

MEETING OF JULY 14, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JULY 14, 2010 AT 7:00 PM

President Marsh opened the meeting at 7:05 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

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

10-487

RESOLUTION APPOINTING A COUNCIL PRESIDENT

---By Councilman Cunningham

Appointing Carol Marsh as the City Council President; term effective July 14, 2010 through June 30, 2011.

---Motion duly seconded by Councilman Lenz

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

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

---Nays: None.

10-488

---By Councilman Mello

RESOLUTION APPOINTING VICE-PRESIDENT OF THE CITY COUNCIL

Appointing Ravinder Bhalla as the Vice-President of the City Council, term effective July 14, 2010 through June 30, 2010

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

10-489

---By Councilman Bhalla

RESOLUTION APPOINTING REPRESENTATIVE TO THE HOBOKEN PLANNING BOARD

Appointing David Mello as Council Representative to the Hoboken Planning Board, Class III for a (1) year term to expire June 30, 2011.

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

10-490

---By Councilman Russo

RESOLUTION DESIGNATING DEPOSITORIES FOR THE CITY OF HOBOKEN FUNDS

WHEREAS, the following were by resolution heretofore adopted by the governing body of the City of Hoboken designated as legal depositories of said City of Hoboken for TY 2011:

Bank of America	BCB Community Bank
Capital One	Citi Bank
Haven Savings Bank	J P Morgan Chase Bank
PNC Bank	Provident Savings Bank
Sovereign Bank	TD Bank
Valley National Bank	Wachovia

NOW THEREFORE BE IT RESOLVED, that said legally designated depositories be and they are hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the corporate name of the City of Hoboken, including those payable to the individual order of any person or persons whose names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature or signatures of any of the following:

Dawn Zimmer, Mayor
George DeStefano, CMFO

BE IT FURTHER RESOLVED, that said legal depositories as above stated shall be entitled to honor and charge to the specified accounts of the City of Hoboken such checks, drafts, or other regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto if such signature or signatures resemble the facsimile specimens duly certified to or filed with the depositories; and, be it further –

BE IT FURTHER RESOLVED, that all previous authorizations for the signing and honoring of checks, drafts, and other orders for the payment of money drawn on said City of Hoboken and signed by:
Dawn Zimmer, Mayor
George DeStefano, CMFO

are hereby ratified and confirmed and are hereby continued in full force and effect as amplified hereby; and, be it further –

BE IT FURTHER RESOLVED, that all previous authorization for the signing and honoring of checks, drafts and other orders for the payment of money drawn on said City of Hoboken are hereby continued in full force and effect as amplified hereby; and, be it further –

BE IT FURTHER RESOLVED, that the banks mentioned in the first paragraph hereof be furnished with a certified copy of this resolution.

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

10-491

---By Councilman Russo

RESOLUTION DESIGNATING NEWSPAPERS FOR LEGAL ADVERTISING AND OFFICIAL NOTICES

Resolved, that the Jersey Journal, the Star-Ledger and the Record are hereby designed as the official newspapers of the City of Hoboken for all purposes of legal advertising and official notices.

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

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO CREATE CHAPTER 180 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED, " SHUTTLE BUSES" (Z-45)

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

The following spoke: Lane Bajardi.

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

President Marsh moved that the hearing be closed.

Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

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

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Lenz, Mason, Mello, and President Cunningham

---Nays: Russo.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN AND DESIGNATING THE APPROPRIATE STANDARDIZED TITLE FOR EACH POSITION. (Z-47)

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

The following spoke:

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

President Marsh moved that the hearing be closed.

Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

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

---Adopted by the following vote: YEAS: 7 - NAYS: 2
---Yeas: Council persons Bhalla, Cunningham, Giacchi, Lenz, Mello, Russo and President
Cunningham
---Nays: Castellano, Mason.

PETITIONS AND COMMUNICATIONS

10-492

**COMMUNICATION FROM MAYOR ZIMMER FOR NEW APPOINTMENTS FOR
LIBRARY BOARD AND PLANNING BOARD.**

TO: James J. Farina, City Clerk
FR: Mayor Dawn Zimmer
RE: Municipal Board Appointments

Please take note of the following appointments, effectively immediately unless otherwise noted.

Planning Board:

Class IV: Nadia Mian replacing Elizabeth Falco who resigned and whose term expires
December 31, 2012.

Class IV: Rami Pinchevsky replacing Nicholas DeTrizio who resigned and whose term
expires December 31,2010.

Alternate 1: Daniel Weaver (expires December 31, 2011)

Alternate 2: David Dening (expires December 31, 2010)

Library Board (effective July 1, 2010)

Amardeep S. Bhalla (expires June 30, 2015)
Mairead Patterson (expires June 30, 2015)

Thank you,

Mayor Dawn Zimmer

Received and Filed.

10-493

---By Councilman Lenz

APPLICATIONS FOR MISCELLANEOUS LICENSES

Music Machines-----7

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

---Motion duly seconded by Councilman Cunningham

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

--Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Lenz, Marsh, Mello, Russo and President Marsh.
---Nays: None.

REPORTS OF CITY OFFICERS

10-494

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of June 2010 - \$2,493,120.00 - (Abatement totals - \$77,727.46)

Received and Filed.

10-495

An annual report from the Municipal Tax Collector Sharon Curran for taxes collected for July 1, 2009 – June 30, 2010 – \$154,376,633.41 (Abatement Totals - \$3,111,253.58)

Received and Filed.

10-496

A report of the Municipal Court indicating receipts for the month of June 2010 as \$507,608.11.

---Received and filed.

10-497

CLAIMS

Total Claims this meeting date: \$1,488,376.70.

10-498

PAYROLL

Two week period starting June 10 – June 23, 2010.

Regular Payroll	O/T Pay	Pay
\$1,536,326.49	\$41,521.95	\$1,611,977.05

RESOLUTIONS

Presented and Read

10-499

---By President Marsh

APPOINTING JOHN BRANCIFORTE AS FIRST ALTERNATE TO THE HOBOKEN ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF THE TERM TO EXPIRE ON DECEMBER 31, 2011.

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

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

WHEREAS, § 44-11(D) provides for the appointment of up to four (4) alternate members to the Zoning Board of Adjustment who each serve for a term of two (2) years; and,

WHEREAS, the term of the First Alternate on the Zoning Board of Adjustment, which is currently vacant, expires on December 31, 2011, and the City Council wishes to name an alternate to this position effective immediately so as to ensure continuity of membership on the Board; and,

WHEREAS, this term is set to expire on December 31, 2011; and,

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

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **John Branciforte**, residing at 1020 Garden Street, Hoboken, New Jersey to fill the vacant position of First Alternate of the Hoboken Zoning Board of Adjustment which appointment shall be effective immediately and expire on December 31, 2011.

The speaker who spoke: Lane Bajardi.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Giacchi, Russo.

10-500

---By President Marsh

APPOINTING MARIANNE CAMPOREALE TO THE HOBOKEN HOUSING AUTHORITY FOR A FIVE-YEAR TERM TO EXPIRE ON MAY 3, 2015.

WHEREAS, pursuant to the Code of the City of Hoboken, §38-1, the City of Hoboken has established a Housing Authority; and

WHEREAS, §38-2 of the City of Hoboken provides provides for seven (7) members to serve on the Housing Authority; and

WHEREAS, New Jersey law gives authority to the City Council to appoint five (5) members serving on the Housing Authority; and,

WHEREAS, the expiration date for the term of office for the position held by Commissioner Craciela Orellano was May 3, 2010, and she is currently serving in a holdover capacity;

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in that it sought applications for the position for a period of 30 days, and reviewed all of the applications for the position, and Marianne Camporeale has timely submitted his/her application to the Clerk of the City of Hoboken.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **Marianne Camporeale** residing at 311 Thirteenth Street, #6N, Hoboken, New Jersey to serve as a member of the Hoboken Housing Authority for a term of (5) years to commence immediately on May 3, 2015.

The speaker who spoke: Lane Bajardi.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

10-501

---By President Marsh

APPOINTING ANTHONY SOARES TO THE NORTH HUDSON SEWERAGE AUTHORITY FOR THE REMAINDER OF THE FIVE-YEAR TERM TO EXPIRE ON FEBRUARY 1, 2012.

WHEREAS, pursuant to Chapter 14A of Title 40 of the New Jersey Statutes and the Code of the City of Hoboken at §64-1, the City of Hoboken holds membership in the North Hudson Sewerage Authority; and,

WHEREAS, §64-2 of the Code of the City of Hoboken provides for three (3) members to the North Hudson Sewerage Authority at the appointment of the City of Hoboken; and

WHEREAS, New Jersey law and the City Code of the City of Hoboken give the authority to the City Council to appoint those three (3) members to serve on the North Hudson Sewerage Authority; and

WHEREAS, a vacancy was created to one (1) of Hoboken's positions, formerly held by Michael Schaffer, the term of which expires on February 1, 2012; and

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in that it sought applications for the position for a period of 30 days,

and reviewed all of the applications for the position, and Anthony "Tony" Soares has timely submitted his/her application to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **Anthony "Tony" Soares** residing at 551 Observer Hwy, #7B, Hoboken, New Jersey to serve in the vacant Hoboken position of the North Hudson Sewerage Authority for the remainder of the (5) years term which shall commence immediately and expire on to on February 1, 2012.

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

The speaker who spoke: Lane Bajardi.

10-502

---By President Marsh

**APPOINTING ELLIOT GREENE AS THIRD ALTERNATE TO THE
HOBOKEN ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF THE
TERM TO EXPIRE ON DECEMBER 31, 2011.**

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

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

WHEREAS, § 44-11(D) provides for the appointment of up to four (4) alternate members to the Zoning Board of Adjustment who each serve for a term of two (2) years; and,

WHEREAS, the term of the Third Alternate on the Zoning Board of Adjustment, which is currently vacant, expires on December 31, 2011, and the City Council wishes to name an alternate to this position effective immediately so as to ensure continuity of membership on the Board; and,

WHEREAS, this term is set to expire on December 31, 2011; and,

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

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **Elliot Greene**, residing at 2 Fourteenth Street, #112, Hoboken, New Jersey to fill the vacant position of First Alternate of the Hoboken Zoning Board of Adjustment which appointment shall be effective immediately and expire on December 31, 2011.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 6 - NAYS: 3
---Yeas: Council persons Bhalla, Cunningham, Lenz, Mello, Russo, and President Marsh
---Nays: Castellano, Giacchi, Mason.

10-503

---By President Marsh

APPOINTING IRENE SMITH AS FOURTH ALTERNATE TO THE HOBOKEN ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF THE TERM TO EXPIRE ON DECEMBER 31, 2010.

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

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

WHEREAS, § 44-11(D) provides for the appointment of up to four (4) alternate members to the Zoning Board of Adjustment who each serve for a term of two (2) years; and,

WHEREAS, the term of the Fourth Alternate on the Zoning Board of Adjustment, which is currently vacant, expires on December 31, 2010, and the City Council wishes to name an alternate to this position effective immediately so as to ensure continuity of membership on the Board; and,

WHEREAS, this term is set to expire on December 31, 2010; and,

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

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **Irene Smith**, residing at 10 Church Towers, #1J, Hoboken, New Jersey to fill the vacant position of First Alternate of the Hoboken Zoning Board of Adjustment which appointment shall be effective immediately and expire on December 31, 2010.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

10-504

---By Councilman Lenz

RESOLUTION AUTHORIZING TEMPORARY APPROPRIATIONS FOR THE TY 2010

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the fiscal year 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time there provided; and

WHEREAS, twenty sixth and one quarter percent (26.25%) of the total appropriations of the current fund in the fiscal year 2010 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund, public assistance and public utilities in said TY 2010 budget is the sum of \$22,673,433.15 and for the Parking Utility is the sum of \$2,021,133.45;

and

WHEREAS, the temporary appropriations in the TY 2010 budget for interest and debt redemption charges are requested to be \$6,064,410.32 for the current fund and \$1,753,976.44 for the Parking Utility; and

WHEREAS, the temporary appropriations in the TY 2010 budget for Capital Improvement Fund charges are requested to be \$100,000.00 for the current funds; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken that the following appropriation which now, total \$28,837,843.47 for the current fund including debt service and \$3,775,109.89 for the Parking Utility including debt service be made and that certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

**City of Hoboken
Temporary Appropriations
SFY 2010**

		Adopted SFY 2010	Temp Appr Tran 2010
Operations Within CAPS			
Mayor Office	S/W	240,989.74	63,259.81
	O/E	10,000.00	2,625.00
City Council	S/W	236,864.10	62,176.83
	O/E	5,000.00	1,312.50
Office of Clerk	S/W	432,591.44	113,555.25
	O/E	31,275.00	8,209.69
Legal Advertising	O/E	25,000.00	6,562.50
Cod of Ordinances	O/E	30,000.00	7,875.00
Elections	S/W	35,000.00	9,187.50
	O/E	77,500.00	20,343.75
Bus Administrators	S/W	268,688.67	70,530.78
	O/E	20,000.00	5,250.00
Purchasing	S/W	289,503.08	75,994.56
	O/E	2,670.00	700.88
Licensing Bureau	S/W	123,002.49	32,288.15
	O/E	9,100.00	2,388.75
Personnel & Health Benefits	S/W	202,020.13	53,030.28
	O/E	2,400.00	630.00
Zoning Administration	S/W	93,487.49	24,540.47
	O/E	11,800.00	3,097.50
Uniform Construcion Code	S/W	705,514.32	185,197.51
	O/E	180,705.00	47,435.06
Corporation Counsel	S/W	390,991.50	185,635.27
	O/E	99,000.00	25,987.50
Special Counsel	O/E	760,000.00	199,500.00
Expert Witness & Appraisal	O/E	10,500.00	2,756.25
Revenue & Finance Director	S/W	682,099.97	179,051.24
	O/E	55,649.00	14,607.86
Annual Audit	O/E	97,500.00	25,593.75

