17-396

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of May 2017 **\$29,560,665.92 (Abatement Totals -\$760,601.40)**

17-397

A report from Municipal Court indicating receipts for the month of May 2017 as **\$429,483.26**

Received and filed

17-398

CLAIMS

Total for this agenda **\$3,270,351.99**

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
---Nays: None.
---Absent: President Giattino

17-399

PAYROLL

For the two week period starting May 18, 2017 – May 31, 2017

Regular Payroll	O/T Pay	Other Pay
\$1,757,342.72	\$78,007.84	\$586,747.33
Total		
\$2,422,097.89		

---Adopted by the following vote: Yeas: 8 – NAYS: 0 Absent: 1
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
---Nays: None.
---Absent: President Giattino

Received and filed

PUBLIC COMMENTS ON RESOLUTIONS

No public comments.

CONSENT AGENDA - A1-A2, CD1, CC2, E1-E2, F1, PS1, PS2, T1, CL1

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Consent Agenda defined: All items listed with an asterisk (*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

Pulled from the agenda for discussion: A3, E3

Removed by Administration:

RESOLUTIONS
Administration

17-400

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED AGREEMENT WITH SHIPYARD ASSOCIATES, L.P. FOR ACCESS TO THE 14TH STREET PIER

WHEREAS, the City needs access to the 14th Street Pier to place and maintain a camera security system for the Hoboken Police Department's waterfront surveillance system; and,

WHEREAS, the owners of the 14th Street Pier, Shipyard Associates, L.P., is willing to grant access to the 14th Street Pier for said purpose; and,

WHEREAS, the City and Shipyard Associates, L.P. have come to mutually agreeable terms regarding access to the 14th Street Pier for the purpose of placing and maintaining a camera security system, which are memorialized in the attached agreement; and,

WHEREAS, the Administration recommends entering into the attached agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby authorizes the City to enter into the attached agreement, and:

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes Corporation Counsel to make reasonable amendments to the attached agreement if necessary, so long as the amendments do not fundamentally alter any of the terms.

3. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution.
4. This resolution shall be effective immediately.

---Motion duly seconded by Councilman Ramos

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

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-401

---By Councilwoman Fisher

RESOLUTION AUTHORIZING AN AMENDMENT TO THE CITY'S CONTRACTS WITH THE HOBOKEN MUNICIPAL COURT PUBLIC DEFENDERS TO INCREASE THE CONTRACTS IN THE TOTAL AMOUNT OF \$18,000.00

WHEREAS, by way of resolution dated January 4, 2017, the City awarded contracts to Salvatore Vargo; Condon & Theurer; Thomas Koehl; and Weiss Fruchter to act as municipal public defenders for the City of Hoboken in the total amount of \$20,000.00; and,

WHEREAS, the total amount budgeted for the public defenders in 2017 was \$43,000.00; and,

WHEREAS, it is necessary to amend the City's contract with the public defenders listed above by \$18,000.00 to fund the public defenders for the remainder of 2017 in accordance with the projected budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City's contracts with public defenders Salvatore Vargo; Condon & Theurer; Thomas Koehl; and Weiss Frutcher shall be increased in the total amount of \$18,000.00 to cover their fees for the remainder of 2017; and:

- 1) Aside from the change in contract amount, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; and,
- 2) The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract and any other steps necessary to effectuate this resolution; and,
- 3) This resolution shall take effect immediately.

---Motion duly seconded by Councilman Ramos

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

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-402

---By Councilman Mello

RESOLUTION AUTHORIZING A NO-COST AMENDMENT TO THE CITY OF HOBOKEN'S CONTRACT WITH FLANAGANS CONTRACTING GROUP, INC. FOR THE HOBOKEN SOUTHWEST BLOCK 12 PARK PROJECT TO EXTEND THE CONTRACT TO AUGUST 29, 2017

WHEREAS, on June 24, 2016, the City awarded a contract to Flanagan's Contracting Group, Inc., for the Southwest Block 12 Park Project by way of resolution dated May 18, 2016, pursuant to their bid proposal in the amount of \$4,907,567.50; and,

WHEREAS, the City Council of the City of Hoboken has previously extended the term of the contract to July 25, 2017; and,

WHEREAS, the City received the attached correspondence from Suburban Consulting Engineers, Inc. stating the necessity of the extension is due to additional labor associated with change orders as well as weather delays; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-15(9), the duration of a contract for construction services may be awarded for longer periods "for the length of time authorized and necessary for the completion of the actual construction;" and,

WHEREAS, the Administration also recommends extending the term of the contract to August 29, 2017 in accordance with N.J.S.A. 40A:11-15(9); and,

WHEREAS, the Mayor or her designee is authorized to sign the attached "Contract Modification Proposal and Acceptance."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or her designee is authorized to sign the attached "Contract Modification Proposal and Acceptance."

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, subject to the following conditions:

1. The award of this contract is subject to finalization of the contract terms.
2. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or her designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The mayor, or her designee, is hereby authorized to execute an agreement as

outlined herein with:

Flanagan's Contracting Group, Inc.
90 Old Camplain Road
Hillsborough Township, New Jersey 08844

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Community Development

17-403

---By Councilman Cunningham

RESOLUTION APPROVING A CHANGE ORDER TO THE CITY OF HOBOKEN'S CONTRACT WITH COMMUNITY GRANTS PLANNING AND HOUSING FOR PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES IN THE AMOUNT OF **\$10,252.00**

WHEREAS, pursuant to Resolution No. CD7 dated July 6, 2016, the City of Hoboken awarded an extension to the professional service contract to Community Grants Planning and Housing for professional affordable housing administrative agent services in the amount of \$27,290.00, for a term set to expire on July 8, 2017; and,

WHEREAS, in February 2017, the City of Hoboken announced efforts to streamline the affordable housing process to help the public better understand their options; and,

WHEREAS, the City allowed for residents who submitted a preliminary application to join a Hoboken Affordable Housing waiting list for all future affordable housing units in the City; and,

WHEREAS, prior to the enactment of a waiting list, Community Grants Planning and Housing was receiving about forty (40) applications per day from all of their clients statewide, and since the enactment they have received up to four hundred (400) applications per day specific to the City of Hoboken and they currently have about four thousand eight hundred (4800) applicants now on the waiting list; and,

WHEREAS, Community Grants Planning and Housing is now requesting a \$10,252.00 increase in the contract amount due to an unanticipated and unprecedented response to the Hoboken Affordable Housing waiting list; and,

WHEREAS, the Administration is requesting that the City approve a change order in the amount of \$10,252.00, for a new total contract amount of \$37,542.00, set to expire on July 8, 2017.