Tax Collections	S/W	290,999.80	76,387.45
	O/E	68,252.88	17,916.38
Information Technology	S/W	132,000.00	34,650.00
	O/E	24,446.00	6,417.08
Municipal Court	S/W	1,074,737.21	282,118.52
	O/E	197,500.00	51,843.75
Public Defender	S/W	69,472.30	18,236.48
	O/E	4,300.00	1,128.75
Office of Tax Assessor	S/W	349,448.81	91,730.31
	O/E	22,520.31	5,911.58
Human Services Director	S/W	233,026.60	61,169.48
	O/E	2,000.00	525.00
Rent Leveling	S/W	191,703.75	100,322.23
	O/E	29,350.00	57,704.38
Housing Inspection	S/W	42,643.00	11,193.79
	O/E	1,750.00	459.38
Health	S/W	599,022.01	157,243.28
	O/E	161,299.00	42,340.99
Senior Citizens	S/W	471,168.85	123,681.82
	O/E	27,300.00	7,166.25
Recreation & Cultural Affairs	S/W	588,975.02	154,605.94
	O/E	212,570.00	55,799.63
Cultural Affaris	S/W	107,622.00	28,250.78
	O/E	1,000.00	262.50
Director Environmental Svc	S/W	275,694.66	72,369.85
	O/E	3,000.00	787.50
Parks	S/W	654,165.82	171,718.53
	O/E	120,000.00	31,500.00
Public Property	S/W	777,833.54	204,181.30
	O/E	250,000.00	65,625.00
Streets & Roads	S/W	676,572.29	177,600.23
	O/E	92,000.00	24,150.00
Emergency Road Repair	O/E	0.00	0.00
Central Garage	S/W	254,161.98	66,717.52
	O/E	175,000.00	45,937.50
Sanitation	S/W	906,968.80	238,079.31
	O/E	3,400,000.00	892,500.00
Director Community Develop	S/W	195,442.37	51,303.62
	O/E	104,500.00	27,431.25
Grants Management	O/E	1,000.00	262.50
Planning Board	S/W	126,530.29	33,214.20
	O/E	65,500.00	57,193.75
Zoning Board of Adjustments	O/E	100,000.00	26,250.00
Redevelopment	O/E	175,000.00	45,937.50
Historic Preservation Comm	O/E	600.00	157.50
Police	S/W	15,622,092.44	4,100,799.27
	O/E	286,700.00	75,258.75
Acquisition of Vehicles	O/E	175,000.00	45,937.50
Fire	S/W	12,979,504.32	3,407,119.88
	O/E	189,900.00	49,848.75

Uniform Fire Safety	S/W	86,145.00	22,613.06
Office of Emergency Mgmt	S/W	129,802.91	34,073.26
	O/E	12,000.00	3,150.00
Insurance			
General Liability	O/E	1,500,000.00	810,000.00
Workers Compensation	O/E	700,000.00	183,750.00
Employee Group Health	O/E	15,413,460.00	4,046,033.25
Unclassified			
ABC Board	S/W	4,000.00	1,050.00
	O/E	2,500.00	656.25
Volunteer Ambulance	O/E	40,000.00	20,000.00
N H Reg Council of Mayor	O/E	56,700.00	28,350.00
Settlements of Claims	O/E	10,000.00	2,625.00
Towing/Storage of Aband Veh	O/E	7,500.00	1,968.75
Engineering	O/E	75,000.00	19,687.50
Labor Arbitrations	O/E	75,000.00	19,687.50
Municipal Dues & Membership	O/E	3,500.00	918.75
Celebration of Public Events	O/E	15,000.00	3,937.50
Postage	O/E	150,000.00	39,375.00
Copiers/Printers O/E	O/E	56,131.68	14,734.57
Central Office Supplies O/E	O/E	80,500.00	21,131.25
Electricity	O/E	580,000.00	152,250.00
Street Lighting	O/E	725,000.00	190,312.50
Gasoline	O/E	300,000.00	78,750.00
Fuel	O/E	35,000.00	9,187.50
Water & Sewer	O/E	190,000.00	49,875.00
Comminications	O/E	300,000.00	78,750.00
TeleCommunications Equipment	O/E	6,000.00	1,575.00
Salary Adjustment	O/E	1,500,000.00	0.00
Master Plan	O/E	40,000.00	10,500.00
Salary Settlements	O/E	1,500,000.00	393,750.00
Sub Total Within CAPS		71,232,365.57	18,966,962.21
Statutory Expenditures			
Pension Adjustment			0.00
Social Security System		1,687,296.00	442,915.20
Consol Police/Fire Pension		33,000.00	8,662.50
Public Employees Retirement (PERS)		617,057.00	0.00
Early Retirement Pension Adjustment		4,252,621.00	0.00
Unemployment Compensation		250,000.00	65,625.00
Police/Firemen's Retirement		3,095,007.00	0.00
Subtotal Statutory Expenditures		9,934,981.00	517,202.70
Outside Caps			
Maintenance of Free Public Library		3,350,002.54	879,375.67
Public Employee Retirement		492,871.00	0.00
Police & Fireman's Retirement		3,101,291.00	0.00
Hoboken Housing Authority			
Tax Maps	O/E	275,000.00	275,000.00

Matching Funds for Grant	40,000.00	10,500.00
Subtotal Outside caps	7,259,164.54	1,164,875.67
Total Appropriations Included in 26.25% limit	88,426,511.11	20,649,040.58
Capital Improvements Outside "CAPS"		
Capital Improvement Fund	150,000.00	100,000.00
Computer Technology upgrades	100,000.00	0.00
Emergency Repair City Piers	400,000.00	0.00
Total Capital Improvements From CAP	650,000.00	100,000.00
Municipal Debt Service		
Payment Bond Principal	3,020,000.00	3,090,000.00
Interest on Bonds	2,046,833.50	1,917,587.00
Interest on Notes	1,100,426.67	198,467.32
Interest on Tax Anticipation Notes	1,015,000.00	0.00
BAN Notes Principle	624,000.00	444,020.00
Green Trust Loan Repayment	212,924.27	106,462.00
Underground Storage Tank Loan	24,473.00	24,474.00
Interest of Garage Sale	525,000.00	195,000.00
Principal on HCIA Police Car 2008	91,160.00	88,400.00
Total Municipal Debt	8,659,817.44	6,064,410.32
Judgement	100,000.00	25,000.00
Total	97,836,328.55	26,838,450.90
Grants		
Deferred Charges		
Overexpenditure 2 of 7	1,619,392.57	1,619,392.57
Reserve of Uncollected Taxes	380,000.00	380,000.00
Total Temporary Municipal Budget	99,835,721.12	28,837,843.47
Parking Utility		
Salary Wages	2,517,000.00	660,712.50
Other Expenses	3,337,016.00	875,966.70
Group Health	1,005,540.00	263,954.25
Capital Outlay	445,000.00	116,812.50
Statutory Expenditures	0.00	0.00
Public Employee Retirement System	150,000.00	39,375.00
Social Security System	180,000.00	47,250.00
Unemployment Compensation Insurance	65,000.00	17,062.50

Total Appropriations Included in 26.25% limit	7,699,556.00	2,021,133.45
--	---------------------	---------------------

Debt Service

Payment of Bond Principal	1,075,000.00	0.00
Interest on Bonds	1,025,460.00	485,532.00
Payment of Note Interest (916)	287,500.00	109,694.44
Payment of Note Principal (916)	200,000.00	200,000.00
Trustee Fee	40,000.00	40,000.00
Surplus (General Budget)	3,500,000.00	918,750.00
Total Parking Debt	6,127,960.00	1,753,976.44

Total Temporary Parking utility Budget	13,827,516.00	3,775,109.89
---	----------------------	---------------------

The speaker who spoke: Lane Bajardi.

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Cunningham, Giacchi, Lenz, Mello, Russo, and President Marsh.

---Nays: Castellano, Mason.

Councilman Lenz has left the table at 8:40 P.M.

Councilman Lenz has returned to the table at 8:43 P.M.

10-505

---By Councilman Mello

RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF CLINTON STREET BETWEEN 15TH AND 16TH STREETS TO VEHICULAR TRAFFIC

WHEREAS, the Council of the City of Hoboken is required to relocate certain vehicular inventory of the Department of Environmental Services on or before August 13, 2010 in conjunction with the sale of the DPW Garage site to a private party and under an agreement to redevelopment that site; and

WHEREAS, to fulfill that commitment it is necessary to find a suitable location, on a temporary basis for the parking and storage of the vehicles set forth on the attached list; and

WHEREAS, such closure shall be conducted pursuant to N.J.S.A. 27:3A-1 et seq.

WHEREAS, the City of Hoboken is committed to taking those steps as are required to protect and preserve adjacent medical and retail uses and will not proceed until appropriate provisions are made; and

WHEREAS, no action will be taken until it is determined that this street represents the least disruptive street closing.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, that Clinton Street, between Fifteenth and Sixteenth Streets, shall be closed to vehicular traffic, other than City-owned vehicles, on a temporary basis not to exceed One Hundred Eighty (180) days;

BE IT FURTHER RESOLVED, that the Signal and Traffic Division shall post the necessary signage and barricades to effect said closing; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to:

MAYOR DAWN ZIMMER
POLICE CHIEF ANTHONY FALCO
FIRE CHIEF RICHARD BLOHM
HOBOKEN VOLUNTEER AMBULANCE CORPS
DIRECTOR, IAN SACS, TRANSPORTATION AND PARKING
DIVISION OF SIGNAL AND TRAFFIC, JOSEPH BUCINO
ACADEMY BUS LINES
PARK WILLOW LLC
COACH SERVICE AMERICA

The speakers who spoke: John Curley, Stephanie Rhodes, Perry Belfiore, Mo DeGennaro, Don Pellicano.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Russo.

Councilman Russo leaves the table at 9:49 P.M.

Councilman Russo returns to the table at 9:55 P.M.

Councilman Mello has left the table at 9:56 P.M.

Councilman Mello has returned to table at 9:59 P.M.

Councilwoman Mason has left the table at 9:57 P.M.

Councilwoman Mason has returned to the table at 10:01 P.M.

10-506

---By Administration

REQUESTING APPROVAL OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS FOR THE PURCHASE OF CITY BIKE RACKS PURSUANT TO N.J.S.A. 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive amounts entitled “ Donations for the Purchase of City Bike Racks” to assist the City with the cost incurred for the purchase of City bike racks, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or monies by dedication by rider; and

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

- 1.The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Donations for the Purchase of City Bike Racks as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the City of Hoboken is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Service.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

10-507

---By Councilman Lenz

THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE FISCAL YEAR 2010 RESERVE FUND APPROPRIATIONS.

BE IT RESOLVED, that the following SFY 2010 budget Reserve Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO
Operations - Within "Caps"		
Business Administrators		\$650.00
Public Property S/W		\$2,100.00
Street & Roads S/W		\$8,900.00
Street & Roads O/E		\$17,300.00
Solid Waste S/W		\$1,250.00
Solid Waste O/E		\$188,000.00
Housing Inspection S/W		\$11,000.00
Water & Sewer		\$3,900.00
City Clerk O/E	\$10,000.00	
Construction O/E	\$60,000.00	

Postage O/E	\$19,000.00	
Electricity O/E	\$50,000.00	
Gasoline O/E	\$30,000.00	
Municipal Court O/E	\$40,200.00	
Unemployment	\$23,900.00	
	\$233,100.00	\$233,100.00

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

10-508

---By Councilman Lenz

RESOLUTION AWARDING A CONTRACT TO ADAMS REHMANN & HEGGAN ASSOCIATES, INC. TO PERFORM THE SERVICE OF DIGITAL REVISION OF THE MUNICIPAL TAX MAP

WHEREAS, the City of Hoboken' s tax maps should be revised annually, pursuant to N.J.A.C. 18:23A-1.27; and

WHEREAS, it has been determined that the tax map preparation and maintenance services to be provided by Adams Rehmann & Heggan Associates, Inc. are professional services, and are therefore exempt from bidding under N.J.S.A. 40A:11-5(a)(i); and

WHEREAS, Adams Rehmann & Heggan Associates, Inc. provided a proposal in response to the City' s Request for Proposals for the preparation of a municipal tax map and tax assessment, pursuant to the City' s Competitive Contracting Ordinance at Section 20A-1 et seq. and the state Competitive Contracting requirements at N.J.S.A. 40A:11-4.1 et seq.; and

WHEREAS, the City Council hereby determines that the provisions and services fully described in Adams Rehmann & Heggan Associates, Inc. proposal to the City are necessary, and that the firm holds the expertise to successfully complete the task; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of Hoboken, County of Hudson, State of New Jersey that:

- 1.The above recitals are incorporated herein as thought fully set forth at length.
- 2.The council hereby authorizes the Mayor, or her designee to execute any and all documents
- 3.and take any and all actions necessary to complete and realize the intent and purpose of
- 4.this resolution.
- 5.The Mayor, or her designee is hereby authorized to execute an agreement, consistent with the proposal presented by Adams Rehmann & Heggan, Inc. of June 7, 2010 and contingent on all mandated requirements being met, for the above referenced professional service

project for preparation and maintenance of the digital municipal tax maps for the 2010 calendar year, in an amount not to exceed One Hundred Seventy Two Thousand Five Hundred Dollars (\$172,500.00).

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

10-509

THIS RESOLUTION AWARDS A CONTRACT TO TOMCO CONSTRUCTION, INC. FOR REMEDIAL ACTION AT THE FORMER TODD SHIPYARD SITE IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-25.

WHEREAS, proposals were received on 15 June 2010 for Remediation Action Implementation at the Former Todd Shipyard in accordance with the specifications as advertised as City of Hoboken bid number 10-25, and

WHEREAS, four (4) proposals were received in good stead, these being:

<u>VENDOR</u>	<u>Base Proposal</u>
A & J Construction Co. 5026 Industrial Road Farmingdale, NJ 07727-3650	\$ 1,695,125.00
Enterprise Network Resolutions Contractors P.O. Box 70 Winslow, NJ 08095	\$ 1,275,218.00
Tomco Construction, Inc. 212 Route 15 South Wharton, NJ 07856	\$ 1,274,777.00
TTI Environmental 1253 North Church Street Moorestown, NJ 08057	\$ 1,384,930.00

WHEREAS, Birdsall Services Group, the City of Hoboken's engineer on this project has recommended that a contract be awarded to Tomco Construction, Inc.,

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to Tomco Construction, Inc., in an amount not to exceed \$1,274,777.00, for the remediation of the Former Todd Shipyard in accordance with the specifications set forth.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with Tomco Construction, Inc.
- C. This resolution shall take effect immediately upon passage.

The speaker who spoke: Helen Hirsch, James Doyle.

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

10-510

---By President Marsh

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

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

WHEREAS, the City of Hoboken desires to further the public interest by obtaining funding in the amount of \$2,000,000 from the State to fund the following project(s): Acquisition of a portion of the Cognis Site, a brownfield site, formerly a chemical plant (the entire site is a six acre parcel of land located at Adams Street to Madison Street, from 12th to 13th Streets, Jefferson Street to Madison Street between 11th & 12th Streets, and Adams Street to Jefferson Street between 13th & 14th Streets (Block 103, Lots 7-25; Block 107, Lot 1; Block 113, Lot 1). The purchase cost of Hoboken's proposal, half the site (approximately 3 acres) is \$5,600,000.

NOW, THEREFORE, the governing body/board resolves that Dawn Zimmer or the successor to the office

of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Council of the City of Hoboken

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Acquisition of a Portion of the Cognis Site;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$3,600,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

CERTIFICATION

I, James J. Farina do hereby certify that the foregoing is a true copy of a resolution adopted by the Council of the City of Hoboken at a meeting held on the 14th day of July, 2010.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 14th day of July, 2010.

The speaker who spoke: Helen Hirsch, James Doyle.

---Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

10-511

---By Lenz

RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR THE CITY OF HOBOKEN

WHEREAS, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan," and,

WHEREAS, the City must deposit its funds pursuant to the plan;

NOW, THEREFORE, BE IT RESOLVED that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the following "Cash Management Plan" to be utilized by the City of Hoboken for the TY 2011; and,

BE IT FURTHER RESOLVED that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, City Auditor, and the Chief Financial Officer of the City of Hoboken (Hudson County).

CASH MANAGEMENT PLAN OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AND STATE OF NEW JERSEY

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis of deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the City of Hoboken, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to.

The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. DEFINITIONS

“Arbitrage” refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

“Certificate of Eligibility” is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

“GUDPA” requires a bank that accepts public funds to be a public depository. A “Public Depository” is defined as a state bank, a national bank, a savings bank or association that is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation, and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks that are located in New Jersey and which meet the requirements of the GUDPA.

“The New Jersey Cash Management Fund.” The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the “Fund”). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a “common trust” fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA-protected deposits by Local Units.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the City:

Current Fund
Grant Fund
Trust Assessment Fund
General Trust Fund
Animal Control Fund
Unemployment Insurance Trust Fund
Serial Bonds Refunding Trust Fund
General Capital Fund
Parking Utility Operating Fund
Parking Utility Capital Fund
Public Assistance Fund

Bond & Interest Fund
Affordable Housing Trust Fund
Open Space Trust Fund
Acquisition and Preservation of Historical Structures Account
Green Acres Trust Account
Employee Payroll Deduction Account
Municipal Court General Account
Municipal Court Bail Account
Tax Collector' s Revenue Account
Tax Collector' s PILOT Account
Tax Collector' s Lien Redemption Account
Payroll Account
Workers Compensation Account
Claims Account
Developers Escrow Account

B) The Plan is not intended to cover the deposit and/ or investment of the following Funds and Accounts of the City:

1. Petty Cash Funds
2. Cash drawn from a Federal Agency under a letter of credit which cash has to be paid out within 5 working days to a vendor?
3. Deposit, retainage, or amounts posted by way of bond, held by the City for such things as faithful performance, if the City would be required by law to pay back any interest earned to the provider of the deposit, except where the City is required by law or court decision to invest the fund.
4. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

IV. DESIGNATION OF OFFICIALS OF THE CITY OF HOBOKEN AUTHORIZED TO MAKE DEPOSTS AND INVESTMENTS

The Chief Financial Officer and the Business Administrator (the " Designated Officials") are hereby authorized and directed to deposit and/ or invest the Funds referred to in the Plan.

V. STANDARDS OF CARE

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.
3. The Chief Financial Officer, under the direction of the Business Administrator, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the City are protected from loss, theft, or misuse.

VI. PROCEDURES FOR THE RECEIPT OF MONIES

A. Department Procedures

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the receiving department shall maintain the duplicate. All payments and receipts must be recorded.
2. All monies collected or received from any source by or on behalf of the Township shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A:5-15.
3. All monies received shall be placed in a secured place until forwarded for deposit.
4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

B. Chief Financial Officer (Designated Official)

1. The Chief Financial Officer shall:

- a. Deposit all monies collected or received from any source by or on behalf of the City within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
- b. Ensure that all monies deposited are in interest bearing accounts.
- c. Make recommendations of legal public depositories to the City Council who shall by resolution designate said depositories at the first meeting of the calendar year.
- d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
- e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed semi-annually in the Department of Banking as of June 30 and December 31 of each year.

VII. DESIGNATION OF DEPOSITORIES

The City Council approved a resolution on July 1, 2009, which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in " Permitted Investments" as provided for in this Plan:

BANK OF AMERICA
CAPITAL ONE
COMMERCE BANK
HSBC

JP MORGAN CHASE
PROVIDENT
TD BANKNORTH
WACHOVIA
WELLS FARGO
BCB COMMUNITY
CITIBANK
HAVENS SAVINGS
PNC
SOVEREIGN
VALLEY NATIONAL
WASHINGTON MUTUAL

VIII. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
2. Government Money Market Mutual Funds.
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment pools.
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).
8. Agreements for the repurchase of fully collateralized securities if:
 - a. The underlying securities are permitted investments pursuant to paragraphs “ 1” and “ 3” of this subsection a;
 - b. The custody of collateral is transferred to a third party;
 - c. The maturity of the agreement is not more than 30 days;

d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and

e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “Government Money Market Mutual Fund” and “Local Government Investment Pool” shall have the following definitions:

“Government Money Market Mutual Fund”

An Investment company or Investment Trust:

a. Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270. 2a-7 and

b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and

c. Repurchase agreements that are collateralized by such U.S. Government Securities; and

d. Which has:

(i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or

(ii) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

“Local Government Investment Pool”

An investment pool:

a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;

b. Which is rated in the highest category by a nationally recognized statistical rating organization?

c. Which is limited to U.S. Government securities that meet the definition of “eligible security” pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities;

d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and

f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

IX. SAFEKEEPING CUSTODY PAYMENT

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the City of Hoboken, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the City of Hoboken or by a third party custodian prior to or upon the release of the City of Hoboken's funds.

X. CITY AUDITOR

The City investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the City Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

XI. SURETY BONDS

a. The Chief Financial Officer shall be covered by a surety bond. During the annual audit, the City Auditor shall examine said bond to determine that proper coverage has been obtained.

b. Staff members of the Chief Financial Officer's office, who are employees of the City, shall be covered by a public employee's faithful performances bond in the minimum amount of \$10,000.

XII. TERM OF PLAN

This Plan shall be in effect from July 1, 2009 to June 30, 2010. Attached to this Plan is a resolution of the City Council of the City of Hoboken approving this Plan for such period of time, which may be amended from time to time? To the extent that the Council adopts any amendment, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

CERTIFICATION

I, George DeStefano, Chief Financial Officer of the City of Hoboken, have prepared this plan and submitted same to Corporation Counsel and City Council for approval.

George DeStefano
Chief Financial Officer

Date:

The speakers who spoke: Mo De Gennaro, Helen Hirsch,

---Motion duly seconded by Councilman Cunningham

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

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

---Nays:None.

10-512

---By Councilman Lenz

RESOLUTION AUTHORIZING VARIOUS CITY DEPARTMENTS TO MAINTAIN PETTY CASH AND CHANGE FUNDS

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of petty cash and change funds in any county or municipality; and

WHEREAS, various petty cash and change funds were previously established by resolution of the City Council and approval of the Director of the Division of Local Government Services; and

WHEREAS, various departments wish to continue the use of petty cash and change funds under the supervision of the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, County of Hudson, Sate of New Jersey that the following petty cash and change funds be and are hereby authorized for use during the fiscal year 2011:

<u>Department</u>	<u>Amount</u>	<u>Use</u>	<u>Custodian</u>
Environmental Services	\$150.00	Miscellaneous	Director Environmental Services
Central Garage	\$500.00	Miscellaneous	Director Environmental Services
Fire Department	\$300.00	Miscellaneous	Fire Chief
Tax Collector	\$300.00	Change Fund	Tax Collector

---Motion duly seconded by Councilman Cunningham

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

--Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Lenz, Mason, Mello, Russo and President Marsh.
---Nays:None.

10-513

---By Councilman Lenz

RESOLUTION FIXING THE INTEREST RATE CHARGES ON NON-PAYMENT OF TAXES

WHEREAS, the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date; and,

WHEREAS, effective July 1, 2010, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the paragraphs above; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send two direct mailings for Tax Sale and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and,

BE IT FURTHER RESOLVED, that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays:None.

10-514

---By Councilman Lenz

RESOLUTION ACCEPTING CHANGE ORDER TO PIER C PARK AND USING FUNDS TO PURCHASE A SHADE STRUCTURE AND REPLACEMENT PLAYGROUND EQUIPMENT NECESSARY FOR THE SAFETY OF THE CHILDREN USING THE PARK

WHEREAS, Pier C Park was substantially funded by the Port Authority of New York & New Jersey and New Jersey Green Acres; and

WHEREAS, the opening of Pier C Park has been delayed by a number of unforeseen events, the latest of which is the use of steel on a slide and other playground equipment recommended by the landscape architect Michael Van Valkenburgh Associates, Inc. and which, when exposed to the sun, becomes extremely hot and unsafe; and

WHEREAS, the City of New York installed and has since removed the same equipment in a Brooklyn park for the same safety concerns; and

WHEREAS, a Change Order to Pier C Park was created to allow for the installation of a shade structure over the steel slide at a cost of **\$38,026.99** pursuant to the Change Order dated July 14, 2010 (copy appended); and

WHEREAS, a revised estimate to replace the playground equipment in the pre-school area has been received with a total estimated cost of **\$45,225.00** (copy appended); and

WHEREAS, funds are available to cover these additional costs from the O&M Pier C Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby agree to amend the original agreement to include the changes set forth in the Change Order dated July 14, 2010 and the revised estimate dated July 12, 2010.

BE IT FURTHER RESOLVED, that the Council of the City of Hoboken does hereby approve the Change Order of July 14, 2010 to install the shade structure over the slide, as well as the substituted playground equipment with an overage factor of ten (10%) percent, to be covered by funds from the O&M Pier C Trust Fund.

BE IT FURTHER RESOLVED, that these agreed expenditures and this authorization are not intended as a waiver of any claims by the City for faulty design or professional negligence in the use of steel as playground equipment exposed to the sun, and the City reserves any and all rights to seek compensation against the offending parties.

The speakers who spoke: Mo DeGennaro, Helen Hirsch, James Doyle.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

10-515

---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made; now, therefore, be it-
RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$19,826.86**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
HADLEY, LORI & THOMAS 117 MADISON ST UNIT #1 HOBOKEN, NJ 07030	29/9/C0001	117 MADISON ST	4/09	\$ 591.56
HOME LOAN SERVICES P O BOX 961220 FORT WORTH, TX 76161	36/1/C005L	201 HARRISON ST/ 650 SECOND ST	1/10 & 2/10	\$ 4,490.51
FIRST AMERICAN REAL ESTATE TAX SERVICE ATT: RECOVERIES DEPT P.O. BOX 961230 FOR T WORTH, TX 76161-0230	43/22/C0008	224-226 WILLOW AVE	4/05	\$ 5,807.14 EXCEL 1
FARBER, JEFFREY 206 WILLOW AVE #2 HOBOKEN, NJ 07030	43/32/C0002	206 WILLOW AVE	4/09	\$ 2,503.13
PAM INVESTORS 127 SO WASHINGTON AVE BERGENFIELD, NJ 07621	178/4	213 PARK AVE	C.O.S.	\$ 65.00
CHASE HOME FINANCE MAIL CODE OH4-7326 3415 VISION DRIVE COLUMBUS, OH 43219	185/33/	1022 GARDEN ST	2/10	\$ 5,067.18
VAN DER RIET, PETER & A LAMBERS 117 BLOOMFIELD ST UNIT 4B HOBOKEN, NJ 07030	200/8/C004B	117 BLOOMFIELD ST	1/10	\$ 225.63
MIDLAND MORTGAGE CO ATT: TAX DEPT P.O. BOX 26648 OKLAHOMA CITY, OK 73126	217.1/30/C005F	600 HUDSON ST	4/09	\$ 852.26
WILKOVICH, ANDREA M 1500 WASHINGTON ST #2F HOBOKEN, NJ 07030	268.1/2/C002F	1500 WASHINGTON ST	4/09	\$ 224.45

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 - NAYS: 0

--Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Lenz, Mason, Mello, Russo and President Marsh.
---Nays: None.

10-516

---By Councilman Lenz

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

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

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

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$15733.95**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
NASHEL AND NASHEL, LLC 415 SIXTIETH STREET WEST NEW YORK, NJ 07093	262.3/ 1/ C0601	2 CONSTITUTION CT 2009		\$ 1,818.05
COZZARELLI LAW FRANK J COZZARELLI, ESQ 727 JORALEMON STREET BELLEVILLE, NJ 07109	198/ 13.1/	80 WASHINGTON ST	2009	\$13,915.90

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

10-517

---BY Councilman Lenz

RESOLUTION FOR 3RD QUARTER ESTIMATED TAX BILLING

WHEREAS, without a 2010 certified tax rate the Tax Collector of the City of Hoboken will be unable to issue 2010 tax bills on a timely basis, and,

WHEREAS, in accordance with Chapter 72, P L 1994, the City Council of the City of Hoboken, County of Hudson, State of New Jersey to approve the 2010 estimated tax levy 95% of the previous years tax levy. Approval will enable the City of Hoboken to meet its

financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

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

1. The Tax Collector of the City of Hoboken is hereby authorized and directed to prepare and issue estimated 3rd quarter 2010 tax bills. The Tax Collector shall proceed upon approval and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3
2. The estimated transition year tax levy for 2010 is hereby set \$72,155,871.31.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted by the Mayor and Council of the City of Hoboken in a meeting held in the Hoboken Municipal Building at 94 Washington Street, Hoboken at 7:00 PM on the date of July 14, 2010.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham.

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

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

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

10-518

---By Councilman Russo

RESOLUTION SUPPORTING THE NATIONAL ALLIANCE FOR THE MENTALLY ILL

WHEREAS, the Hoboken City Council is in support of NAMI (National Alliance for the Mentally Ill) and its Hudson County affiliate, NAMI Hudson, and NAMI NJ, and agrees with NAMI's mission, which is to improve the lives of those afflicted by mental illness and to offer public education and awareness; and

WHEREAS, mental illness affects one in five people in the United States, and the experience can be devastating for individuals and families with little knowledge of or access to mental health services; and

WHEREAS, with the proper treatment of, and services to, people with mental illness can lead productive, fulfilling lives that can enrich our society; and

WHEREAS, NAMI NJ is planning **Hoboken Stop Stigma Week**, a week long series of initiatives that will feature events designated to increase public awareness of issues affecting the mentally ill; and

WHEREAS, Hoboken will declare itself as the nation's first "Stigma Free Zone" and post a sign at entrances into the City of Hoboken stating this declaration; and

WHEREAS, the events are scheduled for May 2011 to coincide with Mental Illness Awareness Month, with details of these events to be decided by the **Hoboken Stop Stigma Week Planning Committee**, intended to bring together all major constituents of Hoboken such as the city government, law enforcement, mental health providers, mental health advocates, local businesses, prospective employers, public schools and consumers (those afflicted with mental illness);

NOW THEREFORE BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson recognizes the community needs and supports the efforts of NAMI Hudson and NAMI NJ to ensure public awareness; and, by this Resolution expresses its commitment to the success of the events scheduled for **Hoboken Stop Stigma Week**.

--Motion duly seconded by Councilwoman Mason.

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

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

---Nays: None.