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

- 1) The above recitals are incorporated herein as though fully set forth at length.
- 2) The terms of the referenced proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
- 3) Any change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
- 4) The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Corporation Counsel

17-404

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A
CONSENT ORDER IN THE MATTER OF BANKRUPTCY CASE NO. 17-17255 SLM

WHEREAS, the City is involved in the bankruptcy matter Case No. 17-17255 SLM which is currently pending in the United States Bankruptcy Court District of New Jersey; and,

WHEREAS, the parties have negotiated a resolution to resolve the pending claims asserted by the City of Hoboken in this bankruptcy action; and,

WHEREAS, the City Council has received advice from Special Council Lite DePalma Greenberg, LLC and Corporation Counsel in a closed session with regards to the proposed agreement; and,

WHEREAS, the City Council wishes to authorize the Administration to enter into the proposed Consent Order in order to resolve the bankruptcy action Case No. 17-17255 SLM.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or the Mayor's designee may execute the proposed Consent Order to resolve the pending matter of the bankruptcy action in the United States Bankruptcy Court District of New Jersey Case No.: 17-17255 SLM; and,

BE IT FURTHER RESOLVED, that the Mayor or the Mayor's designee may take any further action as necessary to complete the intent and purpose of this resolution.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-405

---By Councilman Mello

A RESOLUTION APPROVING PARTICIPATION IN THE BULLETPROOF VEST PARTNERSHIP INITIATIVE THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE

WHEREAS, the City of Hoboken is interested in participating with the United States Department of Justice initiative known as the Bulletproof Vest Partnership (BVP) Program, which is designed to provide critical resources to state, local, and tribal jurisdictions for the sole purpose of purchasing bullet-resistant body armor for sworn law enforcement officers; and,

WHEREAS, through the Bullet-Proof Vest Program, states, units of local governments, and tribal governments are reimbursed for up to fifty (50) percent of the cost of each unit of eligible body armor purchased for an eligible sworn law enforcement officer; and,

WHEREAS, the City of Hoboken in conjunction with the Hoboken Police Department wish to submit an application for BVP funds during the annual open application period per the program guidelines; and,

WHEREAS, all purchased body armor must comply with the most current National Institute of Justice's body armor standards; and,

WHEREAS, the Hoboken City Council has reviewed the parameters and guidelines of the Bulletproof Vest Partnership Initiative through the United States Bureau of Justice Assistance, and has approved the City of Hoboken and Hoboken Police Department's participation and subsequent application submission.

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

1. The City of Hoboken and Hoboken Police Department are authorized to participate in the program as per its guidelines and regulations via the on-line BVP system which manages the program from the prospective application through payment process.
2. The Mayor or her designee is authorized to execute the above referenced program application, and all other documents to fulfill the intent of the application and subsequent program funding, and the Council ratifies same.
3. As a matter of public policy, the City of Hoboken_wishes to participate to the fullest extent possible with the United States Department of Justice initiative known as the Bulletproof Vest Partnership (BVP) Program.
4. This resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent President Giattino

Environmental Services

17-406

---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT TO FEEDING OUR CHILDREN, INC. IN THE AMOUNT OF **\$44,956.80** FOR THE 2017 SUMMER FOOD SERVICE PROGRAM

WHEREAS, the City of Hoboken requires the services of a food service management company to provide meals to be served to children participating in the 2017 Summer Food Service Program; and,

WHEREAS, the City sought bidders for said services by way of Bid No. 17-06, and received the following responses:

COMPANY	UNIT PRICE	TOTAL PRICE
Feeding Our Children, Inc. 17 Wright Avenue Jersey City, NJ 07306	\$2.23	\$44,956.80
Preferred Meals Systems, Inc. 5240 St. Charles Road Berkeley, IL 60163	\$2.53	\$51,004.80
Nu-Way Concessionaires,	\$2.59	\$52,214.40

Inc. 339-345 Bergen Avenue Kearny, NJ 07032		
Whitsons Culinary Group 1800 Motor Parkway Islandia, NY 11749	\$2.924	\$58,948.00

WHEREAS, the Administration recommends awarding a contract to Feeding Our Children, Inc., the lowest responsive and responsible bidder, in the amount of \$44,956.80 for the period of time beginning on July 1, 2017 and ending October 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Feeding Our Children, Inc. is hereby awarded a contract in the not to exceed amount of \$44,956.80, for the period of time beginning on July 1, 2017 and ending October 1, 2017, as follows:

1. The award of this contract is subject to finalization of the contract terms.
2. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or her designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Feeding Our Children, Inc.
17 Wright Avenue
Jersey City, New Jersey 07306

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-407

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DONATION OF A WATER STATION TO THE CITY OF HOBOKEN FROM PROACQUA GROUP FOR THE NORTHWEST "POP-UP PARK"

WHEREAS, ProAcqua has offered to donate a "ProAcqua City 2.2" water station to the City of Hoboken for the planned Northwest "Pop-up Park"; and,

WHEREAS, ProAcqua has graciously offered to provide this water station without any expectation of remuneration; and,

WHEREAS, the City Council of the City of Hoboken wishes to authorize the acceptance of this donation in accordance with N.J.S.A. 40A:5-29 which authorizes municipalities to accept gifts; and,

WHEREAS, the City acknowledges responsibility for the installation of the water station and for the water and electrical hook-up.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City is authorized to accept a donation from ProAcqua of a “ProAcqua City 2.2” water station for the Northwest “Pop-Up” Park in accordance with N.J.S.A. 40A:5-29.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-408

---By Councilman Bhalla

RESOLUTION AWARDING A CHANGE ORDER TO THE CITY’S CONTRACT WITH PICERNO-GIORDANO CONSTRUCTION FOR THE NORTHWEST “POP-UP PARK” CONSTRUCTION PROJECT FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$64,552.00

WHEREAS, the City Council of the City of Hoboken awarded a contract to Picerno-Giordano Construction, LLC by way of Resolution No. E5 dated April 19, 2017 for construction services for the BASF site “Pop-up Park” in the amount of \$579,548.90; and,

WHEREAS, in accordance with the attached letter from the project engineer Kimley-Horn, the City is now being asked to award Change Order #1 in the increased amount of \$64,782.00; and,

WHEREAS, in accordance with the attached letter, this Change Order is for the installation of two (2) regulation 120’ x 60’ tennis courts in the amount of \$86,150.00 and removing from the plan the installation of one (1) rectangular shade structure and 3,800 square feet of acrylic asphalt paint which would reflect a credit of \$21,598.00; and,

WHEREAS, taking into consideration the increase for the installation of the tennis courts and the decrease in cost as delineated above, the total amount of this Change Order is \$64,552.00 which represents a 11.14% increase in the total contract amount; and,

WHEREAS, the City Council is now being asked to award Change Order #1 to this contract, in the total increased amount \$64,552.00 for a new total contract amount of \$644,100.90.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Change Order #1 shall be awarded to the City's contract with Picerno-Giordano, as delineated above in the amount of \$64,552.00, for a new total contract amount of \$644,100.90; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the original contract shall not be altered except as delineated above.
3. Any change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Finance

17-409

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE **\$434,663.00** RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the City of Hoboken has received notice of an award of \$434,663.00 from State of New Jersey Department of Transportation for Municipal Aid Program for Meeting of June 21, 2017

Hoboken Pedestrian Crossing Improvements and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$434,663.00. This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Hoboken Pedestrian
 - Crossing Improvements
 - Other Expenses

BE IT FURTHER RESOLVED, that the sum of \$434,663.00 be and the same is hereby appropriated under the caption of:
General Appropriations:

- (a) Operations Excluded from CAPS
- State and Federal Programs Off-Set by
- Revenues:
 - Hoboken Pedestrian
 - Crossing Improvements
 - Other Expenses

BE IT FURTHER RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

- Motion duly seconded by Councilman Ramos
- Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0
- Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
- Nays: None.
- Absent: President Giattino

Health and Human Services

17-410
---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT TO LIBERTY HUMANE SOCIETY FOR ANIMAL CONTROL AND SHELTERING SERVICES TO THE CITY OF HOBOKEN PURSUANT TO N.J.S.A. 40:48-5.1 IN THE AMOUNT OF **\$106,500.06** FOR A TERM TO EXPIRE DECEMBER 31, 2018

WHEREAS, pursuant to N.J.S.A. 40:48-5.1, whenever a municipality does not have an established public pound, and there exists within the county where such municipality is situated or any adjoining county, a pound maintained by any humane society not organized for pecuniary profit, which has been maintained continuously for a period of at least one (1) year, the municipality may enter into negotiations and may contract with such pound for any period not to exceed five (5) years; and,

WHEREAS, pursuant to N.J.S.A. 40:48-5.1, the advertisement of bidding prior to the making of any such contract is unnecessary; and,

WHEREAS, the City of Hoboken requires animal control and sheltering services to be provided and the City does not have an established pound; and,

WHEREAS, Liberty Humane Society maintains a pound within Hudson County with a location in Jersey City, and it is a 501(c)(3) organization that has been operating continuously for at least one (1) year; and,

WHEREAS, the Administration recommends awarding the attached contract for animal control and sheltering services to Liberty Humane Society in accordance with N.J.S.A. 40:48-5.1 in the amount of \$5,916.67 per month for a total contract amount of \$106,500.06 for a term to begin July 1, 2017 and to expire December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is awarded to Liberty Humane Society pursuant to N.J.S.A. 40:48-5.1 in the amount of \$5,916.67 per month for a term to begin July 1, 2017 and to expire December 31, 2018 for a total contract amount of \$106,500.06; and:

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes Corporation Counsel to make reasonable amendments to the attached agreement if necessary, so long as the amendments do not fundamentally alter any of the terms.
3. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution.
4. This resolution shall be effective immediately.
5. The Mayor or her designee is hereby authorized to execute an agreement with:

LIBERTY HUMANE SOCIETY
235 JERSEY CITY BOULEVARD
JERSEY CITY, NJ 07305

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
---Nays: None.
---Absent: President Giattino

Public Safety

17-411

---By Councilman Mello

APPROVING PARTICIPATION WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR THE DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE LABOR DAY CRACKDOWN

WHEREAS, the City of Hoboken is interested in participating with the New Jersey Division of Highway Traffic Safety and supporting their Drive Sober or Get Pulled Over 2017 Statewide Labor Day Crackdown; and,

WHEREAS, 27% of motor vehicle fatalities in New Jersey are alcohol related; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety provides reimbursement by way of grant funding for overtime police enforcement for those municipalities that participate in the Drive Sober or Get Pulled Over 2017 Statewide Labor Day Crackdown.