10-519

---By Councilman Mello

RESOLUTION AUTHORIZING HANDICAP PARKING APPLICATION FEE REIMBURSEMENTS

WHEREAS, the Handicapped Parking Subcommittee has denied approval to the following applicants; and

WHEREAS, upon denial of an application for a handicapped parking space, the applicant is entitled to a full refund of their application fee.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that warrants be drawn on the City Treasury to the order of the sums enumerated below opposite the names described below as reimbursement for handicap parking application fees:

NAME/ADDRESS	AMOUNT
Maria Mirando, 1210 Hudson Street Apt. 116	\$125.00
Mehmet Esendemir, 151-3 rd Street	\$125.00
Mahesh Purohit, 165-3 rd Street Apt. 11	\$125.00
Domenico Allegretta, 15 Church Towers Apt. 1L	\$125.00

--Motion duly seconded by Councilman Cunningham.

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

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

---Nays: None.

10-520

---By Councilman Cunningham

THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE FY 2010 NJDOT TRUST FUND RESURFACING OF VARIOUS STREETS AS SPECIFIED IN BID NUMBER 10-23.

WHEREAS, the City of Hoboken sought competitive proposals for the FY 2010 NJDOT Trust Fund resurfacing of various streets, and

WHEREAS, the below listed bids were submitted in compliance with the original bid specifications as advertised, and

WHEREAS, the existing specifications were not concise enough for the City's Engineer to make a learned recommendation, therefore they recommend that these bids be rejected, and

WHEREAS, the below listed vendors must be notified:

<u>Vendor</u>	<u>Base Proposal</u>
Perfetto Enterprises 2319 Richmond Terrace Staten Island, NY	\$ 292,230.00
English Paving 650 Route 46 W. Clifton, NJ	\$ 333,280.00
A.J.M. Contracting 300 Kuller Road Clifton, NJ	\$ 305,645.50

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

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby rejects the proposals of the above vendors.
3. The Administration is hereby authorized to re-advertise for these goods/services.

--Motion duly seconded by Councilman Cunningham.

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

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

--Nays: None.

Councilman Lenz has left the table at 11:05 P.M.

Councilman Lenz has returned to the table at 11:08 P.M.

10-521

---By President Marsh

THIS RESOLUTION AUTHORIZES A FINANCIAL GUARANTEE TO PRESERVE THE “ MEAL ON WHEELS” PROGRAM OF THE NORTH HUDSON REGIONAL COUNCIL OF MAYORS.

WHEREAS, Hoboken participates in the “ Meals on Wheels” and other community service programs administered through the North Hudson Regional Council of Mayors (NHRCM); and

WHEREAS, funding for these programs has not kept pace with the costs thereof, as a result of which the member municipalities must make up the deficit in some manner if these programs are to continue; and

WHEREAS, Hoboken wishes to try and keep these programs alive.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council that, subject to the adoption of like resolutions by all other municipalities in the NHRCM, the City of Hoboken shall agree to contribute its proportionate share of the cost of the “ Meal on Wheels” program; and

BE IT FURTHER RESOLVED that the amount to be provided, by the City of Hoboken, for the fiscal transition period of 1 July 2010 through 31 December 2010, and the upcoming calendar year 2011 shall be in an amount not to exceed \$ 84,942.00.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute, attest, seal and deliver such documents as are necessary and appropriate to carry out the purposes and intent of this Resolution, in form satisfactory to the Corporation Counsel.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

---Absent: Lenz

Councilman Cunningham left the meeting at 11:15 P.M.

Councilman Cunningham has returned to the table at 11:18 P.M.

10-522

---By President Marsh

RESOLUTION AMENDING AND EXTENDING APPOINTMENT OF MCMANIMON & SCOTLAND, LLC AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, by resolution of the City Council, on March 17, 2010 the appointment of McManimon & Scotland, LLC as special legal counsel for redevelopment was confirmed; and

WHEREAS, the appointment of McManimon & Scotland, LLC expired on June 30, 2010, and the Mayor seeks to extend their services for another six months expiring on December 31, 2010; and

WHEREAS, McManimon & Scotland, LLC will be required to abide by the “ pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and, **WHEREAS**, funds are available for this purpose;

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that the professional services contract of McManimon & Scotland, LLC be extended to and through December 31, 2010 be authorized in an amount not to exceed Forty One Thousand Five Hundred (\$41,500) Dollars; and

BE IT FURTHER RESOLVED that McManimon & Scotland, LLC shall be paid at the blended hourly rate of \$215.00 for attorneys and \$135.00 per hour for paralegals, except to the extent that such fees are paid solely by private parties through a re-imbusement agreements, in which case the blended rate of \$325.00 per hour for attorneys and \$180.00 for paralegals shall apply; and

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

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

BE IT FURTHER RESOLVED that this resolution shall take effect July 1, 2010 and terminate on December 31, 2010; and

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**McManimon & Scotland, LLC
1037 Raymond Boulevard
Fourth Floor
Newark, New Jersey 07102-5259**

Such firm to be paid with a total amount not to exceed \$41,500.00.

Councilman Cunningham requests to recused himself since he has a relationship with McManimon & Scotland.

--Motion duly seconded by Councilman Mello
--Adopted by the following vote: YEAS: 5 - NAYS: 5 --ABSENT - 1
--Yeas: Council persons Bhalla, Giacchi, Lenz, Mello, and President Marsh.
--Nays: Castellano, Mason, Russo.
--Absent: Cunningham. (recused)

10-523

---By President Marsh

RESOLUTION AMENDING AND EXTENDING THE APPOINTMENT OF MARAZITI FALCON & HEALEY LLP SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, by resolution of the City Council, on March 17, 2010 the appointment of Maraziti Falcon & Healey LLP as special legal counsel for redevelopment was confirmed; and

WHEREAS, the appointment of Maraziti Falcon & Healey LLP expired on June 30, 2010, and the Mayor seeks to extend their services for another six months expiring on December 31, 2010; and

WHEREAS, Maraziti Falcon & Healey LLP will be required to abide by the “ pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, funds are available for this purpose;

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that the professional services contract of Maraziti Falcon & Healey LLP be extended to and through December 31, 2010 be authorized in an amount not to exceed Forty One Thousand Five Hundred (\$41,500) Dollars; and

BE IT FURTHER RESOLVED that Maraziti Falcon & Healey LLP shall be paid an hourly rate of \$195.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbusement agreements, in which case the blended rate of \$220.00 per hour will apply; and

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

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

BE IT FURTHER RESOLVED that this resolution shall take effect July 1, 2010 and terminate on December 31, 2010; and

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**Maraziti Falcon & Healey LLP
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078**

Such firm to be paid with a total amount not to exceed \$41,500.00.

--Motion duly seconded by Councilman Mello.

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

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

---Nays: , Castellano, Russo.

10-524

---By President Marsh

RESOLUTION APPOINTING TALLEY PLANNING ASSOCIATES, LLC FOR PROFESSIONAL PLANNING SERVICES

WHEREAS, the City of Hoboken requires the services of a professional planner as it undertakes planning studies as the City experiences development initiatives by interested property owners in all areas of the City; and

WHEREAS, on April 15, 2010, and in response for a Request for Proposal Janice E. Talley and Talley Planning Associates, LLC of 44 Godfrey Road, Montclair, New Jersey submitted their qualifications; and

WHEREAS, on the basis of Janice E. Talley and Talley Planning Associates, LLC being widely recognized experts in the area of Municipal Planning, they were retained by the City on May 21, 2010 pursuant to a professional services agreement not to exceed \$40,000.00 at an hourly rate of \$125.00; and

WHEREAS, because the need for professional planning services continues, a new budget period ensues and the previous contract sum is about to be reached, this engagement is intended to be a new contract for professional services with Talley Planning Associates, LLC, which shall be required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 *et seq.* of the Code of the City of Hoboken); and said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, upon adoption of the six month transitional budget expiring December 31, 2010, funds will be available for this purpose.

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in the amount not to exceed

Forty Thousand (\$40,000) Dollars for the services of Talley Planning Associates, LLC as City Planner for the City of Hoboken; and

BE IT FURTHER RESOLVED that this firm shall be paid at the hourly rate of \$125.00 per hour, with itemized bills shall be transmitted to the City at least monthly; and

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

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

BE IT FURTHER RESOLVED that this Resolution shall take effect July 1, 2010 and terminate on December 31, 2010.

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that:

A contract for Professional Planning Services for the City of Hoboken shall be prepared and executed with the following vendor:

**Talley Planning Associates, LLC
44 Godfrey Road
Montclair, NJ 07043**

Talley Planning Associates, LLC shall to be paid with a total amount not to exceed \$40,000.00.

---Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

10-525
Z-48

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 141A OF
THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN
ENTITLED “ PARKING PERMITS”**

WHEREAS, more residential parking is necessary on the southern portion of Hudson Street.

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

SECTION ONE: AMENDMENTS

Section 141A-2H is hereby amended to add the following, and the remainder of the Section is left unchanged:

Name Street	of Side	Limits	Locations
Hudson Street	West	24 Hours	Beginning at the southerly curb of 4th Street and extending to the northerly curb of 2nd Street

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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 11, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Giacchi
 ---Adopted by the following vote: YEAS: 8 - NAYS: 1
 ---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Mason, Mello, Russo and President Marsh.
 ---Nays: **Lenz.**

10-526
Z-49

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND TRAFFIC”

WHEREAS, Chapter 190 of the Administrative Code of the City of Hoboken must be revised so that the Code sections relating to vehicles and traffic conform to the actual current vehicular use of the streets in the City of Hoboken.

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

SECTION ONE: 190-9 Stop Streets Designated

Section 190-9 entitled “STOP STREETS” is hereby deleted in its entirety and replaced with the following:

<u>Intersection</u>	<u>Stop Sign Locations</u>
River Street & Newark Street	Newark Street
Sinatra Drive & First Street	Right side of both approaches
Sinatra Drive & Third Street	Third Street
Sinatra Drive & Fourth Street	Fourth Street
Sinatra Drive & Fifth Street	Fifth Street
Sinatra Drive & Sinatra Drive North	Sinatra Drive North
Maxwell lane & Eleventh Street	both approaches of Maxwell Lane
Sinatra Drive North & Eleventh Street	Eleventh Street
Sinatra Drive North & Twelfth Street	Sinatra Drive North
Sinatra Drive North & Independence Court	Independence Court
Sinatra Drive North & Fourteenth Street	Right side of all approaches
Sinatra Drive North & Shipyard Lane	Sinatra Drive North
Shipyard Lane & Fourteenth Street	Shipyard Lane
Shipyard Lane & Constitution Court	
Constitution Court	
Shipyard Lane & Twelfth Street & Maxwell Lane	Right side of all approaches
Castle Point Terrace & Ninth Street	Ninth Street
Castle Point Terrace & Eighth Street	Eighth Street
River Terrace & Sixth Street	Sixth Street
Hudson Street & Fifteenth Street	Hudson Street
Hudson Street & Ninth Street	Ninth Street
Hudson Street & Eighth Street	Eighth Street

Hudson Street & Seventh Street	Seventh Street
Hudson Street & Sixth Street	Right side of both approaches
Hudson Street & Fifth Street	Fifth Street
Hudson Street & Third Street	Third Street
Hudson Street & Second Street	Second Street
Hudson Street & First Street	First Street
Court Street & Seventh Street	Court Street
Court Street & Sixth Street	both approaches of Court Street
Court Street & Fifth Street	both approaches of Court Street
Court Street & Fourth Street	both approaches of Court Street
Court Street & Third Street	both approaches of Court Street
Court Street & Second Street	both approaches of Court Street
Court Street & First Street	both approaches of Court Street
Court Street & Newark Street	Court Street
Bloomfield Street & Newark Street	Bloomfield Street
Bloomfield Street & First Street	Bloomfield Street
Bloomfield Street & Second Street	Bloomfield Street
Bloomfield Street & Third Street	Third Street
Bloomfield Street & Fourth Street	Fourth Street
Bloomfield Street & Fifth Street	right side of both approaches
Bloomfield Street & Sixth Street	Sixth Street
Bloomfield Street & Seventh Street	Seventh Street
Bloomfield Street & Eighth Street	Eighth Street
Bloomfield Street & Ninth Street	Ninth Street
Bloomfield Street & Tenth Street	right side of both approaches
Bloomfield Street & Eleventh Street	Right side of all approaches
Bloomfield Street & Twelfth Street	Twelfth Street
Bloomfield Street & Thirteenth Street	Thirteenth Street
Bloomfield Street & Fifteenth Street	Bloomfield Street
Garden Street & Thirteenth Street	Thirteenth Street
Garden Street & Twelfth Street	Twelfth Street
Garden Street & Eleventh Street	Right side of all approaches
Garden Street & Tenth Street	Garden Street
Garden Street & Ninth Street	Ninth Street
Garden Street & Eight Street	Eighth Street
Garden Street & Seventh Street	Seventh Street
Garden Street & Sixth Street	Sixth Street
Garden Street & Fifth Street	Garden Street
Garden Street & Fourth Street	Fourth Street
Garden Street & Third Street	Third Street
Garden Street & Second Street	Second Street
Garden Street & First Street	Garden Street
Garden Street & Newark Street	Garden Street
Garden Street & Observer Highway	Garden Street

Park Avenue & Newark Street	Park Avenue
Park Avenue & First Street	Park Avenue
Park Avenue & Second Street	Second Street
Park Avenue & Third Street	Third Street
Park Avenue & Fourth Street	Park Avenue
Park Avenue & Sixth Street	Sixth Street
Park Avenue & Seventh Street	Seventh Street
Park Avenue & Eighth Street	Eighth Street
Park Avenue & Ninth Street	Ninth Street
Park Avenue & Tenth Street	Tenth Street
Park Avenue & Eleventh Street	Right side of all approaches
Park Avenue & Twelfth Street	Twelfth Street
Park Avenue & Thirteenth Street	Thirteenth Street
Park Avenue & Fifteenth Street	Fifteenth Street
Willow Avenue & Tenth Street	Tenth Street
Willow Avenue & Ninth Street	Willow Avenue
Willow Avenue & Eighth Street	Eighth Street
Willow Avenue & Sixth Street	Sixth Street
Willow Avenue & Fifth Street	Fifth Street
Willow Avenue & Fourth Street	Fourth Street
Willow Avenue & Third Street	Third Street
Willow Avenue & Second Street	Second Street
Willow Avenue & First Street	Willow Avenue
Willow Avenue & Newark Street	Right side of all approaches
Clinton Street & First Street	Clinton Street
Clinton Street & Second Street	Second Street
Clinton Street & Third Street	Third Street
Clinton Street & Fourth Street	Fourth Street
Clinton Street & Sixth Street	Clinton Street
Clinton Street & Seventh Street	Clinton Street
Clinton Street & Eighth Street	Eighth Street
Clinton Street & Ninth Street	Ninth Street
Clinton Street & Tenth Street	Clinton Street
Clinton Street & Eleventh Street	Eleventh Street
Clinton Street & Twelfth Street	Twelfth Street
Clinton Street & Thirteenth Street	Thirteenth Street
Clinton Street & Fourteenth Street	Clinton Street
Clinton Street & Fifteenth Street	Clinton Street
Clinton Street & Sixteenth Street	Sixteenth Street
Grand Street & Fifteenth Street	Grand Street
Grand Street & Fourteenth Street	Grand Street
Grand Street & Thirteenth Street	Thirteenth Street
Grand Street & Twelfth Street	Twelfth Street
Grand Street & Eleventh Street	Right side of all approaches
Grand Street & Eighth Street	Grand Street
Grand Street & Seventh Street	Grand Street
Grand Street & Sixth Street	Sixth Street
Grand Street & Fifth Street	Fifth Street
Grand Street & Fourth Street	Grand Street
Grand Street & Third Street	Third Street
Grand Street & Second Street	Second Street
Grand Street & First Street	Grand Street
Grand Street & Newark Street	Grand Street