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

- 1) The Department of Public Safety and the Hoboken Police Department are authorized to participate in the program via overtime of Police Officers as allowed in the program reimbursement guidelines.
- 2) The Mayor or her designee is authorized to execute the above referenced grant application, and all other documents to fulfill the intent of the application and subsequent grant funding, and the Council ratifies same.
- 3) As a matter of public policy, the City of Hoboken wishes to participate to the fullest extent possible with the Drive Sober or Get Pulled Over 2017 Statewide Labor Day Crackdown.
- 4) This resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.
---Absent: President Giattino

17-412

---By Councilman Mello

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE US DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE PORT SECURITY GRANT PROGRAM

WHEREAS, the Port Security Grant Program supports efforts to build and sustain core capabilities across prevention, protection, mitigation, response, and recovery mission areas, with specific focus on addressing the security needs of our Nation's maritime ports; and,

WHEREAS, the funding is directed toward the implementation of Area Maritime Security Plans (AMSP) and Facility Security Plans (FSP) among port authorities, facility operators, and state and local government agencies that are required to provide port security services; and,

WHEREAS, the Hoboken Fire Department actively participates in the Area Maritime Security Committee (AMSC) for the Port of New York and New Jersey; and,

WHEREAS, the Port Security Grant funding provided in 2016 was put to use during the September 2016 Hoboken Train Derailment when the New Jersey Regional Fireboat Task Force (NJRF TF) and other port partners ensured maritime security during rescues and extrications; and,

WHEREAS, the Hoboken Fire Department seeks to apply for funding in the amount of \$94,680 for the year of 2017 to focus on training and ongoing maritime hazards, including victims in the Hudson River, in addition to other activities covered by the Port Security Grant Program; and,

WHEREAS, the aforementioned grant requires a 25% funding match by the City, which amounts to \$23,670.00; and,

WHEREAS, as a result, the remaining 75% of the grant, which equates to \$71,010, would be paid by FEMA; and,

WHEREAS, the City Council of the City of Hoboken wishes to authorize the submission of the grant application and the acceptance of any funds received as a result of the grant application.

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

1. That the City of Hoboken is hereby authorized to submit the above completed project application to FEMA by the deadline of June 22, 2017; and,
2. That the Mayor and/or her designee is authorized to sign the grant application and any subsequent agreements on behalf of the City of Hoboken, and that her signature constitutes acceptance of the terms and conditions of the grant agreements and approves the execution of the grant agreement; and,
3. That, in the event of a Port Security grant award that may be less than the grant amount requested above, City of Hoboken has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
4. That City of Hoboken is committed to providing a match for the project in the amount of \$23,670.00; and,
5. That City of Hoboken agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Transportation and Parking

17-413

---By Councilman Russo

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR THE 2017 INTERSECTION AND ROADWAY IMPROVEMENT PROGRAM IN THE NOT TO EXCEED AMOUNT OF \$37,000.00

WHEREAS, the City of Hoboken has a need to obtain an engineering firm to perform engineering design, surveying, and construction management services for the 2017 Intersection and Roadway Improvement Program; and,

WHEREAS, Boswell Engineering is a pre-qualified pool licensed engineer for the City of Hoboken; and,

WHEREAS, according to the attached proposal dated June 9, 2017, Boswell Engineering is able to perform the following services:

- | | |
|--|-------------|
| (a) Compilation of previously designed elements into a single specification: | \$8,000.00 |
| (b) Engineering design of new project elements: | \$29,000.00 |

(c) Construction management services on the entire project:
\$221,000.00

WHEREAS, at this time, the City wishes to have Boswell perform the services enumerated in subsections (a) and (b) only, which amount to \$37,000.00; and,

WHEREAS, the Administration recommends awarding a contract to Boswell Engineering in the not to exceed amount of \$37,000.00 for the duration of the project.

NOW, THEREFORE, BE IT RESOLVED, that a professional service contract is awarded to Boswell Engineering for engineering services for the 2017 Intersection and Roadway Improvement Program, in the not to exceed amount of \$37,000.00 for the duration of the project; and,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, subject to the following conditions:

1. The award of this contract is subject to finalization of the contract terms.
2. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or her designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Boswell Engineering
330 Phillips Avenue
P.O. Box 3152
South Hackensack, New Jersey 07606-1722

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Clerk

17-414

---By Councilman Doyle

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY
COUNCIL DATED: **REGULAR & SPECIAL MEETING OF JUNE 7, 2017**

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1 Present: Abstain: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo
---Nays: None.
---Absent: President Giattino

ORDINANCES
Introduction and First Reading

17-415

Z-506

---By Councilman Russo

AN ORDINANCE AMENDING THE HOBOKEN CITY CODE CHAPTER 190 ENTITLED
“VEHICLES AND TRAFFIC” TO AMEND VARIOUS CURBSIDE PARKING
REGULATIONS

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with circulation and parking within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapters 190 currently require amendments to better effectuate safe, orderly, and efficient use of public space and scarce curbside resources; and,

WHEREAS, new curbside parking restrictions are necessary on Monroe Street and Ninth Street in order to safely accommodate turning movements of semitrailers making deliveries to Shop Rite in Northwest Hoboken; and,

WHEREAS, a new loading zone on Willow Avenue near Twelfth Street is necessary to accommodate adjacent curbside loading activity in a safe and orderly manner.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this §190-3, no person shall park a vehicle at any time upon the following streets or portions thereof, except for the pickup and drop off of passengers, in accordance with N.J.S.A. 39:-4-139:

Name of Street Side Location

Monroe Street West Beginning at the northerly curbline of Ninth Street and extending 62 feet northerly therefrom

Name of Street	Side	Location
<u>Ninth Street</u>	<u>North</u>	<u>Beginning at the easterly curbline of Monroe Street and extending 72 feet easterly therefrom</u>
<u>Ninth Street</u>	<u>South</u>	<u>Beginning at the westerly curbline of Madison Street and extending 55 feet westerly therefrom</u>

§ 190-11. Loading zones.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location
<u>Willow Avenue</u>	<u>8:00 a.m. to 6:00 p.m.</u> <u>Monday through</u> <u>Friday</u>	<u>West</u>	<u>Beginning at a point 39 feet north of the northerly curbline of Twelfth Street and extending 40 feet northerly therefrom</u>

SECTION TWO: 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 THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and

the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-416

Z-507

---By Councilman Bhalla

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN BY ADDING ARTICLE III ENTITLED “OUTDOOR LANDSCAPE WATER CONSERVATION GUIDELINES” TO CHAPTER 193 “WATER”

WHEREAS, water supplies for the City of Hoboken should be protected to afford the greatest beneficial use to Hoboken citizens and businesses, which depend on adequate water supplies for their livelihood, health, welfare, and economic production; and,

WHEREAS, water resources have been threatened in the past due to drought conditions; and,

WHEREAS, there exists a need to ensure water is available for uses essential to the health, welfare and safety of the City of Hoboken and for averting or lessening the impact of any water shortage; and,

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of Hoboken citizens; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Hoboken has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare.

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

The Code of the City of Hoboken shall be amended to include an additional section, Article III, which shall be entitled, “Outdoor Landscape Water Conservation Guidelines,” to Chapter 193 entitled “Water” to read as follows:

§193-13 Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in the City of Hoboken at all times regardless of source of supply (e.g. public water supplies, ground water, stormwater

detention systems) unless expressly exempt in §193-17 Exemptions. Such water use shall conform to the following Outdoor Landscape Water Use Restrictions.

A. Lawn watering with a hose or hose-end sprinkler:

1. May only be done two days per week. Properties with even number addresses may only water on Mondays and Thursday, properties with odd number addresses may only water on Tuesday and Fridays.
2. Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.
3. The watering of any single area shall not exceed thirty minutes per day;
4. Flowers and shrubs may be watered as needed with a hand-held hose equipped with an automatic shut-off nozzle.
5. No hose or hose-end watering shall be permitted when it is raining.

B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller (this includes all systems that do not have a “SMART” controller):

1. May only be done two days per week. Properties with even number addresses may only water on Mondays and Thursday, properties with odd number addresses may only water on Tuesday and Fridays.
2. Irrigation shall only be conducted between the hours of 12:00 midnight and 10:00 a.m.
3. Operation of any irrigation zone equipped with spray (mist) heads shall not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads shall not exceed 50 minutes per zone.

C. Irrigation with systems equipped with a SMART controller:

1. To qualify for this provision, the SMART controller must have met the minimum requirements of IA-SWAT protocol testing. Lists of climate-based and sensor based controllers that have successfully completed the protocol testing can be found at http://www.irrigation.org/Tested_Products.aspx.
2. The property owner must register the SMART controller with the City of Hoboken and display a yard placard signifying that the property is irrigated with a SMART controller.
3. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. The SMART controller must be programmed to irrigate between the hours of 12:00 midnight and 10:00 am.
 - b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - c. The SMART controller programming data shall be posted at the controller.

- d. The WaterSense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

D. Irrigation systems programmed and monitored by an irrigation manager:

1. The property owner must designate a qualified person who will be the irrigation manager, register that person with the City with defining qualifications, and display a yard placard signifying that the property is monitored by an irrigation manager.
2. The irrigation manager must be an EPA WaterSense Partner or show evidence of successfully completing one of the approved courses listed below:
 - a. Rutgers University Continuing Education Course, "Irrigation Systems: Scheduling."
 - b. Irrigation Association's online course, "Landscape Irrigation Scheduling."
 - c. A comparable course offered by a recognized continuing education facility or professional association.
3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.
4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
5. If it is found that an irrigation manager does not follow any of the terms prescribed in this ordinance, they may be disqualified from acting as an irrigation manager.

E. All automatic irrigation systems:

1. Shall be equipped with an operational automatic rain sensor device, which disables the system when a predetermined amount of rainfall has occurred. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when ¼ inch of rain has fallen.
2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with the Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.

F. All new irrigation systems:

1. Must be installed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
2. Must follow the New Jersey Irrigation Best Management Design Practices:
 - a. Designing a system that insures sufficient operating pressure at the sprinkler head.
 - b. Dividing irrigated areas into hydro-zones of turf and plants with similar water requirements.
 - c. Creating zoning systems according to exposure.

- d. Considering the soil type so the sprinkler irrigation precipitation rate is compatible with the soil infiltration rate or dividing the zone runtimes into multiple short cycles.
 - e. Providing separate control of sloped areas.
 - f. Preventing sprinkler heads from overthrowing onto driveways, roads, and sidewalks.
 - g. Providing for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto walks, pavement, and other impervious surfaces;
 - h. Using pressure regulating technology as necessary to ensure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:
 - i. Pressure regulation at the point of connection.
 - ii. Pressure regulation at each remote control valve.
 - iii. Pressure regulation at the sprinkler head.
 - iv. A combination of the above.
 - i. Irrigating all flowers and shrubs with drip and/or micro-irrigation.
 - j. Including check valves in low sprinkler heads to prevent low-point drainage.
 - k. Having a pressure regulating device and wye strainer on each drip/micro control valve.
3. System must have a SMART controller capable of estimating or measuring depletion of available plant soil moisture and operating the irrigation system only to replenish the water as needed while minimizing excess water use.
- a. The SMART controller must be an EPA WaterSense labeled SMART controller and listed on their website http://www.epa.gov/watersense/product_search.html.
 - b. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - i. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - ii. The SMART controller programming data shall be posted at the controller.
 - iii. The WaterSense partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

G. Upon a Declaration of Water Emergency by the Mayor, additional restrictions may be imposed and shall supersede the restrictions in this ordinance.

H. State of New Jersey requirements shall supersede those identified in this section when more stringent than those identified in this ordinance.

§193-14 Violations

A. Violations include knowingly or recklessly watering or irrigating or permitting irrigation of lawn or landscape on owned, leased, or managed property that results in the following:

1. Watering during any form of precipitation.
2. Water leaking from any irrigation equipment.
3. Water puddling on landscape or impervious surfaces.
4. Water run-off from irrigated property.
5. Irrigating on days not permitted in this ordinance.
6. Irrigating at hours not permitted in this ordinance.