Adams Street & First Street
Adams Street & Second Street
Adams Street & Third Street
Adams Street & Fourth Street
Adams Street & Fifth Street
Adams Street & Sixth Street
Adams Street & Seventh Street
Adams Street & Eighth Street
Adams Street & Ninth Street
Adams Street & Eleventh Street
Adams Street & Twelfth Street
Adams Street & Thirteenth Street
Adams Street & Fourteenth Street
Adams Street & Fifteenth Street
Adams Street & Sixteenth Street
Jefferson Street & Fifteenth

Jefferson Street & Fourteenth Street
Jefferson Street & Thirteenth Street
Jefferson Street & Eleventh Street
Jefferson Street & Tenth Street
Jefferson Street & Ninth Street
Jefferson Street & Eighth Street
Jefferson Street & Seventh Street
Jefferson Street & Sixth Street
Jefferson Street & Fifth Street
Jefferson Street & Fourth Street
Jefferson Street & Third Street
Jefferson Street & Second Street
Jefferson Street & First Street
Jefferson Street & Newark Street
Madison Street & First Street
Madison Street & Second Street
Madison Street & Third Street
Madison Street & Fourth Street
Madison Street & Fifth Street
Madison Street & Sixth Street
Madison Street & Seventh Street
Madison Street & Eighth Street
Madison Street & Ninth Street
Madison Street & Eleventh Street
Madison Street & Twelfth Street

Madison Street & Thirteenth Street
Monroe Street & Eleventh Street
Monroe Street & Ninth Street
Monroe Street & Eighth Street
Monroe Street & Seventh Street
Monroe Street & Sixth Street
Monroe Street & Fifth Street
Monroe Street & Fourth Street
Monroe Street & Third Street
Monroe Street & Second Street

Adams Street
Second Street
Third Street
Fourth Street
Fifth Street
Sixth Street
Seventh Street
Eighth Street
Ninth Street
Eleventh Street
Twelfth Street
Thirteenth Street
Adams Street
Adams street
Adams Street
both approaches of
Jefferson Street
Jefferson Street
Jefferson Street
Eleventh Street
Tenth Street
Jefferson Street
Eighth Street
Jefferson Street
Sixth Street
Fifth Street
Fourth Street
Jefferson Street
Jefferson Street
Jefferson Street
Jefferson Street
Madison Street
Madison Street
Third Street
Fourth Street
Madison Street
Sixth Street
Madison Street
Eight Street
Madison Street
Eleventh Street
both approaches of Madison
Street
Thirteenth Street
Eleventh Street
Ninth Street
Eighth Street
Seventh Street
Sixth Street
Monroe Street
Fourth Street
Third Street
Second Street

Jackson Street & Observer Highway	Observer Highway
Jackson Street & First Street	Jackson Street
Jackson Street & Second Street	Jackson Street
Jackson Street & Fourth Street	Jackson Street
Jackson Street & Fifth Street	Jackson Street
Jackson Street & Sixth Street	Jackson Street
Jackson Street & Seventh Street	Jackson Street
Harrison Street & Second Street	Harrison Street
Harrison Street & First Street	Harrison Street
Harrison Street & Paterson Avenue	Harrison Street
Harrison Street & Observer Highway	both approaches of Observer Hwy.
Harrison Street & Newark Street	Harrison Street
Marshall Street & Second Street	both approaches

SECTION TWO: 190-11 Loading Zone

The following location described is hereby repealed as a loading zone, and the remainder of the Section remains unchanged:

Name of Street	Time	Side	Location
First Street	6:00am to 6:00pm Monday to Saturday	South	beginning at a point of 78 feet east of the easterly curbline of Clinton Street and extending 73 feet easterly therefrom.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that

the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

---Council President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 11, 2010** at 7:00 PM.

Councilman Lenz has left the table at 12:22 A.M.

Councilman Lenz has left the table at 12:25 A.M.

---Motion duly seconded by Councilman Giacchi.

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

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

---Nays: **Lenz.**

10-527

Z-50

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “ PARKING FOR HANDICAPPED ”

WHEREAS, Chapter 192 of the Administrative Code of the City of Hoboken must be revised to incorporate handicapped spaces as necessary; and

WHEREAS, new handicapped spaces have become necessary based on need.

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

SECTION ONE: ADDITIONS

192-4 Handicapped Parking

Section 192-4 (A) is hereby amended to add the following restricted handicapped parking spaces:

Jame Giani 223 Garden Street: east side of Garden Street, beginning at a point of 190 feet south of the southerly curblin e of Third Street and extending 22 feet southerly therefrom.

Ida Serrano 60-12th Street: north side of Twelfth Street, beginning at a point of 75 feet east of the easterly curblin e of Washington Street and extending 22 feet easterly therefrom.

Aitza Estrella 15 Church Towers(for daughter Megan)west side of Grand Street, beginning at a point of 283 feet south of the southerly curblin e of Sixth Street and extending 22 feet southerly therefrom.

Section (B) is amended to add the following locations as general handicapped parking spaces:

5 Church Towers: eastside of Clinton Street, beginning at a point of 155feet north of Fifth Street and extending 22 feet northerly therefrom.

10 Church Towers: west side of Clinton Street, beginning at a point of 135 feet north of Fourth Street and extending 22 feet northerly therefrom.

15 Church Towers: eastside of Grand Street, beginning at a point of 240 feet south of Sixth Street and extending 22 feet southerly therefrom.

800 Jackson Street: west side of Jackson Street, beginning at a point of 250 feet north of Eight Street and extending 22 feet northerly therefrom.

Washington Street: west side of Washington Street, beginning at a point of 250 feet north of Observer Highway extending 22 feet northerly therefrom.

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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand not withstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

---Council President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 11, 2010** at 7:00 PM.

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

10-527
Z-52

AN ORDINANCE TO AMEND CHAPTER 180A OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED LIMOUSINES AND LIVERIES"

WHEREAS, Chapter 180A of the current Code of the City of Hoboken is at variance with the recently amended State statutes regarding limousines; and,

WHEREAS, the language, rules and regulations of Chapter 180A of the current Code of the City of Hoboken have become antiquated and outdated; and,

WHEREAS, it is in the City's best interest, to support the safety, health and welfare of the residents of the City of Hoboken to update the City Code to reflect modern issues and comply with State statutes.

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

SECTION ONE:

Chapter 180A of the City Code of the City of Hoboken is hereby amended in its entirety as follows (additions noted with underline, deletions noted with strikethrough):

CHAPTER 180A LIMOUSINES AND LIVERIES

ARTICLE I
General Provisions

- § 180A-1. Definitions.
- § 180A-2. Compliance with state law; insurance requirement.
- § 180A-3. Limousine and livery vehicle license required.
- § 180A-3.1. Leased vehicles.
- ~~§ 180A-3.2. Livery Licenses Converted to Limousine Licenses~~
- § 180A-4. Limousine and livery license application procedure; renewal.
- § 180A-5. Issuance of limousine or livery license.
- § 180A-6. Transfer of limousine or livery license.
- § 180A-6.1. Temporary transfer of vehicles.
- § 180A-7. Suspension and revocation of limousine or livery license.
- § 180A-8. Limousine or livery driver's license required.
- § 180A-9. Limousine or livery driver's license application procedure.
- § 180A-10. Investigation of applicant for limousine or livery license.
- § 180A-11. Consideration of application; appeal of denial.
- § 180A-11.1. Temporary licenses.

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Font: New Century Schoolbook, 10 pt, All caps

Formatted: Font: Calibri

Formatted: Font: New Century Schoolbook

Formatted: Font: New Century Schoolbook, Double underline

Formatted: Font: New Century Schoolbook, Strikethrough

Formatted: Font: New Century Schoolbook

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Bold, All caps

Formatted: Font: New Century Schoolbook, 10 pt, Bold, Strikethrough, All caps

Formatted: Font: New Century Schoolbook, 10 pt, Bold, All caps

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

- § 180A-12. Issuance of limousine ~~or livery~~ driver's license; term of license; renewal.
- § 180A-13. Suspension and revocation of limousine ~~operator's or livery driver's~~ license.
- § 180A-14. Compliance with other laws.
- § 180A-15. Vehicle equipment and maintenance.
- § 180A-15.1. Reporting of accidents; other reports required.
- § 180A-16. Use for illegal or immoral purposes prohibited.
- § 180A-17. Solicitation of passengers; maximum number of passengers.

- § 180A-17.1. Operation of noncertified limousine or livery ~~vehicle~~.

- § 180A-17.2. Limousine rates.
- § 180A-18. Register of license holders.
- § 180A-19. Standing in certain locations prohibited.
- § 180A-20. Behavior of drivers.
- § 180A-21. Operation by unlicensed drivers prohibited.
- § 180A-22. Restrictions on operations.
- § 180A-23. Lost articles.
- § 180A-24. Enforcement.
- § 180A-25. Hearings.
- § 180A-26. Promulgation of rules and regulations; distribution.
- § 180A-27. Violations and penalties.

ARTICLE II
**Limousine ~~and Livery~~ Drivers'
 Rules and Regulations**

- § 180A-28. Table of drivers' rules and regulations.

- § 180A-28.1. Fines for violation of drivers' rules and regulations.

ARTICLE III
**Limousine ~~and Livery~~ Owners'
 Rules and Regulations**

- § 180A-29. Table of owners' rules and regulations.

- § 180A-29.1. Fines for violations of owners' rules and regulations.

GENERAL REFERENCES

Parking permits —See Ch. 141.
 Taxicabs —See Ch. 179A.
Shuttle Buses —See Ch. 180
 Vehicles and traffic —See Ch. 190.

ARTICLE I General Provisions

§ 180A-1. Definitions.
 The following words and phrases when used in this chapter have the meanings as set out herein:

- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough
- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Space Before: 0 pt, After: 0 pt

- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

- Formatted: Font: New Century Schoolbook, 10 pt

- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

- Formatted: Font: New Century Schoolbook, 10 pt

- Formatted: hobokensectitle, Indent: Left: 0", Hanging: 0.78"
- Formatted: Space Before: 0 pt, After: 0 pt

- Formatted: Font: New Century Schoolbook, 10 pt, Double underline

- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Space Before: 0 pt, After: 0 pt

CRUISING —The driving of any ~~livery or~~ limousine vehicle on the streets, alleyways or other public places of the city in search of or soliciting prospective passengers for hire.

Formatted: Space Before: 0 pt, After: 0 pt

DIRECTOR —The Director of the Department of Administration.

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

DIVISION OF TAXI AND LIMOUSINE LICENSING —The Division Head of the Division of Taxi and Limousine Licensing shall be the person designated by the Director of ~~Transportation and Parking Utility~~ ~~Business Administration~~ of the City of Hoboken to act as Division Head of the Division of Taxi and Limousine Licensing.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

HEARING —A public hearing at which the licensee shall be given an opportunity to appear personally and be represented by his chosen counsel and be heard and to present evidence on his behalf or otherwise answer the charges against him.

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

HOLDER —A person to whom a limousine ~~license or livery~~ has been issued.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

INSPECTOR —~~The person or persons empowered or designated by the Transportation and Parking Utility to perform inspections pursuant to this chapter.~~

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

~~LICENSE INSPECTOR, The Inspector of License in the Department of Business Administration.~~

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

LIMOUSINE ~~OR LIVERY~~ OPERATOR —Any person holding a valid current New Jersey commercial driver's license Class C or above with passenger endorsement to operate a motor vehicle carrying eight (8) or more passengers.

Formatted: Font: New Century Schoolbook, 10 pt, No underline, Strikethrough, All caps

LIMOUSINE VEHICLE —Any automobile or motor car which is issued special registration plates bearing the word "limousine" pursuant to section 12 of P.L. 1979, c.224 (C.39:3-19.5) and is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than fourteen (14) passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four (4) passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. A limousine shall not include a vehicle owned and operated directly or indirectly by a business engaged in the practice of mortuary science when that vehicle is used exclusively for providing transportation related to the provision of funeral services.

Formatted: Font: New Century Schoolbook, 10 pt, No underline, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

LIVERY VEHICLE —Any vehicle which has been issued omnibus or livery license plates by the State of New Jersey. ~~has received a livery license by the City of Hoboken.~~ is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than five (5) passengers, not including the driver. Pursuant to N.J.S.A. 48:16-13.1, all vehicles within the City previously defined as livery vehicles shall hereinafter be defined as limousines. Wherever the term livery vehicle is used in this Chapter it shall have the same meaning and be subject to the same requirements as a limousine. ~~Pursuant to N.J.S.A. 48:16-13.1, all vehicles within the City previously defined as livery vehicles shall hereinafter be defined as limousines. Wherever the term livery vehicle is used in this Chapter it shall have the same meaning and be subject to the same requirements as a limousine.~~

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

PERSON —Any individual, a corporation or other legal entity, a partnership or any incorporated association but does not include a child of less than six (6) years of age.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

TRANSFER —To sell, transfer or in any other manner dispose of a limousine ~~or livery~~ license. Where the license is in the name of a corporation or other legal entity, any change in ~~ownership or control of the corporate entity holding holder~~ the license shall constitute a "transfer" of the license held in the name of said corporation or other legal entity. The Division of Taxi and Limousine Licensing shall determine what constitutes a change in control.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: hobokendefinitions

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-2. Compliance with state law; insurance requirement.

A. In order to ensure the safety of the public, it shall be unlawful for the holder to operate or cause to permit a limousine ~~(or livery)~~ vehicle to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-13 to -22.7 and the Acts amendatory or supplemental thereto, which includes, but is not limited to the purchase of an insurance policy from a company duly licensed to transact business under the insurance laws of this state in the sum of one million five hundred thousand dollars (\$1,500,000.) against loss by reason of the liability imposed by law upon every limousine ~~(or livery)~~ owner for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of ownership, maintenance or use of the limousine ~~(or livery)~~ vehicle in the case of a livery vehicle the same insurance limits which apply to a taxicab in the City of Hoboken shall also apply to liveries.

B. The owner shall furnish the Division of Taxi and Limousine Licensing with evidence of compliance with this section and that the premium for the full period of the licensing year has been paid. Each policy shall contain an endorsement providing for thirty (30) days written notice from the insurance company to the City of Hoboken in the event of any change in the policy or cancellation of the policy. Each limousine (or livery) license shall become effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts specified herein.

C. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two (2) business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder's insurance companies.

§ 180A-3. Limousine ~~and livery vehicle~~ license required.

A. No person shall operate or permit to be operated a ~~livery vehicle or~~ limousine providing service on an intra-municipal, point to point basis within the City without having first obtained a license from the Division of Taxi and Limousine Licensing. This requirement is in addition to the requirement that a limousine owner, whose principal place of business is within the City, obtain a license from the Division of Taxi and Licensing in accordance with N.J.S.A. 48:16-17.

B. No license to operate shall be issued or renewed unless the holder thereof has paid the annual license fee of ~~seven hundred~~ fifty dollars (\$750.) for each limousine ~~service and ten~~ dollars (\$10.) for each limousine ~~license and an annual fee of seven hundred fifty dollars (\$750.) for every livery vehicle to be operated under said license.~~ Said license shall be for the year ending on March 31 and shall be in addition to any other fees or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his operation and control.

C. Each limousine licensed by the City of Hoboken shall be required to pay an annual administrative fee of seven hundred dollars (\$700.) to cover administrative costs including, but not limited to, City vehicle inspections and limousine law enforcement.

D. Each person issued a limousine ~~or livery~~ operator's license by the City of Hoboken shall, as a condition to continue maintenance of such license, submit each of his limousine ~~or livery~~ vehicles for a full mechanical and vehicle inspection once a year during the one-year period of his license pursuant to a schedule established by the City of Hoboken. Such inspection shall be conducted by an Inspector of the Division of Taxi and Limousine Licensing at the Hoboken Police Department and/or New Jersey Motor Vehicle Commission. In the event that city inspectors report that any vehicle is in need of repair, the licensee shall repair the same within thirty (30) days of the inspection and shall resubmit the vehicle for reinspection, plus

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, No underline, Font color: Auto, Not Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

submit a written report or invoice specifying the services performed and parts furnished to correct the condition noted in the prior inspection report. The term "in need of repair" shall include but is not limited to the following:

- (1) That the glass (windows and/or windshield) is cracked, chipped or scratched or that the glass in the mirrors is cracked.
- (2) That the horn does not function properly so as to produce a sound audible for two hundred (200) feet.
- (3) That the emergency brake does not hold the vehicle when parked on a grade.
- (4) That the foot brake does not hold the vehicle when parked on a grade and that it does not have sufficient reserve pedal.
- (5) That the headlights, taillights, stoplights and directional lights do not turn on and off when operated by the control in the vehicle or are otherwise broken or defective.
- (6) That the windshield wipers do not rotate back and forth with sufficient pressure when turned on and do not stop when turned off by the control in the vehicle.
- (7) That the tires have damage, ply separation, breaks or cuts and do not have at least two thirty-seconds (2/32) inch of tire tread.
- (8) That a defroster does not function properly so as to produce a temperature in excess of fifty degrees Fahrenheit (50° F.).
- (9) That any door for entering into or out of the vehicle is damaged to the extent that it does not fully swing for convenient passenger ingress or egress.

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt

§ 180A-3.1. Leased vehicles.

Any license for a vehicle leased, rented or held under any similar legal arrangement may be licensed as a limousine ~~or livery vehicle~~, subject to the following conditions:

- A. The vehicle, ~~and~~ owner, ~~and lessee~~ must meet all the terms of this chapter.
- B. The lease rental agreement or legal documents evidencing the arrangement under which the vehicle is held must be submitted to the Division of Taxi ~~and Limousine~~ Licensing prior to a license being issued.
- C. The vehicle must be held under the exclusive control of the lessee for the entire lease period, which must be at least as long as the license period. There shall be no sharing of vehicles between partnerships, corporations, organizations, associations or any combination thereof during the period of a license. Any such sharing will immediately void the Hoboken limousine ~~or livery~~ license granted for that vehicle.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-3.2 Livery Licenses Converted to Limousine Licenses

Pursuant to the definition of N.J.S.A. 48:16-13.1, all autocabs within the City of Hoboken currently designated as livery vehicles shall be redesignated as limousines. The City of Hoboken shall convert all current livery licenses to limousine licenses and all current livery operator's licenses to limousine operator's licenses to comply with N.J.S.A. 48:16-13.1. Upon the next renewal after this subsection takes effect, any livery license or livery operator's license shall be converted to a limousine license or limousine operator's license. The holder of such livery license or livery operator's license shall be obligated to meet all requirements for obtaining a limousine license and/or limousine operator's license under this Chapter prior to conversion by the City of Hoboken. As of the date of enactment of this subsection, no new or renewal livery license or livery operator's licenses shall be granted by the City of Hoboken.

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-4. Limousine ~~and livery~~ license application procedure; renewal.

- A. In addition to the requirements of N.J.S.A. 48:16-17, application for a license shall be filed with the Division of Taxi and Limousine Licensing upon forms provided by the City of Hoboken, and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position whatever their title.
- (2) The year, type and model of the vehicle for which the license is desired.
- (3) The number of persons the vehicle is capable of carrying.
- (4) Such further information as the Division of Taxi and Limousine Licensing of the City of Hoboken may require.

B. The annual application for renewal of limousine ~~or livery~~ licenses and limousine operator's licenses shall be filed not later than thirty (30) days prior to the expiration date. ~~Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.~~

§ 180A-5. Issuance of limousine ~~or livery~~ license.

The Division of Taxi and Limousine Licensing is hereby created. The head of this division shall be designated by the Director of ~~Transportation and Parking Utility~~ Business Administration of the City of Hoboken to serve at a commensurate salary. The division head of the Division of Taxi and Limousine Licensing shall be responsible for the enforcement of this section and Chapter 179A of the ordinances of the City of Hoboken pertaining to Taxi and Limousine service.

If the Division Head of the Division of Taxi and Limousine Licensing finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this chapter, the Division of Taxi and Limousine Licensing shall issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Division of Taxi and Limousine Licensing shall take into consideration the character, experience and responsibility of the applicant.

A. ~~Until March 31, 2011, the number of outstanding livery licenses shall be limited to a total of twenty-five (25) liveries. As of March 31, 2011 all outstanding livery licenses shall be converted to limousine licenses. Any outstanding livery licenses that have not been converted by the holder as of March 31, 2011 shall be revoked, and the holder thereof shall not be entitled to conversion to a limousine license.~~

B. ~~The number of outstanding limousine licenses shall be limited to a total of fifty (50) limousines. The number of outstanding limousine license shall be limited to a total of seventy-five (75), fifty (50) of which were outstanding, active and assigned and twenty-five (25) which shall be converted from the City's outstanding active assigned livery licenses. In the event a livery license holder shall fail to obtain convert their outstanding livery license to a limousine license on or before March 31, 2011 the City reserves the right to, but shall not be obligated to sell the remaining available limousine licenses in accordance with the New Jersey Public Contract Law.~~

§ 180A-6. Transfer of limousine ~~or livery~~ license.

A. No limousine ~~or livery~~ license may be sold, assigned or otherwise transferred without the ~~prior written~~ consent of the City Council. No limousine ~~or livery~~ license shall be mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financial transaction.

B. ~~A limousine license holder shall at no time drive a limousine licensed by a different limousine license holder. Such conduct shall result in both limousine licenses being suspended, or, after a hearing, revoked.~~

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: hobokenindenta

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-6.1. Temporary transfer of vehicles.

It shall be unlawful for any person licensed under the provisions of this chapter to voluntarily permit any other person to drive or operate a limousine ~~or livery~~ under such license.

- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

§ 180A-7. Suspension and revocation of limousine ~~or livery~~ license.

A. Licenses issued under the provisions of this chapter may be suspended or, after hearing, revoked by the Division of Taxi and Limousine Licensing if the holder thereof has:

- (1) Violated any of the provisions of this chapter.
- (2) Violated any ordinance of the City of Hoboken or the laws of New Jersey, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.
- (3) ~~is discontinued operation of a limousine license for more than thirty (30) days;~~

- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough
- Formatted: Space Before: 0 pt, After: 0 pt

B. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline

~~Prior to revocation, the holder shall be given written notice of the proposed action to be taken and the charges against him and shall be given a hearing. Notwithstanding the use of the words "suspend or after hearing, revoke" in this chapter, the Division of Taxi and Limousine Licensing may suspend and, after hearing, revoke such licenses.~~

- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough
- Formatted: Space Before: 0 pt

§ 180A-8. Limousine ~~operator's~~ ~~or livery driver's~~ license required.

A. No person shall operate a limousine ~~or livery~~ for hire upon the streets of the City of Hoboken and no person who owns or controls a limousine ~~or livery~~ shall permit it to be so driven and no limousine ~~or livery~~ licensed by the City of Hoboken shall be so driven at any time for hire unless the driver of said limousine ~~or livery~~ shall have first obtained and shall have then in force the limousine ~~or livery~~ operator's license under the provisions of this chapter and provided, further, that said driver shall be a holder or servant, employee or agent of such holder.

- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Font: New Century Schoolbook, 10 pt, Strikethrough

B. Every person applying for a ~~license to drive a~~ limousine ~~operator's~~ license ~~or livery vehicle~~ must furnish satisfactory evidence that he ~~has~~ ~~may~~ received a limousine ~~or livery~~ license under the New Jersey State Motor Vehicle Law.

- Field Code Changed
- Formatted: Font: New Century Schoolbook, 10 pt

C. Each applicant for a limousine ~~or livery~~ operator's license under the terms of this chapter must conform to the following regulations:

- (1) Be of the age of twenty-one (21) years or over and be a resident of the State of New Jersey for one (1) year or more.
- (2) Be able to read and write the English language and be a citizen of the United States.

- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-9. ~~L~~ ~~imousine~~ ~~or livery driver's~~ ~~operator's~~ license application procedure.

A. An application for ~~a driver's~~ ~~an operator's~~ license shall be filed with the Division of Taxi and Limousine Licensing on forms provided by the City of Hoboken. Any documentation submitted in support of an application shall be original documents or legible certified copies of same. The application shall contain the following:

- Formatted: Space Before: 0 pt
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Space Before: 0 pt, After: 0 pt

- (1) The full name and address of the applicant.
- (2) Places of residence for the preceding five (5) years.
- (3) Age, height and color of eyes and hair.
- (4) Place of birth and whether married or single.
- (5) Previous employment and whether he has ever been convicted of a high misdemeanor, misdemeanor, violation of the Disorderly Persons Act or a violation of this chapter.

- Formatted: Font: New Century Schoolbook, 10 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline
- Formatted: Space Before: 0 pt, After: 0 pt
- Formatted: Font: New Century Schoolbook, 10 pt, Double underline

(6) Whether a driver's license, issued by any state or political subdivision thereof, ever held by him has been suspended or revoked and for what cause.

Formatted: Font: New Century Schoolbook, 10 pt

(7) Fingerprint impressions taken by the for the Hoboken Department of Police to conduct State and Federal background checks. The applicant shall bear any and all costs for fingerprinting.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

(8) The successful completion of a 5 Panel Drug & Alcohol Test administered by a third party selected by the City of Hoboken, which results shall indicate no positive test results for any controlled dangerous substance or alcohol. The cost of this test shall be at the applicant's expense.

(9) Authorization to the City of Hoboken, permitting the release of the applicant's criminal background check to the City of Hoboken.

(10) A motor vehicle services record abstract indicating a driver's history from New Jersey Motor Vehicle Commission which shall be no more than thirty (30) days old.

B. The applicant shall furnish four (4) passport-type photographs of himself taken within thirty (30) days of the application, front view, two by two (2 x 2) inches in size.

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

C. Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date and that, in his opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might make him unfit for the safe operation of a limousine or livery vehicle. The examination shall be within thirty (30) days prior to the filing of the application. At the time the application is filed, the applicant shall pay to the Division of Taxi and Limousine Licensing the sum of seventy-five dollars (\$75.).

D. The annual application for renewal of limousine licenses and limousine operator's licenses shall be filed not later than thirty (30) days prior to the expiration date. Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-10. Investigation of applicant for limousine ~~or livery~~ license.

Formatted: Space Before: 0 pt, After: 0 pt

~~The Police Division shall conduct an investigation of each applicant for a driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Division of Taxi and Limousine Licensing.~~

Formatted: Font: New Century Schoolbook, 10 pt, Not Bold

~~A. The Division of Taxi and Limousine Licensing or his designee shall conduct an investigation of each applicant for a taxicab operator's license. A report of such investigation and a copy of the police criminal history background check and traffic record of the applicant, if any, shall be attached to the application for consideration. The procedure for compiling the application which shall be used by the Division to conduct the investigation shall be found in the Division's Rules and Regulations.~~

Formatted: Font: New Century Schoolbook, 10 pt, Not Bold, Strikethrough

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

~~B. Authorization for fingerprinting based access to the Interstate Identification Index for the purpose of conducting non-criminal justice licensing is found in New Jersey State Annotated 40:48-1.4. All applicants seeking a license under this ordinance shall submit to a fingerprint criminal history record and background investigation by the Hoboken Police Department.~~

~~B. The Division of Taxi and Limousine Licensing shall consider the application, the police investigation report, any other documentation required to be attached thereto, and any other relevant facts whatsoever and shall approve or reject the application. No taxi operator's license shall be issued until a written police investigation report is received from the Hoboken Police Department's Bureau of Record and Identification showing the result of the investigation of the applicant's prior criminal history, if any, through an examination of the fingerprints.~~

~~C. The Bureau of Record and Identification shall conduct a criminal history background check investigation of the applicant by submitting necessary documents to the New Jersey State Police and any other appropriate law enforcement agency having the capability of determining whether a person has a criminal record by cross-referencing that person's~~

name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the New Jersey Division of State Police.

D. The Hoboken Police Department shall refer the applicant to the designated fingerprint vendor for processing. Upon receipt of the results of the criminal history background check the Bureau of Record and Identification shall provide the Division of Taxi and Limousine Licensing with the results of the criminal background check within five business days of receipt of same.

E. Convictions of crimes shall not be considered when considering the application, except that convictions for the following crimes less than ten (10) years prior to the date of application shall result in summary denial of an application:

(1) Driving under the influence of drugs or alcohol; or

(2) Any offense involving danger to the person as defined by N.J.S.A. 2C:11-1 et. seq., N.J.S.A. 2C:12-1 et. seq., N.J.S.A. 2C:13-1 et. seq., N.J.S.A. 2C:14-1 et. seq., or N.J.S.A. 2C:15-1; or

(3) Crimes and disorderly persons offense set forth in N.J.S.A. 2C:24-4, N.J.S.A. 2C:24-5, N.J.S.A. 2C:24-7, N.J.S.A. 2C:24-8, N.J.S.A. 2C:24-9, or N.J.S.A. 2C:33-4; or

(4) Any crime involving controlled dangerous substance or controlled substance analog set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except N.J.S.A. 2C:35-10(a)(4); or

(5) A conviction for any crime or offense less than ten (10) years prior to the date of application, in any other state or jurisdiction, the conduct of which, if committed in New Jersey, would constitute any of the crimes or offenses listed in subsections 1 through 4 of this section.