B. Violators of these guidelines and requirements are subject to fines and penalties described in §193-16 Penalties.

C. All water users in the City of Hoboken are responsible for preventing the above violations.

§193-15 Enforcement

A. The water use restrictions and automatic rain sensor requirement imposed pursuant to this section shall be enforced by the local authorized official, to be designated by the Administration.

B. Whenever a local authorized official shall find a violation of the water use restrictions, regardless of the source of the water, such authorized official shall issue a written warning and explain the penalties for a second and third offense, as provided in §193-16 Penalties.

C. The local authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense.

D. The local authorized official is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

§193-16 Penalties

A. After a warning for a first offense in accordance with §193-15, any person or business thereafter violating or failing to comply with any provision of this Article or any regulations promulgated pursuant thereto shall be punishable by a fine not to exceed \$1,000, except that the maximum fine for failure to comply with this Chapter and regulations issued pursuant thereto shall not exceed \$50 for the first three violations.

B. Each day for which a violation of this chapter occurs shall be considered a separate offense.

§193-17 Exemptions

Section §193-13 Water Use Restrictions does not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
- B. Outdoor water use for green roofs, commercial farms and/or nurseries producing harvestable crops.
- C. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape.
- D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.
- E. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or parts of ordinances now existing or in effect, unless the same being in conflict or inconsistent with any provision of this Ordinance, shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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

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

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-417

Z-508

---By Councilman Russo

AN ORDINANCE TO SUPPLEMENT CHAPTER 141 OF THE HOBOKEN CITY CODE ENTITLED "PUBLIC PARKING GARAGES" TO CODIFY RATES FOR THE MUNICIPAL SURFACE LOTS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The following additions and ~~deletions~~ shall be made to Hoboken City Code **Chapter 141** to read as follows:

§141-1 Establishment; title.

This chapter is hereby established and entitled "Public Parking Garages and Lots."

§141-2 Reduced monthly fees for senior citizens and veterans.

Any individual 65 years of age or older who submits proper proof of age and residency in accordance with §141A-2 ("Resident permits") or veterans upon proof of residency and submission of proof of veteran status, shall be charged a reduced monthly parking garage fee at the municipal garages, based upon availability, as follows:

	<u>Garage B</u>	<u>Garage D</u>	<u>Garage G</u>	<u>Midtown</u>	<u>Garden Street</u>
<u>Seniors and Veterans</u>	\$190.00	\$145.00	\$120.00	\$145.00	N/A

§141-3 Municipal Parking Garages and Lots Established

A. Municipal parking garages shall be established at the following locations:

<u>Garage</u>	<u>Address</u>
Garage "B"	28 2 nd Street
Garage "D"	215 Hudson Street
Garage "G"	315 Hudson Street
Midtown	371 4 th Street
Garden Street	916 Garden Street

B. Municipal surface parking lots shall be established at the following locations:

<u>Lot</u>	<u>Address</u>
<u>Lot #1</u>	<u>200 Willow Avenue</u>

<u>Lot #2</u>	<u>259 11th Street</u>
<u>Lot #3</u>	<u>1301 Jefferson Street</u>

§141-4 Municipal Parking Garage Rates for Residents

- A. Residents who have established their residency in accordance with §141A-2 (“Resident permits”) may apply to the Hoboken Parking Utility for monthly parking in one (1) of the municipal parking garages, based upon availability.
- B. Municipal parking garage rates for residents to reserve spots on a monthly basis shall be as follows and are dependent upon the type of monthly pass purchased, which are based upon the frequency and times the resident will be utilizing the parking garage:

	Garage B	Garage D	Garage G	Midtown	Garden Street
Resident Monthly Standard	\$235.00	\$185.00	\$160.00	\$185.00	\$200.00
Resident Monthly Limited	\$180.00	\$140.00	\$130.00	\$140.00	N/A
Resident Monthly Reserved	\$310.00	\$235.00	\$235.00	\$285.00	N/A

- C. Types of monthly rates defined:
 - a. Resident Monthly Standard: Residents may park their car in unreserved spaces of the garage 24/7 on a first-come, first-served basis.
 - b. Resident Monthly Limited: Residents may park their car in unreserved spaces of the garage on a first-come, first-served basis, except from 10:00 a.m. to 4:00 p.m. Monday through Friday. Residents may park from 10:00 a.m. to 4:00 p.m. Monday through Friday for two (2) days per month (“24/7 days”) and any unused 24/7 days may accrue during the months in which the resident holds a valid Resident Monthly Limited parking permit ~~pass~~. For example, if the resident does not utilize the two (2) 24/7 days in January, they would be entitled to four (4) 24/7 days in February. Residents will not be entitled to any reimbursement for accrual of 24/7 days upon termination of their Resident Monthly Limited parking pass.
 - c. Resident Monthly Reserved: Residents may reserve a guaranteed spot in the garage and park there 24/7.

- D. Passes Permits shall be valid for up to one (1) year, and residents will be billed on a monthly basis, which monthly payment shall be nonrefundable. Residents may terminate their pass permit before the full year is over with no penalty, but shall be responsible to pay the full monthly fee for any month or portion thereof utilized. For example, if a resident cancels their pass permit on January 15, 2016, they are still responsible for paying the full month of January, and are not entitled to a refund for the unused portion of the month.
- E. Residents may also utilize the municipal parking garages at a discounted rate in the following limited circumstances:
- a. Resident Overnight: Residents may park in the garage from 8:00 p.m. to 8:00 a.m. at a discounted rate of \$5.00 per night based upon availability.
 - b. Resident Vacation Spot: Residents may park in Garage B on Hudson Street (6th Floor) for up to fourteen (14) days per year at a discounted rate of \$5.00 per day.
 - c. Resident Emergency/Event: Limited parking for residents is available on a first-come, first-served basis in the municipal garages when the City determines that there is an emergency or during a special event, in which case the parking rate and time increment shall be determined by the City and set forth in the emergency/event announcement as issued by the City.

§141-5 Municipal Parking Garage Rates for Businesses

- A. Individuals who qualify for Business Parking Permits in accordance with §141A-5 (“Business permits”) may apply for monthly parking rates in one (1) of the municipal garages.
- B. Municipal parking garage rates for business owners/employees to reserve spots on a monthly basis shall be as follows:

	Garage B	Garage D	Garage G	Midtown	Garden Street
Business Monthly Standard	\$325.00	\$325.00	\$325.00	\$325.00	N/A
Business Monthly Reserved	\$400.00	\$400.00	\$400.00	\$400.00	N/A
Business Monthly Limited	\$225.00	\$225.00	\$225.00	\$225.00	N/A

- C. Types of monthly rates defined:

- a. Business Monthly Standard: Business owners/employees may park their car in a municipal garage in unreserved spaces 24/7 on a first-come, first served basis.
- b. Business Monthly Limited: Business owners/employees may park their car in unreserved spaces of the garage on a first-come, first-served basis during the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday.
- c. Business Monthly Reserved: Business owners/employees may reserve a guaranteed spot in a designated municipal garage.

D. Passes shall be valid for up to one (1) year, and owners will be billed on a monthly basis, which monthly payment shall be nonrefundable. Owners may terminate their pass before the full year is over with no penalty, but shall be responsible to pay the full monthly fee for any month or portion thereof utilized.

§141-5 Municipal Parking Garage Transient Rates

A. Transient rates for the municipal garages are as follows:

	Garage B	Garage D	Garage G	Midtown	Garden Street
Up to ½ Hour	\$4.00	\$4.00	N/A	N/A	N/A
Up to 1 Hour	\$7.00	\$7.00	N/A	\$4.00	N/A
Up to 2 Hours	\$10.00	\$10.00	N/A	\$6.00	N/A
Up to 3 Hours	N/A	N/A	N/A	\$8.00	N/A
Up to 8 Hours	\$17.00	\$17.00	N/A	\$16.00	N/A
Up to 12 Hours	\$26.00	\$26.00	N/A	\$20.00	N/A
Up to 24 Hours	\$30.00	\$30.00	N/A	\$24.00	N/A

B. Special Rates for Garages B and Garage D:

- a. Enter Sunday- Thursday between 6:00 p.m. and 2:00 a.m.
 - i. Up to 1 hour: \$6.00
 - ii. Up to 2 hours: \$10.00
 - iii. Maximum to 7:00 a.m.: \$18.00
- b. Enter Friday – Saturday between 6:00 p.m. and 2:00 a.m.
 - i. Up to 1 hour: \$6.00
 - ii. Up to 2 hours: \$15.00
 - iii. Maximum to 7:00 a.m. \$30.00

§141-6 Municipal Parking Lot Monthly Rates

- A. Residents who have established their residency in accordance with §141A-2 (“Resident permits”) may apply to the Hoboken Parking Utility for a monthly spot in municipal surface lots #1 and #2, subject to availability, and the rates shall be as follows:

<u>Lot</u>	<u>Address</u>	<u>Monthly Rate</u>
<u>Lot #1</u>	<u>200 Willow Avenue</u>	<u>\$150.00</u>
<u>Lot #2</u>	<u>259 11th Street</u>	<u>\$150.00</u>

- B. Any individual, regardless of residency, may apply to the Hoboken Parking Utility for a monthly spot in Lot #3 located at 1301 Jefferson Street, based upon availability, for a monthly fee of \$195.00 per month.
- C. Permits shall be valid for up to one (1) year, and individuals will be billed on a monthly basis, which monthly payment shall be nonrefundable. Individual permit holders may terminate their permit before the full year is over with no penalty, but shall be responsible to pay the full monthly fee for any month or portion thereof utilized. For example, if an individual cancels their permit on January 15, 2016, they are still responsible for paying the full month of January, and are not entitled to a refund for the unused portion of the month.

§141-6 7 Regulations

The Director of the Hoboken Parking Utility and/or his or her designee may implement reasonable administrative policies to effectuate the provisions of this chapter.

Section 2: 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.

Section 3: 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.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance

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

Section 6: 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 7: This Ordinance shall take effect upon passage and publication as provided by law.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

17-418

Z-509

---By Councilman Doyle

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN
CHAPTER 68 ENTITLED "ALCOHOLIC BEVERAGES" AT SECTION 68-7 ENTITLED
"FIVE-HUNDRED-FOOT RULE"

WHEREAS, the City has prohibited the granting of any request to transfer or establish any business with a plenary retail consumption license within a distance of 500 feet from any other premises then covered by a plenary retail consumption license; and,

WHEREAS, based upon changes in the conditions within the City since the prohibition's initial adoption including in the business environment, and the growth and redevelopment of the City, the City ~~does not~~ believes that certain modifications to the outright prohibition are that it is in the best interest of the city to continue this prohibition.

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The following additions and ~~deletions~~ shall be made to Hoboken City Code Chapter 68 entitled "Alcoholic Beverages" at § 68-7 entitled "Five-Hundred-Foot Rule" to read as follows:

A. Except as set forth in subsection E of this section ~~No~~ plenary retail consumption license numbered “32” or “33” (collectively referred to in this section as a “plenary retail consumption license”), except renewals for the same licensed premises and transfers of license from person to person within the same premises, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary retail consumption license. ~~There shall be no exceptions to this restriction.~~ Should a license held by a restaurant be transferred to another location for use as a tavern, the restriction promulgated herein shall apply.

B. No plenary retail distribution license, except renewals for the same premises and transfers from person to person, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary distribution license.

C. Where the five-hundred-foot distance is referred to in this section, the same shall be measured by a distance from the center of the entrance door of an existing tavern to the center of the entrance door of a proposed licensed premises as measured by walking along the sidewalk from point to point without any diagonal crossing of streets. If it is necessary to cross a street, such steps are to be taken at the lawful crosswalks in a direct manner. The local license issuing authority may, in its discretion, grant a transfer of an existing license to the same licensee to other premises within 250 feet of the premises from which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 500 feet of an existing plenary retail consumption licensed premises, and grant transfer of such license free of such five-hundred-foot limitation herein fixed in the event of any licensed premises being taken by condemnation for any municipal, county, state or federal project; provided, nevertheless, that the new location to which the license is to be transferred under this exception shall not be located within a distance of 250 feet of a then-existing location licensed to do business under a like license as the one being transferred. Said two-hundred-fifty-foot distance shall be measured in the same manner as herein provided for the measuring of the five-hundred-foot distance. In the event that any transfer of a license should be allowed under this exception, then and in that event no license shall thereafter be transferred to the premises or any part thereof so vacated by such transfer, nor within a radius of 250 feet thereof; provided, however, that all other provisions of this chapter and applicable law relating thereto are complied with.

D. "Restaurant," as defined in this section, shall mean an establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted and where such premises shall conform to local and state fire and health codes.

E. The following are exceptions to the Five-Hundred-Foot rule prohibition set forth in subsection A above:

1. ~~This section~~ The prohibition shall not apply to the Southern Redevelopment Area as defined in Ordinance R-116, passed at the third and final reading on March 15,

1995. However, in said area, the number of plenary retail consumption licenses shall be limited to seven.

2. The prohibition shall not apply to the area identified as the Central Business District as defined in § 196-7 and § 196-19. However, in said area, the number of plenary retail consumption licenses shall be limited to twenty-five.
3. The prohibition shall not apply to the Neumann Leathers Redevelopment Area as defined in insert Resolution Number]. However, in said area, the number of plenary retail consumption licenses shall be limited to three.
4. The prohibition shall not apply to the Western Edge Redevelopment Area as defined in [insert Resolution Number]. However, in said area, the number of plenary retail consumption licenses shall be limited to five.
5. The prohibition shall not apply to the Southwest Redevelopment Area as defined in [insert Resolution Number]. However, the total number of plenary retail consumption licenses in said area shall be limited to five.
6. The prohibition shall not apply to the portion of Hoboken designated as the Third Ward in the attached Hoboken Ward Map. However, the total number of plenary retail consumption licenses in said area shall be limited to fifteen.
7. The prohibition shall not apply to the portion of Hoboken designated as the First Ward in the attached Hoboken Ward Map, that is not included in the Central Business District, as the latter term is defined in subsection E(2) above. However, the total number of plenary retail consumption licenses in said area shall be limited to _____.
8. The prohibition shall not apply to any plenary retail consumption license designated as a theater exception “37” license in the City of Hoboken.

F. Any person owning, or under contract or option to purchase, a plenary retail consumption license may petition the City Council for an exception to the rule prohibiting a transfer to be made to other premises within a distance of 500 feet from any other premises then covered by a plenary retail consumption license (as set forth in subparagraph 68-7A, above). If the petition is granted, the total number of plenary retail consumption licenses enumerated in Section E shall not change. Such an exception shall require six votes of the Council and only be granted based on the criteria of extraordinary circumstances, such as that an extreme hardship to the petitioner will otherwise occur and other remedies cannot ameliorate that harm.

Section 2: 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.

Section 3: 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.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

Section 6: 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 7: This Ordinance shall take effect upon passage and publication as provided by law.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

Councilman Doyle comments that they are adding the number 10 in section E7 of the 1st ordinance

Councilman Doyle reads into the record E7

NEW BUSINESS

No New Business.

Transportation and Parking

17-419

---By Councilman Cunningham

RESOLUTION GRANTING PETRY TRAFFIC AND TRANSPORTATION ENGINEERING, LLC'S REQUEST TO EXTEND THE PERMITTED CONSTRUCTION HOURS OUTLINED

Meeting of June 21, 2017

IN HOBOKEN CITY CODE §133-9C TO ALLOW WORK TO BE PERFORMED BY PETRY TRAFFIC AND TRANSPORTATION ENGINEERING, LLC FOR THE SOUTHWEST TRAFFIC IMPROVEMENT PLAN ON SATURDAY JULY 1, 2017

WHEREAS, Petry Traffic and Transportation Engineering, LLC needs to perform work for the City of Hoboken for the Southwest Traffic Improvement Plan; and,

WHEREAS, in accordance with the attached correspondence from Petry Traffic and Transportation Engineering, LLC, Petry Traffic and Transportation Engineering, LLC wishes to perform the work on Saturday due heavier to traffic in this area during weekdays; and,

WHEREAS, in accordance with Southwest Traffic Improvement Plan, Petry Traffic and Transportation Engineering, LLC will be striping on Jersey Avenue and milling, paving and striping on Observer Highway and Jackson/Harrison Street; and,

WHEREAS, Petry Traffic and Transportation Engineering, LLC is planning to perform the work on July 1st from 8:30 a.m. to 5:00 p.m.; and,

WHEREAS, Hoboken City Code §133-9C states “All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m., and 8:00 a.m. on weekdays or at any time during weekends and federal holidays”; and,

WHEREAS, the City recognizes that there is a need to authorize an extension of the normal construction hours allowed under §133-9C for the above referenced work to be performed on a Saturday.

NOW, THEREFORE, BE IT RESOLVED, that Petry Traffic and Transportation Engineering, LLC may perform the necessary construction for the Southwest Traffic Improvement Plan during the following time periods:

- July 1st from 8:30 a.m. to 5:00 p.m.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos and Russo

---Nays: None.

---Absent: President Giattino

At 11:51 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council Vice President Cunningham then adjourned the meeting at 11:51 PM

PRESIDENT OF THE COUNCIL

CITY CLERK