Formatted: Space Before: 0 pt

Formatted: Font: Times New Roman

§ 180A-11. Consideration of application; appeal of denial.

▲ The Division Head of the Division of Taxi and Limousine Licensing, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a hearing to offer evidence why his application should be reconsidered.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-11.1. Temporary licenses.

The Division of Taxi and Limousine Licensing may issue a temporary license to any applicant who has fully completed the licensing application process, has been approved by the Director of Transportation and Parking Utility Business Administration and is awaiting City Council approval of his or her license. Such temporary license shall be valid for a period of time to be determined by the Division of Taxi and Limousine Licensing and for not longer than thirty (30) days from the date of its issuance.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-12. Issuance of limousine ~~or livery driver's~~ operator's license; term of license; renewal.

A. Upon approval of the application for an operator's ~~a driver's~~ license by the Division of Taxi and Limousine Licensing, the Division Head shall issue a license to the applicant which shall bear the name, signature and photograph of the applicant.

B. Such license shall be in effect for the remainder of the fiscal year ending March 31. The fee for such license shall be seventy-five dollars (\$75.), and the license for every year thereafter shall be issued upon payment of seventy-five dollars (\$75.).

C. The license shall also contain the city license number and a notice that, in case of any complaint, the Division of Taxi and Limousine Licensing shall be notified of the license number of the driver. The license shall bear the signature of the Division Head of the Division of Taxi and Licensing.

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-13. Suspension and revocation of limousine ~~or livery driver's~~ operator's license.

The Division of Taxi and Limousine Licensing is hereby given the authority to suspend any ~~operator's driver's~~ license issued under this chapter upon justified complaint of any person, including a holder, for a driver failing or refusing to comply with the provisions of this chapter; provided, however, that a holder's first ~~such~~ suspension shall not exceed twenty (20) days. The Division of Taxi and Limousine Licensing is also given the authority to revoke any driver's license for failure to comply with the provision of this chapter; provided, however, that a license may not be revoked unless the driver has received notice and a copy of the charges against him and has been given a hearing. Notwithstanding the use of the words "suspend or, after a hearing, revoke" in this chapter, the Division of Taxi and Limousine Licensing may suspend and, after a hearing, revoke any such license. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Italic, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-14. Compliance with other laws.

Every driver licensed under this chapter shall comply with all city, state and federal laws, the violation of which reflects unfavorably on the fitness of such driver to engage in public transportation; failure to do so will justify the Division of Taxi and Limousine Licensing in suspending or, after a hearing, revoking the license. If, at any time within the license year, a driver has been found guilty of a high misdemeanor or misdemeanor or has permitted his vehicle to be used for any illegal or immoral purpose, the Division of Taxi and Limousine Licensing may immediately suspend or, after a hearing, revoke the driver's license.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

§ 180A-15. Vehicle equipment and maintenance.

A. No license shall be issued until said limousine ~~or livery vehicle~~ has been thoroughly inspected and found to be in a safe condition for the transportation of passengers and of good appearance.

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

B. Every vehicle operating under this chapter shall be periodically inspected, at such intervals as the Division of Taxi and Limousine Licensing may direct, to ensure the continued maintenance of safe operating conditions.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the Division of Taxi and Limousine Licensing.

D. Any vehicle on the streets of the City of Hoboken in violation of this section may be removed from the street by the ~~Hoboken Police Department Division~~. If the vehicle is not returned to service in accordance with the provisions of this section within ninety (90) days, the Division of Taxi and Limousine Licensing may suspend or, after a hearing, revoke the limousine ~~or livery~~ license.

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

E. Color scheme of ~~livery or~~ limousine. A ~~livery or~~ limousine may be of any color other than one that will represent a taxi/hack (yellow).

F. Vehicles used as a limousine shall be of a four-door model and shall not be more than four (4) years old. ~~Vehicles used as livery shall be of a four door model and may not be operated in excess of an aggregate total of twenty-four (24) months.~~ Thereafter, said vehicle must be replaced ~~and/or retired~~.

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

G. Upon written request, the Division of Taxi and Limousine Licensing may permit a vehicle smaller than a four-door model or ~~more than four (4) years old in use longer than an~~

~~aggregate of twenty four (24) months~~ to be licensed. Such a request shall only be granted where the vehicle is a classic, antique, vintage or otherwise unusual and rare automobile. Furthermore, such requests shall only be granted where the vehicle in question is capable of safely performing the tasks for which it is licensed.

§ 180A-15.1. Reporting of accidents; other reports required.

A. All accidents arising from or in connection with the operation of ~~a limousine or livery vehicles~~ which result in death or injury to any person or in damage to any vehicle or to any property in an amount exceeding five hundred dollars (\$500.) shall be reported to the Division of Taxi and Limousine Licensing within forty-eight (48) hours from the time of the occurrence in the form of a report to be furnished by the Division of Taxi and Limousine Licensing. Copies of any police report filed or prepared as a result of the accident must also be provided to the Division of Taxi and Limousine Licensing within forty-eight (48) hours.

~~Failure to report said accidents shall be grounds for suspension and/or revocation of the limousine license.~~ Such reports are to be used by the Division of Taxi and Limousine Licensing in developing useful information in the prevention of transportation accidents.

~~B. Whenever a limousine registered to a City of Hoboken limousine license is out of service for five (5) or more days, the limousine license holder shall report the same in writing to the Division of Taxi and Limousine Licensing with the reason therefore, the date of decommission, and the expected date of return. Prior to returning the taxicab to service, the taxicab license holder shall provide the Division with a written letter from a mechanic, on the mechanics official letterhead, stating the vehicle is safe for operation as a limousine, and the date the vehicle may return to operation.~~

~~C. Whenever the registration and/or license plates for a limousine licensed by the City of Hoboken shall change the limousine license holder shall provide the City of Hoboken with written verification, from the State of New Jersey Department Motor Vehicle Commission, indicating the change of license plate and/or change of registration for the vehicle prior to use of the vehicle under the City of Hoboken limousine license.~~

§ 180A-16. Use for illegal or immoral purposes prohibited.

No holder or driver shall knowingly permit his vehicle to be used for any illegal or immoral purposes, under penalty of suspension or, after hearing, revocation of the holder or driver's license, or both, and such other penalty as may be provided.

§ 180A-17. Solicitation of passengers; maximum number of passengers.

A. Prohibited solicitation. No driver shall solicit passengers on any city street, parking lot, taxi stand or other location where vehicles may enter or stand, nor shall any driver engage in "cruising" as defined in this chapter. Furthermore, no driver shall pick up any passenger in response to a signal, hail, gesture or call, except telephone calls, made from a passenger on a city street, parking lot, taxi stand or other location where vehicles may enter or stand. A driver shall only be permitted to respond to a telephone request for a pickup. A violation of this subsection shall result in a fine of five hundred dollars (\$500.) for the first offense and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court, and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court for the second offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court for the third or subsequent offense and revocation of the owner's license for that particular vehicle.

B. Receipt and discharge of passengers on a sidewalk. Drivers shall not receive or discharge passengers in the roadway but shall pull up to the right-hand side as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-or left-hand sidewalk or side of the roadway, in the absence of a sidewalk.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Space Before: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

C. Restrictions on the number of passengers. No driver shall permit more than four (4) passengers to be carried in a limousine ~~nor more than four (4) passengers to be carried in a livery vehicle~~. Upon written application to the Division of Taxi and Limousine Licensing requesting an inspection of a particular vehicle, the Division of Taxi and Limousine Licensing may, at his discretion, rate particular vehicles or classes of vehicles at a higher occupancy level.

Formatted: Space Before: 0 pt

§ 180A-17.1. Operation of noncertified limousine or livery vehicle.

A. It shall be unlawful for a nonlicensed limousine or livery vehicle to pick up or accept a passenger within the city for a destination within the city limits. Upon written request of a prospective passenger, the Division of Taxi and Limousine Licensing may, at his discretion, waive this rule in particular instances.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

B. Limousines and livery vehicles licensed in other jurisdictions may discharge passengers at a destination within the city, provided that said passenger has been picked up by the limousine or livery vehicle outside the city.

C. Livery cars, and limousines licensed in other jurisdictions shall not cruise within the city limits to seek non-prearranged passengers. Livery cars, and limousines may only pick up a passenger within the city to be taken to a place or destination outside the city provided the passenger had personally, or through an agent, previously arranged by telephone or other means with the owner or driver of the noncertified taxicab for such a trip to the destination outside the city. Livery cars, and limousines shall be specifically prohibited from picking up fares unless they have been prearranged.

D. Any person found to be guilty of violating any provision of this section shall be punishable by a fine of not less than five hundred dollars (\$500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; And not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; And not more than one thousand dollars (\$1000.) and/or up to one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

Formatted: Space Before: 0 pt

§ 180A-17.2. Limousine and Livery Rates

A limousine ~~or livery~~ may charge any rate for its services, provided that:

A. The rate schedule is on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. The rates schedule must conform to the rules of this section. A rate schedule may be changed only once in a calendar month.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Bold

Formatted: Space Before: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Bold

B. The current rate schedule must be posted conspicuously in the passenger compartment of the vehicle and be on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. No fee that differs, either higher or lower, from the fee set forth in the fee schedule on file with the Division of Taxi and Limousine Licensing may be charged for any trip.

§ 180A-18. Register of license holders.

The Division of Taxi and Limousine Licensing shall keep a register of the name of each holder licensed under this chapter, together with the license number and the make and description of the vehicle licensed, with the date and record of inspections made of it.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-19. Standing in certain locations prohibited.

It shall be unlawful for any limousine ~~or livery~~ to stand in any restricted area or any area which is controlled by parking meters or at the curb within fifteen (15) feet of the entrance to any theater, hotel, restaurant or other public place.

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-20. Behavior of drivers.

The driver, while engaged in the operation of a limousine or livery vehicle, shall behave himself in a gentlemanly manner, and he shall not use any indecent, profane or insulting language while engaged in such operation.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Font: New Century Schoolbook, 10 pt
Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-21. Operation by unlicensed drivers prohibited.

It shall be unlawful for any person owning or operating any limousine or livery vehicle in the City of Hoboken, licensed under the provisions of this chapter, to permit such vehicle to be operated by any person who does not hold a valid driver's license as required by this chapter.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-22. Restrictions on operations.

Every holder of a limousine or livery license shall be responsible for the operation of the vehicle for which the license has been granted regardless of the legal relationship between such holder and the driver of said vehicle.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Font: New Century Schoolbook, 10 pt
Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-23. Lost articles.

Every driver of a limousine or livery vehicle, immediately after the termination of any hiring or employment, must carefully search such vehicle for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owners, must be reported, in writing, by the driver or holder to the Division of Taxi and Limousine Licensing, with brief particulars and a description of the property, within twenty-four (24) hours after the finding thereof.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Font: New Century Schoolbook, 10 pt
Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-24. Enforcement.

The Division of Taxi and Limousine Licensing and Police Division of the City of Hoboken are ~~is~~ hereby given the authority and are ~~is~~ instructed to watch and observe the condition of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the Police Division shall report the same to the Division of Taxi and Limousine Licensing, in addition to issuing any required summons to the offending licensee the Division of Taxi and Limousine Licensing who shall order or take appropriate action.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Font: New Century Schoolbook, 10 pt, Double underline
Formatted: Font: New Century Schoolbook, 10 pt, Double underline

§ 180A-25. Hearings.

All hearings under this chapter shall be conducted by the Division Head of the Division of Taxi and Limousine Licensing, and/or his or her designee.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Font: New Century Schoolbook, 10 pt

§ 180A-26. Promulgation of rules and regulations; distribution.

The Division of Taxi and Limousine Licensing shall promulgate reasonable rules and regulations to implement this chapter and to carry out its intendments, which shall be filed with the City Clerk of the City of Hoboken. The Division of Taxi and Limousine Licensing shall cause the rules and regulations as promulgated, together with this chapter and any amendments or additions thereto, to be printed and distributed to the holders of limousine or livery licenses and to all those who in the future shall obtain such license or licenses.

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Space Before: 0 pt, After: 0 pt

§ 180A-27. Violations and penalties.

Any person found guilty of violating any of the provisions of this chapter for which no penalties have been specified may, in addition to the suspension or revocation of the license as heretofore provided, be fined not less than five hundred dollars (\$500.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days

Formatted: Space Before: 0 pt, After: 0 pt
Formatted: Space Before: 0 pt, After: 0 pt

imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

ARTICLE II *Limousine ~~and Livery~~ Drivers' Rules and Regulations*

§ 180A-28. Table of drivers' rules and regulations.

The following rules shall apply to all drivers of ~~livery or~~ limousine vehicles. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No. Rule Specification

101 A driver shall be clean and neat in dress and person. A driver must wear hemmed or tailored trousers that are no higher than mid-thigh and that have no holes. A female driver must wear hemmed or tailored trousers or a skirt that is no higher than mid-thigh and that has no holes. A driver must wear closed shoes or sneakers. A driver must wear a collared shirt or blouse, without holes, which, if it has buttons, must be buttoned, except for the top 2 buttons. A driver may not wear as outer clothing any of the following: underwear, tank tops, tube tops, body shirts, swim wear, bathing trunks or cut-off shorts.

102 A driver shall not smoke while carrying a passenger unless the passenger verbally consents.

Rule No. Rule Specification

103 A driver shall not operate or occupy a limousine ~~or~~ livery vehicle while his driving ability is impaired by either alcohol or drugs, nor while driving or occupying such limousine or livery vehicle shall he consume any alcoholic beverage or any drugs or narcotics which are either illegal or capable of impairing his driving ability.

104 A driver shall not operate a limousine ~~or livery vehicle~~ for more than twelve (12) consecutive hours.

105 A driver shall at all times cooperate with all law enforcement officers and authorized representatives of the Division of Taxi and Limousine Licensing and shall comply with all their reasonable requests, including but not limited to providing his name and limousine ~~and livery driver's operator's~~ license number and other documents required to be in his possession.

106 a. A driver shall not operate his limousine ~~or~~ livery vehicle in such a manner or at a speed which unreasonably endangers users of other vehicles, pedestrians or his passengers.

b. A driver who knowingly or having cause to know that personal injury has been caused to

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

another person or that damage has been caused to the property of another person due to an accident involving the driver's limousine or livery vehicle shall, before leaving the place where said damage or injury occurred, stop, exhibit to such other person his limousine or livery vehicle operator's license and rate card and give to such other person his name, residence address, limousine or livery driver's operator's number, as well as the name of the vehicle's insurance carrier and the insurance policy number.

Rule No. Rule Specification

c. A driver shall operate his limousine or livery vehicle at all times in full compliance with all laws, rules and regulations of the Port Authority of New York and New Jersey and any regulatory body or governmental agency having jurisdiction over motor vehicles, with respect to matters not otherwise specifically covered in these rules.

d. A driver, while operating a limousine or livery vehicle, shall immediately report to the owner of the vehicle any motor vehicle accident in which he is involved.

107 A radio shall be turned on or off at the request of the passenger. The passenger shall have the right to select the radio program. Whether or not a limousine or livery vehicle is hired, a radio shall be played at normal volume only, and all noise ordinances shall be complied with.

108 An air-conditioning and heating device in a limousine or livery shall be turned on or off at the request of a passenger.

109 A driver, while performing his duties and responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act of omission or commission which is against the best interests of the public, even though not specifically mentioned in these rules.

110 A driver shall not apply for or accept more than 1 limousine operator's or livery driver's license without the Division of Taxi and Limousine Licensing's written permission.

Rule No. Rule Specification

111 A driver shall not permit any other person to use limousine operator's or livery driver's license while such person is operating any vehicle.

112 a. A driver shall not permit the limousine or livery vehicle to be operated for hire by another person who is not currently licensed by the

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt, Double underline

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

	Division of Taxi and Licensing as a limousine or livery driver.	
	b. During the work shift, a driver shall not allow another person to operate the limousine or livery vehicle or occupy the driver's seat, except in the event of an emergency.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Space After: 0 pt
113	a. A driver shall not use or permit any other person to use his limousine or livery vehicle for any unlawful purpose.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
	b. A driver shall not conceal any evidence of a crime nor voluntarily aid violators to escape arrest.	Formatted: Space After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt
	c. A driver shall report immediately to the police any attempt to use his limousine or livery vehicle to commit a crime or to escape from the scene of a crime.	Formatted: Space Before: 0 pt, After: 0 pt Formatted: Space After: 0 pt
114	A driver or any person acting on his behalf shall not offer or give any gift, gratuity or thing of value to any employee, representative or member of the office of the Division of Taxi and Licensing or any public servant or any dispatcher employed at a public transportation facility.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Space After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt
Rule No.	Rule Specification	Formatted: Space Before: 0 pt, After: 0 pt
115	A driver shall immediately report to the Division of Taxi and Licensing and the Hoboken Police Division any request or demand for a gift, gratuity, free service or anything of value by any employee or representative of the Division of Taxi and Licensing, any member of the City Council of Hoboken, any police officer, any dispatcher or any public servant.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
116	A driver shall notify the Division of Taxi and Licensing, in writing, of the driver's conviction of a crime or motor vehicle offense, excluding parking violations for vehicles other than a limousine or livery vehicle, within fifteen (15) days of such conviction, and he shall deliver to the Division of Taxi and Licensing a certified copy of the certificate of disposition issued by the Clerk of the Court within fifteen (15) days of sentencing.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
117	A driver shall not permit more than four passengers to ride in his limousine or livery unless the particular vehicle in question has been approved for more passengers by the Division of Taxi and Licensing or his designee pursuant to Section 180A-15F of this chapter. Children riding in any vehicle shall be considered a passenger and must comply with all car seat requirements as provided by State law.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
118	A handicapped passenger, unable to enter or ride in the rear passenger part of the limousine or livery vehicle must be permitted to occupy the front seat alongside the driver. If a passenger's luggage	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt

occupies the rear passenger part of the vehicle, a passenger must be permitted to occupy the front seat alongside the driver.

119 a. A driver shall be courteous to passengers.

Rule No. Rule Specification

b. A driver shall comply with all the reasonable requests of a passenger, including but not limited to providing, upon request, his name and his limousine or livery driver's license number.

120 A driver shall not threaten, harass or abuse any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.

121 A driver shall not use or attempt to use any physical force against any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.

122 A driver may not use another person to solicit a passenger nor suggest to a passenger that an additional person be accepted as a passenger.

123 A driver shall not pick up additional paying passengers while the limousine or livery continues to be employed.

124 A driver may not, in omnibus fashion, pick up paying passengers at one (1) or more locations. A driver shall not refuse by words, gestures or any other means to take any orderly and lawful passenger to any destination within the City of Hoboken and a 25-mile radius thereof. This includes a person who is handicapped and any guide dog accompanying such person.

126 A driver shall not induce the hire of his vehicle by giving misleading information, including but not limited to the times of arrival and departure of trains, buses, ships, ferries, planes or other scheduled forms of transportation, the location of a building or place or the distance between two (2) points.

Rule No. Rule Specification

127 a. A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property.

b. Upon request of a passenger, the driver shall load or unload such property in or from the vehicle's interior or trunk compartment and shall secure such compartment.

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

Formatted: Font: New Century Schoolbook, 10 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space After: 0 pt

128	A driver shall not sell, advertise or recommend any service or merchandise to any passenger without prior written approval from the Division of Taxi and Limousine Licensing.	Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Font: New Century Schoolbook, 10 pt
129	A driver shall take a passenger to his destination by the shortest reasonable route, unless the passenger requests a different route or unless the driver proposes a faster alternative route to which the passenger agrees. The driver shall comply with all reasonable and lawful routing requests of the passenger.	Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space Before: 0 pt, After: 0 pt
130	A driver shall be required to accept United States currency or a Director-approved group voucher.	Formatted: Font: New Century Schoolbook, 10 pt
131	A driver shall give the correct change to a passenger who has paid the hourly or daily charge.	Formatted: Space Before: 0 pt, After: 0 pt
132	A driver shall give a passenger a receipt for payment of the charge when requested to do so by the passenger; such a receipt shall state the date, time, fee paid and the Division of Taxi and Licensing's Complaint Department telephone number.	Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space Before: 0 pt, After: 0 pt
133	A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.	Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space Before: 0 pt, After: 0 pt
Rule No.	Rule Specification	
134	A driver shall promptly answer and comply as directed with all questions, communications, directives and summonses from the Division of Taxi and Licensing or his representative. A driver shall produce his limousine <u>operator's</u> or <u>livery driver's</u> license and Motor Vehicle Commission (MVC) license or other documents whenever the Division of Taxi and Licensing or his representative requires him to do so.	Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Font: New Century Schoolbook, 10 pt
		Formatted: Space Before: 0 pt, After: 0 pt
135	A driver shall not knowingly operate a vehicle for hire unless such vehicle is properly licensed by the Division of Taxi and Licensing.	Formatted
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space Before: 0 pt, After: 0 pt
136	A driver shall comply with all restrictions endorsed by the Division of Taxi and Licensing upon his limousine <u>operator's</u> license.	Formatted
		Formatted: Space Before: 0 pt, After: 0 pt
137	a. A driver shall not operate a limousine <u>operator's</u> or <u>livery driver's</u> license or his motor vehicle driver's license is revoked, suspended or expired.	Formatted
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space After: 0 pt
		Formatted
		Formatted
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted: Space After: 0 pt
		Formatted
		Formatted
138	A driver shall take all reasonable steps to safeguard his limousine <u>operator's</u> or <u>livery driver's</u> license.	Formatted
		Formatted: Space Before: 0 pt, After: 0 pt
		Formatted

139	A driver shall notify the Division of Taxi and Licensing, in writing, of the loss or theft of his limousine and livery driver's license within seventy-two (72) hours, exclusive of weekends and holidays.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
Rule No.	Rule Specification	
140	A driver shall not alter, deface, mutilate or obliterate any portion of his limousine <u>operator's</u> or livery driver's license or the attached photograph so as to cause it to present false information or make it unreadable or unrecognizable.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
141	A driver shall immediately surrender for replacement any unreadable or unrecognizable limousine or livery driver's license.	Formatted: Font: New Century Schoolbook, 10 pt, Double underline Formatted: Font: New Century Schoolbook, 10 pt
142	A driver shall submit four (4) prints of a new photograph to the Division of Taxi and Licensing whenever his physical appearance has substantially changed. Substantial change shall include, but not be limited to, the growth or removal of facial hair.	Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
143	A driver shall report any change of mailing address to the Division of Taxi and Licensing, either in person or by registered or certified mail, return receipt requested, within seven (7) days, exclusive of weekends and holidays. Any notice from the Division of Taxi and Licensing shall be deemed sufficient if sent to the mailing address furnished by the driver.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
144	A driver, while operating a limousine or livery vehicle, shall not carry a weapon without the Division of Taxi and Licensing's written authorization.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
145	A driver shall not operate a limousine or livery vehicle having any equipment, devices or signs not specifically specified in these rules, unless authorized, in writing, by the Division of Taxi and Licensing.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
Rule No.	Rule Specification	
146	A driver shall not operate a limousine or livery vehicle without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights and signals, is in good working order.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
147	When a limousine or livery vehicle is taken out of service for repair has been repaired, and if the repairs were made by the driver, the driver shall carry the work order or receipt with him while on his work shift and deliver it to the owner at the end of that shift.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
148	A driver, during his work shift, shall keep the vehicle's exterior and interior clean.	Formatted: Font: New Century Schoolbook, 10 pt
149	No driver shall charge a fee that differs from the	Formatted: Space Before: 0 pt, After: 0 pt

	limousine <u>or livery vehicle</u> unless the driver thereof has a current limousine <u>operator's or livery driver's</u> license.	Formatted: Font: New Century Schoolbook, 10 pt, Double underline
204	An owner, while performing his duties and responsibilities as a limousine <u>or livery vehicle</u> owner, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act or omission which is against the best interests of the public, although not specifically prohibited in these rules.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
205	An owner shall not use or permit any other person to use <u>any of</u> his limousine <u>or livery vehicles</u> , his garage or his office of record for any unlawful purpose.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
206	An owner shall not conceal any evidence of crime connected with his limousine <u>or livery vehicles</u> , garage or office of record.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
207	An owner shall report immediately to the police any attempt to use any of his limousine <u>or livery vehicles</u> to commit a crime or flee from the scene of a crime.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
208	The owner shall inspect or cause to be inspected the interior of the limousine <u>or livery vehicles</u> immediately after the termination of each work shift.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
Rule No.	Rule Specification	
209	Property found shall be taken without delay to the Police Division, unless it can be returned to its rightful owner within a reasonable time.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
210	An owner shall not dispatch or cause to be dispatched any limousine <u>or livery vehicle</u> from a public street or other public area if such dispatch will prevent the flow of pedestrians and/or vehicular traffic or cause inconvenience or annoyance to the public.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
211	No owner of a vehicle shall permit a person to operate that vehicle as a livery or a limousine who does not possess a valid limousine <u>operator's or livery driver's</u> license issued by the Division of Taxi and Licensing of City of Hoboken.	Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
212	No owner shall aid, assist, counsel, require, order, mandate, suggest or in any other way knowingly cause a driver to violate any rule of this chapter. The fines for such an offense shall be triple the maximum fine allowable for the offense committed by the driver.	Formatted: Font: New Century Schoolbook, 10 pt, Double underline Formatted: Font: New Century Schoolbook, 10 pt Formatted: Space Before: 0 pt, After: 0 pt
-		Formatted: Font: New Century Schoolbook, 10 pt
§ 180A-29.1. Fines for violations of owners' rules and regulations.		Formatted: Space Before: 0 pt, After: 0 pt
	The following penalty schedule shall be in force for the violation of the rules set forth in Section 180A-29. The penalty schedule lists the rule number, the range of fines associated	Formatted: Space Before: 0 pt, After: 0 pt Formatted: Space Before: 0 pt, After: 0 pt

WHEREAS, the designation of the Appropriate Authority is provided for by New Jersey Statute at N.J.S.A. 40A:14-118; and,

WHEREAS, the Council of the City of Hoboken seeks to validate the Appropriate Authority which is vested in the Mayor and provide the Mayor with the ability to designate alternate Appropriate Authorities when and if he or she determines such is necessary and proper.

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

SECTION ONE: AMENDMENT TO HOBOKEN CODE SECTION 59A-5

Section 59A-5 of the Hoboken City Code is hereby deleted in its entirety and replaced with the following:

59A-5. Designation of Appropriate Authority and Establishment of Office of Director of Public Safety

- A. The Mayor shall be designated as the Appropriate Authority as provided by New Jersey statute. Pursuant to N.J.S.A. 40A:14-118, as Appropriate Authority, the Mayor shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the governance of the Police Department and for the discipline of its member.
- B. At the Mayor's discretion, the Business Administrator or Director of Public Safety may be designated as the Appropriate Authority.
- C. There is hereby created the office of Director of the Department of Public Safety. He shall be appointed by the Mayor with the advice and consent of the Council and shall serve during the term of the Mayor appointing him and until the appointment of his successor or elimination of the position. He shall receive such compensation for his services as the Council shall by ordinance provide. Vacancies in the office of Director shall be filled in the same manner as the original appointment but for the unexpired term only.

SECTION TWO: AMENDMENT TO HOBOKEN CODE SECTION 59A-6

Section 59A-6 of the Hoboken City Code is hereby deleted in its entirety and replaced with the following:

59A-6. Powers and Duties of Director

The Director shall be head of the Department of Public Safety and, in addition to the functions, powers and duties that are hereby or may hereafter be conferred and imposed upon him/her by law and the ordinances of the City, shall:

- A. Organize, develop, direct and perform work involved in the management of the Department.
- B. At the direction of the Mayor, act as a resource to the Council, Department Heads and various City committees, commissions and advisory groups on matters of public safety.

- C. Review annual budget requests of the Department. Develop and prepare the budget expenditures to ensure that budgets are managed within approved limits.
- D. Develop police, work programs, personnel, and budgetary policies in consultation with the Mayor and Chief of Police.
- E. Evaluate the effectiveness of work programs and procedures of public safety departments.
- F. Promote close coordination planning efforts.
- G. Undertake special studies pertaining to public safety, shared services, regionalization and preparation of reports.
- H. Establishes and maintains helpful and cooperative relations with civic and business organizations, schools and court offices and other groups, police authorities in other jurisdictions, and others interested in the maintenance of law and order.
- I. May conduct disciplinary hearing in accordance with state law and as delegated by the Mayor.
- J. The Director of the Department of Public Safety shall be a civilian position and, as such, possesses no police powers. The Director of the Department of Public Safety may not interfere in the routine day-to-day operations of the police department. As such, the Director shall not be permitted to:
 - a. Operate a marked police patrol vehicle, conduct a motor vehicle stop or answer calls for service;
 - b. Routinely stop, detain or arrest persons;
 - c. Wear a law enforcement officer uniform;
 - d. Be issued a City firearm;
 - e. Approve permits to carry firearms;
 - f. Direct the investigation of criminal matters.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

---Council President Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **AUGUST 11, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Mello

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

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

---Nays: **Castellano**.

NEW BUSINESS

Councilman Giachi mentions a meeting on Thursday, July 15, 2010 at 5:30 in City Hall regarding Church Sq. Park inviting the public to attend in Council Chambers

Councilman Cunningham thanks the Governing Body and Public

Councilwoman Mason likes to know the status of Rent Control

Corporation Counsel have a draft and will have it for you tomorrow for your Committee

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Mo DeGennaro, Vince Lombardi, Ronald Simoncini, Helen Hirsch, Richard Tremitedi, Lane Bajardi, Margaret O'Brien, Rebecca Feurs, George Pappas.

President Marsh then adjourned the meeting at 12:42 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK