

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF OCTOBER 17, 2018

Council President Ruben Ramos opened the meeting at 7:00 P.M. and stated, “I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting, or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any, shall be made in writing to the City Clerk.”

Call to Order

Attendee Name	Title	Status	Arrived
Peter Cunningham	5th Ward Council Member	Present	
Mike DeFusco	1st Ward Council Member	Present	
James Doyle	Council-at-Large	Present	
Vanessa Falco	Council-at-Large	Present	
Tiffanie Fisher	2nd Ward Council Member	Present	
Jennifer Giattino	Council Vice President	Present	
Emily Jabbour	Council-at-Large	Present	
Michael Russo	3rd Ward Council Member	Present	
Ruben Ramos	Council President	Present	

PETITIONS AND COMMUNICATIONS

18-654

HOBOKEN CITY COUNCIL PROCLAMATION DESIGNATING OCTOBER AS
NATIONAL BULLYING PREVENTION MONTH IN HOBOKEN, NEW JERSEY

18-655

PROCLAMATION RECOGNIZING KERRY MAGRO FOR HIS ANTI-BULLYING
ACTIVISM AND SPEAKING ACROSS THE COUNTRY ABOUT BULLYING
PREVENTION

18-656

PROCLAMATION RECOGNIZING FRANK GIGANTE FOR HIS PASSION FIGHTING BULLYING THROUGH DIRECTING AND PRODUCING TWO FILMS

PRESENTATIONS

PRESENTATION FROM THE EXECUTIVE DIRECTOR AND PRESIDENT OF THE HOBOKEN LIBRARY

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Tabled
SPONSOR:
SECOND:

18-657

PRESENTATION BY STARR WHITEHOUSE LANDSCAPE ARCHITECTS AND PLANNERS, LLC ON SOUTHWEST PARK INTERACTIVE SCULPTURE PUBLIC PARTICIPATION FINDINGS

18-658

PRESENTATION BY BRANDY FORBES, DIRECTOR OF COMMUNITY DEVELOPMENT, ON THE REDEVELOPMENT AGREEMENT FOR HOBOKEN POST OFFICE REDEVELOPMENT PLAN AREA

PUBLIC HEARING

PUBLIC HEARING IN ACCORDANCE WITH N.J.S.A. 40:55D-23(B) TO REMOVE A PLANNING BOARD MEMBER *FOLLOWING THE HEARING, ACTION WILL BE TAKEN*

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Tabled
SPONSOR:
SECOND:

RESOLUTION REMOVING GARY HOLTZMAN FROM THE CITY OF HOBOKEN PLANNING BOARD FOR CAUSE

WHEREAS, Gary Holtzman (“Holtzman”) is a Class IV Commissioner on the Hoboken Planning Board currently serving a four (4) year term. His term began on January 5, 2016 and is set to expire on December 31, 2019; and,

WHEREAS, on September 5, 2018, the City Council of the City of Hoboken expressed its intent to remove Holtzman in accordance with N.J.S.A. 40:55D-23(b), which states in relevant part: Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause; and,

WHEREAS, Holtzman requested a public hearing, which was held at the Hoboken City Council meeting on October 17, 2018; and,

WHEREAS, for the reasons stated on the record during the hearing, the City Council finds cause to remove Holtzman from the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that Holtzman is hereby removed from his position of commissioner on the Hoboken Planning Board for cause in accordance with N.J.S.A. 40:55D-23(b) for the reasons stated on the record during the hearing at the City Council meeting on October 17, 2018.

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Carried
SPONSOR:
SECOND:

2nd Readings and Final Reading

ORDINANCE AMENDING § CH51 (OFFICE OF THE MAYOR) OF THE HOBOKEN MUNICIPAL CODE (**COUNCIL MEMBER DEFUSCO**)

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

SECTION ONE: AMENDMENT TO HOBOKEN CODE CHAPTER 51 TO ADD §51-1(C)

§ 51-1 Creation of Office; Director; Staff.

A. Creation. There is hereby created the office of the Mayor, which shall be headed by the Mayor, who shall serve as director without any additional compensation, and shall consist of his personnel staff.

B. Personnel staff. The personnel staff in the Office of the Mayor shall include a Secretary, Clerk-Stenographer and Confidential Aide.

C. Outside Employment. While the Office of the Mayor is a full-time position, the Mayor may be employed in other governmental or private sector employment, except not within the City of Hoboken government, so long as such employment does not compromise the Mayor's ability to fulfill the duties of the office and as long as all related income are publicly disclosed. To ensure that such outside employment does not create a conflict with the Mayor's full time duties, public disclosure of such income shall include the name of the employer, the amount of all compensation, including commissions, and in the case of private sector employment, a quarterly listing of all clients and/or contracts. This reporting must be made to the City Clerk no later than ten business days following the close of each quarter.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

*****CARRIED TO THE NOVEMBER 7, 2017 COUNCIL MEETING*****

RESULT: Tabled

SPONSOR:

SECOND:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR PERSONS WITH DISABILITIES" §192-4 "ENUMERATION OF SPACES" TO APPROVE THE ADDITION OF RESTRICTED PARKING SPACES (B-74)

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

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

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

Janette Rodriguez- 70 Washington Street- (west side of Washington Street, beginning at a point 156 feet from the southwest curblin~~of Newark Street and extending 22 feet southerly therefrom)~~

Elizabeth Lugo- 62 Washington Street- (west side of Washington Street, beginning at a point 156 feet from the southwest curblin~~of Newark Street and extending 22 feet southerly therefrom)~~

Lorraine Puro- 209 Willow Avenue- (north side of second street, beginning at a point 36 feet east of the eastern curblin~~of Willow Street and extending 22 feet easterly therefrom)~~

Jose Sanchez- 106 Bloomfield Street- (west side of Bloomfield Street, beginning at a point 82 feet north of the northern curbline of first street and 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 affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

RESULT:	Adopted [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Emily Jabbour
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC"
AT § 190-31 TO AMEND PICK-UP AND DROP-OFF ZONES AT SCHOOLS (B-75)
(COUNCIL MEMBER DEFUSCO)

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

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

WHEREAS, it has been determined that it is necessary to change the parking hours in school zones in order to reduce illegal parking.

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

SECTION ONE: The following additions and ~~deletions~~ shall be made to Chapter 190 “Vehicles and Traffic” at § 190-31 “Closing school streets; parking in school zones” to amend pick-up and drop-off zones at schools.

B. No parking certain hours; school zones. As provided in N.J.S.A. 39:4-139, no person or operator of a vehicle may stand or park a vehicle Monday through Friday during any calendar month of the year with the exception of July and August and during school holidays, except for a period of time that is necessary for the loading and unloading of passengers or materials in an alley or at a curb adjacent to the entrance of a school, so long as such period of time does not consume more than three minutes.

Name of Street	Side	Location	Times
Bloomfield Street	West	Beginning at a point 35 feet north of the northerly curblane of Fourth Street and extending 130 feet northerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Clinton Street	East	Beginning at a point 110 feet north of the northerly curblane of Eleventh Street and extending 189 feet northerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Clinton Street	West	Beginning at a point 143 feet north of the northerly curblane	7:00 a.m. to 9:00 a.m. and 2:00 p.m.

		of Eighth Street and extending 274 feet northerly therefrom	to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Fifth Street	South	Beginning at a point 35 feet east of the easterly curblineline of Clinton Street and extending 163 160 feet easterly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Fourth Street	North	Beginning at a point 35 feet east of the easterly curblineline of Garden Street and extending 166 feet easterly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Garden Street	West	Beginning at a point 35 feet south of the southerly curblineline of Ninth Street and extending to a point 114 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Garden Street	East	Beginning at a point 35 feet north of the northerly curblineline of Fourth Street and extending to a point 175 feet northerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Grand Street	East	Beginning at a point 35 feet north of the northerly curblineline of Eighth Street and extending 347 feet northerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Jefferson Street	East	Beginning at a point 135 feet south of the southerly curblineline of Second Street and extending 175 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Madison Street	West	Beginning at a point 35 feet south of the southerly curblineline of Seventh Street and extending 125 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Monroe Street	East	Beginning at a point 35 feet north of the northerly curblineline of Second Street and extending 127 feet northerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>

Monroe Street	East	Beginning at a point 35 feet south of the southerly curblineline of Seventh Street and extending 100 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Ninth Street	South	Beginning at a point 35 feet west of the westerly curblineline of Clinton Street and extending 155 feet westerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Ninth Street	South	Beginning at a point 35 feet east of the easterly curblineline of Park Avenue and extending 170 feet easterly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Park Avenue	West	Beginning at a point 95 feet south of the southerly curblineline of Sixth Street and extending 66 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Second Street	North	Beginning at a point 35 feet west of the westerly curblineline of Madison Street and extending 170 feet westerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Seventh Street	South	Beginning at a point 35 feet east of the easterly curblineline of Monroe Street and extending 162 feet easterly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Sixth Street	North	Beginning at a point 35 feet west of the westerly curblineline of Garden Street and extending 165 feet westerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Sixth Street	South	Beginning at a point 35 feet east of the easterly curblineline of Clinton Street and extending 80 feet easterly therefrom	7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m.
Washington Street	East	Beginning at a point 110 feet north of the northerly curblineline of Seventh Street and	7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:30 p.m.

		extending 100 feet northerly therefrom	
Willow Avenue	West	Beginning at a point 120 feet south of the southerly curblineline of Twelfth Street and extending 175 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>
Willow Avenue	West	Beginning at a point 35 feet south of the southerly curblineline of Fifth Street and extending 65 feet southerly therefrom	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. <u>7:30 am. to 3:30 p.m.</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

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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.

RESULT:	Adopted [Unanimous]
SPONSOR:	Jennifer Giattino
SECOND:	Mike DeFusco
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

AN ORDINANCE AMENDING THE HOBOKEN CITY CODE CHAPTER 136: NUISANCES TO CONSOLIDATE NUISANCE OFFENSES, AMEND THE FINES, AND INSTITUTE A PROCESS FOR THE CITY TO ABATE NUISANCES AFTER NOTICE TO PROPERTY OWNERS (B-76) (**COUNCIL MEMBER DEFUSCO**)

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

SECTION ONE: Chapter 136: Nuisances

§ 136-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF HEALTH

The Hoboken Board of Health.

CITY

The City of Hoboken.

ENFORCEMENT AGENCIES

The ~~Hoboken~~ Health Department, including Health Officer, Registered Environmental Health Specialist and Public Health Nuisance Investigator; Environmental Services Department ~~Division~~, including Supervisors and Sanitation Inspectors; Hoboken Housing Inspectors; Construction Code Inspectors; Taxi and Limousine Inspectors; Zoning Officer; Hoboken Police Department; and ~~Hoboken~~ Fire Prevention Inspectors.

GARBAGE

Putrescible Animal and vegetable wastes liable to decay resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI

Any writing, drawing, or marking scribbled, scratched or painted illicitly on a wall or other surface that defaces the property or object on which it appears, often within public view.

HEALTH OFFICER

The legally designated Health Officer of the City of Hoboken.

LITTER

Garbage, cigarette litter, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NUISANCE

Any person, premises, condition, thing or act, that may be a detriment, injurious, a menace, hazard or annoyance to the inhabitants of this City and the general public. Nuisances include but are not limited to those examples set forth in § 136-2 hereof.

ORDER OR RULE

Any directive of the Health Officer.

OWNER

Any person who, alone or jointly or severally with others:

A. Shall have legal title to any building, structure, or unit, with or without accompanying actual possession thereof; or

B. Shall have charge, care or control of any building, structure, or unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, receiver, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERMIT OR LICENSE

A permit or license shall be construed to mean the permission in writing of the Health Officer in accordance with the provisions of the laws and ordinances within the scope of his jurisdiction.

PERSON

Includes any individual, firm, corporation, association or partnership, company or organization of any kind, their agents and employees.

PRIVATE PREMISES

Any dwelling, house, building, or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any and all streets, public rights-of-way, gutters, sewers, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC PLACE OF ACCOMODATION

Shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water or in the air or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; and any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education or the Commissioner of Education of the State of New Jersey.

REFUSE

All ~~putrescible and nonputrescible~~ solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, furniture, refrigerators, appliances, building material and solid market and industrial wastes.

REGISTERED AGENT

Legal representative of a property management company, as fully defined and delineated in §168-29.

RUBBISH

~~Nonputrescible~~ Solid wastes not liable to decay consisting of both combustible and noncombustible wastes, such as paper, wrappings, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

§ 136-2 Prohibited acts.

A. The following matter, things, conditions or acts are hereby declared to be a nuisance and injurious to the health and safety of the inhabitants of the City of Hoboken, and are therefore prohibited, in accordance with the below rules and regulations:

(1) Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place. Any container maintained for the short-term collection of refuse, recycling, composting or rainwater must have a properly fitting lid, be access-resistant to insects and rodents and must be maintained in good working order at all times and must be kept in a clean and sanitary way.

(2) Burying, depositing, maintaining or permitting to be maintained or to accumulate upon any ~~public or~~ private premises any wastewater, sewage, garbage, refuse, offal or excrement; any dead animals; or any foul, putrid or noxious substance; and:

- a) Placing, depositing or accumulating refuse upon or within any private premises, except in plastic bags or refuse containers in accordance with Chapter 110 ("Garbage, Rubbish and Litter").
- b) Throwing or depositing litter on any occupied private premises within the City, whether owned by such person or not, except that the owner or person in control of private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private premises.
- c) Failing to provide a fence around vacant private premises.

(3) Allowing or suffering to allow any waste container in which garbage, offal, scraps, food waste and any other ~~putrescible~~ material liable to decay, or recyclable material, is held in or upon any premises which is not watertight, tightly covered and so kept at all times. Containers designed for the specific purpose of composting are permitted, provided they are of a closed type with an airtight lid and catch basin for collection of compost tea.

(4) Pollution or the existence of a condition or conditions which cause or threaten pollution of any water, including stormwater, in such a manner as to cause or threaten injury to any inhabitants of this municipality either in their health, comfort or property.

(5) The existence or presence of any open standing water or other liquid in which mosquito eggs, larvae or pupae may breed or exist. This regulation does not prohibit the use of covered, enclosed and properly maintained rain barrels.

(6) The escape of such quantities of smoke, fly ash, dust, fumes, vapors, mist or gas into the open air from any stack, vent, chimney or any entrance or from any nonaccidental fire as to cause injury, respiratory distress, watering of eyes or other physical malady to persons or damage to property.

(7) The use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench, repulsive to the physical senses, which annoy, discomfort, injure or inconvenience the health of persons within the municipality.

(8) Allowing any building to be occupied as a tenement house, apartment house, dwelling house, rooming house, factory building or food establishment, without a plentiful supply of potable water suitable for domestic or personal requirements, by any person who is responsible for such provision, by reason of ownership, possession or agreement, or in which the water supply has been turned off for any reason except to repair faulty plumbing.

(9) Failing to make and maintain any dwelling or dwelling unit, rooming house, property or place of business reasonably vermin proof and rodent proof and exterminate the same.

(10) Allowing or suffering to allow the occupancy of any structure, dwelling or place of business that does not meet the minimum health, safety and habitability standards set forth in the Municipal Code, including but not limited to Chapter 80, Buildings and Dwellings, Dangerous or Unfit, Chapter 95, Dwellings; Minimum Standards, Chapter 115, Health/Sanitary Code, Chapter 116, Heating of Buildings, and Chapter 120, Maintenance of Hotels and Multiple Dwellings, and all applicable fire safety and construction codes as established by the State of New Jersey.

(11) The placing of any household, commercial or industrial waste or refuse, or construction or demolition materials, into City litter receptacles.

(12) The dissipation into the air of dirt, debris, dust or materials from any construction site or any public place or private premises where such materials are stored.

(13) Failing to keep the rain leaders, gutters, sewers and drains of any structure, dwelling or place of business in good working order and in a state of sound repair, and failing to keep contents thereof from flowing onto or into adjacent premises or property.

(14) Allowing litter, refuse, or garbage in or upon any public place, as follows:

- a) Allowing the accumulation of refuse upon the sidewalks adjacent to private premises, which shall be the responsibility of the Owner of the private premises.
- b) Placing refuse in any public place, except in City litter receptacles or in plastic bags or refuse containers for collection.
- c) Discarding or throwing of any food product or waste in any public place or private premises.
- d) Placing of food for animal consumption, in any public place.
- e) Sweeping into or depositing in public place the accumulation of litter from any building or lot or from any public place or private premises.
- f) Throwing or depositing litter in any public place, except in public receptacles or in authorized private receptacles for collection.

- g) Placing any litter in any public place for collection unless such litter is securely wrapped or deposited in properly covered private receptacles in such a manner as to prevent it from being carried or deposited by the elements upon any public place.
- h) Throwing in or upon any public place any ashes, cinders, glass, crockery, wire, tacks, nails or metal or other substance of any nature likely to cause injury to pedestrians or vehicles.
- i) Permitting the contents of any vehicle to be scattered onto any public place.

(15) Allowing the growth or accumulation of weeds and other vegetation upon private premises or in any public place, which shall be the responsibility of the Owner of the property, or for such accumulation on sidewalks, the Owner of the adjacent private premises, where the growth or accumulation:

- (a) Exceeds six inches in height, except for healthy specimen trees, ornamental grasses, shrubs or plants grown in a tended and cultivated garden.
- (b) Regardless of height, harbors, conceals or invites deposits or accumulations of refuse, trash or animal wastes.
- (c) Harbors or may harbor rodents, insects or other vermin.
- (d) Gives off unpleasant or noxious odors.
- (e) Constitutes a fire or traffic hazard.
- (f) Has grown to tree height.

(16) Trees that are damaged or dead to the extent that a falling limb or tree part could cause injury or property damage, which shall be the responsibility of the Owner of the property, or for such accumulation on sidewalks, the Owner of the adjacent private premises.

(17) The growth, existence or presence of ragweed on any plot of land, lot, street, highway, right-of-way or any other public ~~place~~ or private ~~place~~ premises.

(18) The growth, existence or presence of poison ivy on any property, public place or private premises.

(19) All wires, ropes or lines over ~~streets, alleys or any public grounds~~ place which are not authorized or permitted by the City or which are strung so that the lowest portion is less than 15 feet above the surface of the ground.

(20) Idling of commercial vehicles for more than three minutes in any district or by any vehicle, commercial, public or private, for any amount of time in a posted school zone.

(21) Spitting upon any public sidewalk or crossing or upon the floor or any part of a building or public conveyance.

(22) The keeping of any animal or animals under unsanitary conditions.

(23) The continuous barking or crying of dogs, birds or other animals.

(24) No person shall keep or harbor any livestock or unlawful wildlife unless specifically licensed to do so from by the Health Officer or pursuant to law.

(25) No self-storage facility within the boundaries of the City of Hoboken shall be open to its clients or the public for any loading or unloading to or from the building between the hours of 9:00 p.m. and 6:00 a.m. on any day of the week. For purposes of subsection, "self-storage facility" shall mean a facility in which storage space (such as rooms, lockers, containers, and/or outdoor space) is rented to tenants, usually on a short-term basis (often month to month).

(26) Any other matter, thing, condition or act which is or may become injurious, detrimental, a menace or endanger the health of the inhabitants of this municipality.

(27) The existence or presence of graffiti on any property, public place or private premises.

(28) Throwing, casting, or distributing any handbill, circular, sticker, card or other advertising matter whatsoever, in or upon any street or public place, or in a front yard or in any vehicle or in the vestibule or hall of any building or in any place from which such matter may be blown by the wind onto a street or public place, or place on any pole or public sign any advertising matter unauthorized by the owner of said pole or public sign.

(29) Distributing or offering for sale in any street or public place or store adjacent thereto any fruit, vegetables, water, ice, ice cream, candy, hot dogs, hamburgers or similar food product without providing, in a conspicuous place nearby, a receptacle for all used containers, wrappers and other waste materials and failing to dispose of said receptacle and its waste contents prior to the close of business for the day.

(30) Knowingly, carelessly, or negligently permitting any dog to commit any nuisance upon any sidewalk or any public place or place of public accommodation; omitting to do any reasonable and proper act or to take any reasonable and proper precaution to prevent any such dog from committing any such nuisance in or upon any of the places or premises herein specified.

(31) Depositing or dumping any earth, dirt, rock, rubbish or other article contrary to the provisions of this article, upon any public place in the City.

(32) Leaving or abandoning any shopping cart upon the sidewalks, streets or roadways of the City.

(33) Burning any litter in any open place, whether public place or private premises, or in any outside receptacle, incinerator or outdoor fireplace.

(34) Failing to properly dispose of newspapers, boxes, carton and crates, which should be collapsed and securely tied in bundles not to exceed two feet in length, height and width and kept separate from other refuse.

(35) Failing to keep the sidewalks, air shafts, areaways, backyards, courts, alleys, flagging and curbstone abutting Private Premises free from obstruction and nuisances of every kind including garbage, refuse, rubbish, litter and other offensive material, including between the curbstone abutting the Private Premises and the roadway area extending 1 1/2 feet, [18 inches], from the curbstone into the street on which the building or premises front.

B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this section.

C. Each prohibited act shall constitute a separate violation.

§136-3 Bamboo Plants

A. Purpose. It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public places and private premises in the City of Hoboken from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the City of Hoboken.

B. Prohibition. No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as running (monopodial) bamboo or clumping (sympodial) bamboo upon any property located within the City of Hoboken. This prohibition shall include but is not limited to the following plant genera:

(1) Arundinaria;

(2) Bambusa;

(3) Chimonobambusa;

(4) Dendrocalamus;

(5) Fargesia;

(6) Phyllostachys;

(7) Pleioblastus;

(8) Pseudosasa;

(9) Sasa;

(10) Sasaella;

(11) Semiarundinaria.

C. Duty to confine. In the event any species commonly known as running bamboo or clumping bamboo is located upon any property within the City of Hoboken, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private premises or public place.

(1) In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.

(2) Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.

(3) This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the City Inspector that the bamboo which is on his/her property at the time of the adoption of this section originated on another property.

D. Removal.

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

(2) If the bamboo property owner does not accomplish the removal of the bamboo from such other private premises or public place in accordance herewith, the City Inspector shall cause a citation to be issued and penalties to be imposed in accordance with N.J.S.A. 40:49-5 ("Penalties for violating ordinances") for each day the violation continues, enforceable through the Municipal Court of the City of Hoboken. The City may also institute civil proceedings for injunctive or civil relief.

(3) Nothing herein shall be interpreted as limiting the rights of an owner of private premises to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

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

§ 136-3 ~~4~~ Rules and orders; promulgation.

The Health Officer and the Director of Environmental services, at his or her discretion, is hereby empowered to promulgate rules and orders to prevent what is or what may become injurious, a detriment, a menace, a nuisance, an annoyance, or anything that interferes with the comfort, repose, health or general well-being of the inhabitants of this municipality or general public as it applies to the above nuisances. Such rule or order shall be effective immediately and shall supersede any permit, rule or agreement, both public or private. Any person or agency, whether public or private, who receives such order shall comply with all aspects of said order or rule immediately. Any person who refuses or neglects to comply with such rule or order of the Health Officer shall face penalties prescribed in this chapter. § 136-8 of this chapter.

§ 136-4 ~~Hearings.~~

~~A. Any person affected by any rule or order which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Health Officer, provided that such person shall file in the office of the Health Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day that notice was served. Upon receipt of such petition, the Health Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Health Officer may postpone the date of hearing for a reasonable time beyond such ten-day period, if in his judgement the petitioner has submitted a good and sufficient reason for such postponement.~~

~~B. After such hearing, the Health Officer shall sustain, modify or withdraw the order or rule, depending upon his findings as to whether the provisions of this chapter and of the rules, orders and regulations adopted pursuant thereto have been complied with.~~

§ 136-5 Inspections.

A. ~~The Health Officer or his~~ Any Director of the Enforcement Agencies or their authorized agents is are hereby authorized to make inspections of any dwelling, structure, building, whether commercial or private, or any outside area or place, in order that he may perform his or her duty of safeguarding the health and safety of the inhabitants of this municipality or general public. ~~The Health Officer or his authorized agent is~~ These individuals shall be empowered to inspect, examine, survey, photograph, lawfully test and acquire evidence from any dwelling, structure, building, whether commercial or private, any outside area or place, for the purpose of meeting the requirements of this section.

B. It shall be unlawful to hinder, obstruct, delay, resist or prevent a representative of the Enforcement Agencies ~~the Health Officer or his authorized agent~~ from having full access to any place or premises upon which a violation of this chapter is believed to exist.

~~§ 136-6 Summary of abatement of nuisance by Health Officer.~~

~~The Health Officer is hereby empowered to issue an order to the owner of the property on which he finds a nuisance to abate any matter or condition that might be injurious, a detriment, menace or a nuisance to the inhabitants of this municipality or general public, and such shall be removed or abated in a summary manner by means set forth by the Health Officer. A duplicate of any such order shall be left with the tenants of the property or occupants thereof, and one shall be posted on the site. If the owner, when notified, shall not comply with the notice of order issued within the time specified, the Health Officer shall proceed to abate the nuisance. Any abatement will be at the expense of the owner of the property on which the nuisance is maintained.~~

~~§ 136-7 Enforcement.~~

~~The local Board may recover, by a civil action, the expenses incurred in such removal and abatement from any person who shall have caused or allowed such nuisance, or from any owner, tenant or occupant of premises who, after notice as herein provided, shall fail to remove and abate the same within the time specified in the notice.~~

§ 136-8 Violations and penalties.

A. Any person who shall violate any provision of this chapter or any provision of any rule or regulation or order adopted by the Board of Health pursuant to the authority granted by this chapter shall, upon conviction or guilty plea, in the Municipal Court of Hoboken or other court of competent jurisdiction be punished ~~for the first offense by imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine of not less than \$250. and not more than \$2,000; or a period of community service not exceeding 90 days.~~

~~B. Repeat offenders: Any person who is convicted of violating this chapter within one year of the date of a previous violation of the same chapter, and who was fined for the previous violation, shall be subject to the fines and penalties above but shall also be fined a minimum of \$250 more than the fine received for the previous violation, but not totaling more than \$2,000 for each offense as a repeat offender.~~

~~C. B.~~ Each day's failure to comply with any provision, rule, or order shall constitute a separate and distinct offense.

§136-9 Removal of nuisance by the City; Administrative Lien.

- A. In accordance with N.J.S.A. 40:48-2.13, where it shall be necessary and expedient for the preservation of the public health, safety, and general welfare, or to eliminate a fire hazard on private premises, the owner or tenant of the private premises lying within the City of Hoboken shall remove or destroy from such premises brush, weeds, including ragweed,

dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within 10 days after notice to remove or destroy same.

- B. In accordance with N.J.S.A. 40:48-2.13a, where it shall be necessary and expedient for the preservation of the public health, safety, or general welfare to remove or destroy any solid waste on a private premises stored in such a way that it is accessible and likely to be strewn about by animals such as but not limited to dogs, cats, raccoons, birds, or rodents, the owner or tenant of the private premises shall be required to remove or destroy same within a reasonable period of time of not less 72 hours and not more than 10 days after service of written notice upon the owner or tenant.
- C. Where the owner or tenant shall have refused or neglected to remove or destroy a nuisance as specified in section A and B above in the manner and in the time as described in the notice, the City may remove or destroy same under the direction of the Director of any of the Enforcement Agencies or said Enforcement Agencies' designee.
- D. In accordance with N.J.S.A. 40:48-2.14, where the nuisance is removed by the City, the Director of Environmental Services or his or her designee shall certify the cost thereof to the Governing Body, which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said dwelling or lands; the amount so charged shall forthwith become a lien upon such dwelling or lands and shall be added to and become and form part of the taxes to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate of taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.
- E. In no event shall the assessment of costs against the owner or tenant of such lands relieve such owner or tenant of penalties imposed for violation of this section in accordance with §136-8.

§ 136-9- 10 Repealer.

All ordinances, codes or parts of the same inconsistent with any of the provisions of this chapter are hereby repealed to the extent of such inconsistency.

§ 136-10- 11 Severability.

In the event that any section, sentence or clause of this chapter or code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION TWO: ~~Deletions~~ from Chapter 110 Sections which were incorporated into Chapter 136 ("Nuisances"):

~~§ 110-2 Placement in streets or other public property.~~

~~No person may place refuse on any street, sidewalk, park or other public place, except in City litter receptacles or in plastic bags or refuse containers for collection, in accordance with the provisions of this chapter.~~

~~§ 110-3 Deposits or accumulation on private property.~~

~~No person may place, deposit or accumulate refuse upon or within any private property, except in plastic bags or refuse containers, in accordance with that provision of this chapter.~~

~~§ 110-5 Duty of owners of property for adjacent sidewalks.~~

~~It shall be the duty of owners of real property to prevent the accumulation of refuse upon the sidewalks adjacent to their property.~~

~~§ 110-6 Litter receptacles.~~

~~No person may place household refuse, construction or demolition refuse or street dirt into City litter receptacles.~~

~~§ 110-7 Duty of owners of vacant real property.~~

~~It shall be the duty of owners of vacant real property to maintain such property free of refuse, brush, weeds, tree stumps and other noxious plants.~~

~~§ 110-8 Brush, weeds and obnoxious plants.~~

~~No owner of real property may permit the growth of brush, weeds or other noxious plants to a height of six inches or more upon or within his property or upon the sidewalk adjacent to his property.~~

~~§ 110-9 Fencing of vacant land; maintenance free of litter.~~

~~All vacant land owned by private interests must be fenced and maintained free of litter.~~

~~§ 110-10 Abatement of accumulation by City.~~

~~A. Whenever vacant property has been cited by the municipality for violations of this chapter on two or more occasions and the owner of the property has not abated the accumulation the Department of Environmental Services, by order of the Director of the Department, shall abate further accumulation of refuse by erecting a fence around the property and by such other steps as are deemed necessary. The Director of the Department of Environmental Services shall submit to the City Council a list of all properties abated by this City in accordance with this section within one month of action being taken. The City Council shall affirm the action of the Department of Environmental Services by resolution. Thereafter, the Director shall certify the costs of abatement to the Tax Collector, and such costs shall thereupon become a lien upon the property to the same extent as liens for unpaid municipal property~~

taxes. In addition, the City may have an action to recover such costs against the owner of such lands in any court having jurisdiction thereof.

~~B. The actions, remedies and penalties set forth in this section shall be imposed in addition to the penalties prescribed by § 110-55A and B of Article XI of this chapter.~~

~~§ 110-10.1. Bamboo plants.~~

~~A. Purpose. It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the City of Hoboken from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the City of Hoboken.~~

~~B. Prohibition. No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as running (monopodial) bamboo or clumping (sympodial) bamboo upon any property located within the City of Hoboken. This prohibition shall include but is not limited to the following plant genera:~~

- ~~(1) Arundinaria;~~
- ~~(2) Bambusa;~~
- ~~(3) Chimonobambusa;~~
- ~~(4) Dendrocalamus;~~
- ~~(5) Fargesia;~~
- ~~(6) Phyllostachys;~~
- ~~(7) Pleioblastus;~~
- ~~(8) Pseudosasa;~~
- ~~(9) Sasa;~~
- ~~(10) Sasaella;~~
- ~~(11) Semiarundinaria.~~

~~C. Duty to confine. In the event any species commonly known as running bamboo or clumping bamboo is located upon any property within the City of Hoboken, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread,~~

~~invasion or intrusion of same onto any other private or public property or public right of way.~~

- ~~1) In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.~~
- ~~2) Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.~~
- ~~3) This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the City Inspector that the bamboo which is on his/her property at the time of the adoption of this section originated on another property.~~

~~D. Removal.~~

- ~~1) In the event running bamboo or clumping bamboo is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root, and the City Inspector, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborhood private or public property or public right of way (hereinafter, "the affected property"), the City shall serve notice to the bamboo property owner in writing that the bamboo has invaded other private or public property(ies) or public right(s) of way and demand the removal of the bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the bamboo property owner's property. Notice shall be provided to the bamboo property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within 45 days of receipt of such notice, the bamboo property owner shall submit to the City Inspector, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the bamboo. Within 120 days of receipt of approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the City.~~
- ~~2) If the bamboo property owner does not accomplish the removal of the bamboo from such other private or public property or public right of way in accordance herewith, the City Inspector shall cause a citation to be issued and penalties to be imposed in accordance with N.J.S.A. 40:49-5 ("Penalties for violating ordinances") for each day the violation continues, enforceable through the Municipal Court of the City of Hoboken. The City may also institute civil proceedings for injunctive or civil relief.~~
- ~~3) Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.~~

~~E. Replanting prohibited. Any running bamboo or clumping bamboo either planted or caused to be planted or existing on the effective date of this regulation may not be replanted or replaced once such bamboo is or has become dead, destroyed, uprooted, or otherwise removed.~~

~~§ 110-15 Newspapers, boxes, cartons and crates.~~

~~Newspapers, boxes, cartons and crates shall be collapsed and securely tied in bundles not to exceed two feet in length, height and width and kept separate from other refuse.~~

~~§ 110-39 Burning unlawful.~~

~~No person shall burn any litter in any open place, whether public or private, or in any outside receptacle, incinerator or outdoor fireplace.~~

~~§ 110-40 Deposits on public property.~~

~~No person shall throw or deposit litter or cigarette litter in or upon any street, sidewalk or other public place within the City, except in public receptacles or in authorized private receptacles for collection. No person shall place any litter in public places for collection, unless such litter is securely wrapped or deposited in properly covered private receptacles in such a manner as to prevent it from being carried or deposited by the elements upon any streets, sidewalks, other private places or upon private property.~~

~~§ 110-41 Litter thrown from vehicles.~~

~~No person, while a driver or passenger in a vehicle, shall throw or deposit litter or cigarette litter upon any street or other public place within the City or upon private property.~~

~~§ 110-42 Merchants to keep sidewalks free from litter.~~

~~No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, sewer or other public place within the City the accumulation of litter or cigarette litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter or cigarette litter.~~

~~§ 110-43 Sweeping litter onto roadway.~~

~~No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter or cigarette litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter or cigarette litter.~~

~~§ 110-44 Trucks: mud and sticky matter on tires.~~

~~No person shall drive or move any truck or other vehicle within the City, unless such vehicle is so constructed or loaded so as to prevent any load or any of the contents of said load from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind.~~

~~§ 110-45 Handbills and circulars.~~

~~No person shall throw, cast or distribute, or place, or cause to be thrown, cast or distributed, or placed, any handbill, circular, card or other commercial advertising matter whatsoever: in or upon any street or public place; or in or upon a front yard; or in or upon any vehicle; or in the vestibule or hall of any building; or in any place from which such matter may be blown by the wind onto a street or public place; nor shall any person place or cause to be placed on any pole, vehicle or public sign any advertising matter unauthorized by the owner of the said pole, vehicle or public sign.~~

~~§ 110-46 Litter in parks.~~

~~No person shall throw or deposit litter or cigarette litter in any park within the City, except in public receptacles and in such a manner that the litter or cigarette litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.~~

~~§ 110-47 Litter on occupied private property.~~

~~No person shall throw or deposit litter or cigarette litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter or cigarette litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.~~

~~§ 110-48 Owner's responsibility.~~

~~The owner or person in control of any private property shall at all times maintain the premises free of litter or cigarette litter; provided, however, that this section shall not prohibit the storage of litter or cigarette litter in authorized private receptacles for collection.~~

~~§ 110-49 Vacant lots.~~

~~No person shall throw or deposit litter on any open or vacant public or private property within the City, whether owned by such person or not.~~

~~§ 110-50 Shopping carts.~~

~~No person shall leave or abandon any shopping cart upon the sidewalks, streets or roadways of the City of Hoboken.~~

~~§ 110-51 Litter boxes and baskets.~~

~~Any litter boxes or litter baskets which are now provided by the City shall not be used by any person or persons for the depositing of garbage, rubbish or refuse therein.~~

~~§ 110-52 Abandoning empty crates, cartons and packages.~~

~~No person delivering merchandise to any residents or business establishments in the City of Hoboken shall abandon any empty crates, cartons or packages upon the sidewalks or streets of the City of Hoboken.~~

SECTION THREE: ~~Deletions~~ from Chapter 168 “Streets and Sidewalks” that were incorporated into Chapter 136 “Nuisances”:

~~§ 168-7 Refuse in streets.~~

~~A. No person shall throw upon any sidewalk, street or roadway in the City any ashes, cinders, glass, crockery, wire, tacks, nails or metal or other substance of any nature likely to cause injury to pedestrians or vehicles.~~

~~B. No person shall throw or deposit on any sidewalk or crosswalk in any street or public place in the City any fruit or vegetable or other substance, which may cause anyone passing along the sidewalk or crosswalk to slip or fall.~~

~~C. No occupant of any store, dwelling or building in the City shall sweep or deposit any paper, dirt or rubbish of any kind from his store, dwelling or other building onto any sidewalk or gutter.~~

~~D. No person shall permit the contents of any vehicle to be scattered onto any street, sidewalk, alley or other public place in the City.~~

§ 168-9 Damage to streets and sidewalks.

A. No person shall take up, remove or carry away any material of any public street in the City without a permit from the Director of the Department of Environmental Services or his designated agent.

B. Any person who breaks or otherwise injures any sidewalk in the City shall cause the sidewalk to be repaired within 24 hours thereafter.

~~C. Every owner of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said building or premises free from obstruction and nuisances of every kind and shall keep said sidewalks, air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter and other offensive material. Such persons shall also remove garbage, refuse, litter, debris and other offensive material between the curbstone abutting the building or premises and the roadway~~

~~area extending 1 1/2 feet, [18 inches], from the curbstone into the street on which the building or premises front.~~

~~§ 168-20 Deposits.~~

~~No person, without the permission of the Director of Environmental Services or his designated agent, shall dump or deposit any earth, dirt, rock, rubbish or other article contrary to the provisions of this article, upon any public street or public place in the City.~~

~~§ 168-21 Littering.~~

~~No person shall throw, cast, lay, direct, suffer or permit any servant, agent or employee to throw, cast or lay any ashes, offal, vegetables, garbage, cinders, shells, straw, shavings, paper, dirt, filth, broken glassware, crockery, bottles or rubbish of any kind, whatsoever, in any street, either upon the roadway or sidewalk thereof, except in receptacles and deposited in the manner now required by the ordinances of the City of Hoboken.~~

~~§ 168-22 Spilling or scattering dirt, sand or gravel.~~

~~No one, being the owner, driver, manager, operator or conductor of any cart, wagon, truck or other vehicle, or of any receptacle, shall scatter, drop or spill, or permit to be scattered, dropped or spilled, any dirt, sand, gravel, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort, or manufacturing, trade or household waste, refuse, rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter or permit said refuse to be blown in or upon any street or public place.~~

~~§ 168-23 Distribution of handbills or circulars.~~

~~No person shall throw, cast or distribute, or cause to be thrown, cast or distributed, any handbill, circular, card or other advertising matter whatsoever, in or upon any street or public place, or in a front yard or in any vehicle or in the vestibule or hall of any building or in any place from which such matter may be blown by the wind onto a street or public place, or place on any pole or public sign any advertising matter unauthorized by the owner of said pole or public sign.~~

~~§ 168-24 Throwing fruit or vegetables in streets.~~

~~No person shall cast, throw or deposit on any sidewalk or crosswalk or any street or public place in the City any fruit or vegetable or other substance or any part or portion thereof which is liable to cause or which does cause any passing person to slip or fall.~~

~~§ 168-25 Waste receptacles to be provided by vendors.~~

~~Every person distributing or offering for sale in any street or public place or store adjacent thereto any fruit, vegetables, water, ice, ice cream, candy, hot dogs, franks, hamburgers or similar food product shall provide, in a conspicuous place nearby, a receptacle for all used containers, wrappers and other waste~~

~~materials and shall dispose of said receptacle and its waste contents prior to the close of business for the day.~~

~~§ 168-26 Removal of grass, weeds or other impediments.~~

~~The owner or tenant of land abutting or bordering upon the sidewalks and gutters of public streets is required to remove weeds and other impediments within three days after notice from the Director of the Department of Environmental Services or his designated agent, to remove said weeds or other impediments.~~

~~§ 168-27 Dogs committing nuisances.~~

~~No person, having the right and ability to prevent, shall knowingly or carelessly or negligently permit any dog to commit any nuisance upon any sidewalk or any public place, park, public square or place in the City or upon the floor of any tenement house which is used in common by the tenants thereof or upon the fences or lawns of any premises, or the walls or stairways of any building abutting on a public street, avenue, park, public square or place, or upon the floor of any theater, store, factory or of any building which is used in common by the public, including all public rooms or place therewith connected, or upon the floor of any depot or station, or upon the station platform or stairs of any railroad or other common carriers, or upon the roof of any tenement house used in common by the tenants thereof, or upon the floor of any hall, stairway or office of any hotel or lodging house which is used in common by the guests thereof; nor shall any such person omit to do any reasonable and proper act or to take any reasonable and proper precaution to prevent any such dog from committing any such nuisance in or upon any of the places or premises herein specified.~~

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

RESULT:	Adopted [Unanimous]
SPONSOR:	Mike DeFusco
SECOND:	Jennifer Giattino
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 141 OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN ENTITLED “PUBLIC PARKING GARAGES AND LOTS” AND CHAPTER 184 “TOWING” TO DESIGNATE CERTAIN SPOTS IN MUNICIPAL LOT #3 FOR STORAGE OF VEHICLES TOWED DUE TO EMERGENCIES (B-77) (**COUNCIL MEMBER GIATTINO**)

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

**SECTION ONE: AMENDMENT TO CHAPTER 141 OF THE HOBOKEN CITY CODE
“PUBLIC PARKING GARAGES AND LOTS”**

Chapter 141 “Public Parking Garages and Lots”

§ 141-1 Establishment; title.

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

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

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

	Garage B	Garage D	Garage G	Midtown	Garden Street
Seniors and veterans	\$190	\$145	\$120	\$145	N/A

§ 141-3 Municipal parking garages and lots established.

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

Garage	Address
Garage B	28 2nd Street
Garage D	215 Hudson Street
Garage G	315 Hudson Street
Midtown	371 4th Street
Garden Street	916 Garden Street

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

Lot	Address
Lot No. 1	200 Willow Avenue
Lot No. 2	259 11th Street
Lot No. 3	1301 Jefferson Street

§ 141-4 Municipal parking garage rates for residents.

A. Residents who have established their residency in accordance with § 141A-2, Resident permits, may apply to the Hoboken Parking Utility for monthly parking in one of the municipal parking garages, based upon availability.

B. Municipal parking garage rates for residents to reserve spots on a monthly basis shall be as follows and are dependent upon the type of monthly pass purchased, which are based upon the frequency and times the resident will be utilizing the parking garage:

	Garage B	Garage D	Garage G	Midtown	Garden Street
Resident monthly standard	\$235	\$185	\$160	\$185	\$200
Resident monthly limited	\$180	\$140	\$130	\$140	N/A
Resident monthly reserved	\$310	\$235	\$235	\$285	N/A

C. Types of monthly rates defined:

- 1) Resident monthly standard: Residents may park their car in unreserved spaces of the garage 24/7 on a first-come, first-served basis.

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

D. Permits shall be valid for up to one year, and residents will be billed on a monthly basis, which monthly payment shall be nonrefundable. Residents may terminate their permit before the full year is over with no penalty, but shall be responsible to pay the full monthly fee for any month or portion thereof utilized. For example, if a resident cancels his or her permit on January 15, 2016, he or she is still responsible for paying the full month of January and is not entitled to a refund for the unused portion of the month.

E. Residents may also utilize the municipal parking garages at a discounted rate in the following limited circumstances:

- 1) Resident overnight: Residents may park in the garage from 8:00 p.m. to 8:00 a.m. at a discounted rate of \$5 per night based upon availability.
- 2) Resident vacation spot: Residents may park in Garage B on Hudson Street (6th Floor) for up to 14 days per year at a discounted rate of \$5 per day.
- 3) Resident emergency/event: Limited parking for residents is available on a first-come, first-served basis in the municipal garages when the City determines that there is an emergency or during a special event, in which case the parking rate and time increment shall be determined by the City and set forth in the emergency/event announcement as issued by the City.

§ 141-5 Municipal parking garage rates for businesses.

A. Individuals who qualify for business parking permits in accordance with § 141A-5, Business permits, may apply for monthly parking rates in one of the municipal garages.

B. Municipal parking garage rates for business owners/employees to reserve spots on a monthly basis shall be as follows:

	Garage B	Garage D	Garage G	Midtown	Garden Street
Business monthly standard	\$325	\$325	\$325	\$325	N/A
Business monthly reserved	\$400	\$400	\$400	\$400	N/A
Business monthly limited	\$225	\$225	\$225	\$225	N/A

C. Types of monthly rates defined:

- 1) Business monthly standard: Business owners/employees may park their car in a municipal garage in unreserved spaces 24/7 on a first-come, first served basis.
- 2) Business monthly limited: Business owners/employees may park their car in unreserved spaces of the garage on a first-come, first-served basis during the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday.
- 3) Business monthly reserved: Business owners/employees may reserve a guaranteed spot in a designated municipal garage.

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

§ 141-6 Municipal parking garage transient rates.

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

	Garage B	Garage D	Garage G	Midtown	Garden Street
Up to 1/2 hour	\$4	\$4	N/A	N/A	N/A
Up to 1 hour	\$7	\$7	N/A	\$4	N/A
Up to 2 hours	\$10	\$10	N/A	\$6	N/A
Up to 3 hours	N/A	N/A	N/A	\$8	N/A
Up to 8 hours	\$17	\$17	N/A	\$16	N/A
Up to 12 hours	\$26	\$26	N/A	\$20	N/A

	Garage B	Garage D	Garage G	Midtown	Garden Street
Up to 24 hours	\$30	\$30	N/A	\$24	N/A

B. Special rates for Garage B and Garage D:

- 1) Enter Sunday through Thursday between 6:00 p.m. and 2:00 a.m.:
 - (a) Up to one hour: \$6.
 - (b) Up to two hours: \$10.
 - (c) Maximum to 7:00 a.m.: \$18.
- 2) Enter Friday through Saturday between 6:00 p.m. and 2:00 a.m.:
 - (a) Up to one hour: \$6.
 - (b) Up to two hours: \$15.
 - (c) Maximum to 7:00 a.m.: \$30.

§ 141-7 Municipal parking lot monthly rates.

A. Residents who have established their residency in accordance with § 141A-2 ("Resident permits") may apply to the Hoboken Parking Utility for a monthly spot in municipal surface Lots No. 1 and No. 2, subject to availability, and the rates shall be as follows:

Lot	Address	Monthly Rate
Lot No. 1	200 Willow Avenue	\$150
Lot No. 2	259 11th Street	\$150

B. Any individual, regardless of residency, may apply to the Hoboken Parking Utility for a monthly spot in Lot No. 3, located at 1301 Jefferson Street, based upon availability, for a monthly fee of \$195 per month.

- 1) Five (5) spots within Lot No. 3 shall be reserved for vehicles with valid and currently in effect Hoboken parking permits, which are towed due to an emergency wherein the City was not able to provide notice prior to the tow, and where the vehicle was otherwise legally parked.

C. Permits shall be valid for up to one year, and individuals will be billed on a monthly basis, which monthly payment shall be nonrefundable. Individual permit holders may terminate their permit before

the full year is over with no penalty, but shall be responsible to pay the full monthly fee for any month or portion thereof utilized. For example, if an individual cancels his or her permit on January 15, 2016, he or she is still responsible for paying the full month of January and is not entitled to a refund for the unused portion of the month.

§ 141-8 Regulations.

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

SECTION 2: AMENDMENTS TO HOBOKEN CITY CODE CHAPTER 184 “TOWING” SECTION 10 “SCHEDULE OF ALLOWABLE FEES”

§ 184-10 Schedule of allowable fees.

A. Licensed towing services may charge fees to vehicle owners for the following services:

(1) Basic tow, which shall be a maximum flat fee of \$100 for light-duty tows and \$450 for heavy-duty tows, except as delineated in Section 4 below.

(2) The following additional services, if actually performed, may be charged as follows:

(a) Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the call site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15, which shall be a maximum fee of \$12.50 per 15 minutes.

(b) Brush cleaning, including collection of debris that can be picked up by hand, which shall be a maximum flat fee of \$25.

(c) Site cleanup, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25 per bag.

(d) Winching, which shall be based upon each 1/2 hour spent performing winching, which shall be at a maximum rate of \$50 per 1/2 hour for light-duty vehicles and \$200 per 1/2 hour for heavy-duty vehicles.

(e) The use of window wrap, which shall be a maximum flat fee of \$40.

(f) Tarping, which shall be a maximum flat fee of \$40.

(g) Transmission disconnect, which shall be charged only if a motor vehicle is locked and the towing company is unable to obtain the keys for the motor vehicle, which shall be a maximum flat fee of \$40.

(h) Use of a flatbed tow truck, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck, which shall be a maximum flat fee of \$125.

(i) Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$65 per 1/2 hour.

(j) Decoupling, which shall be a maximum flat fee of \$75.

(k) Storage at a towing company's storage facility, which shall be at a maximum daily (24 hours) rate of \$30 for light-duty tows and \$100 for heavy-duty tows.

(l) More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee by the towing service, which shall be a flat fee of \$45 per trip.

(m) Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a maximum flat fee of \$10.

4. For any tow due to an emergency, where the vehicle is towed to Lot #3 in Hoboken in accordance with Hoboken City Code §141-7(B), a maximum flat fee of \$75 may be charged.

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

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

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

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

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

G. In addition to the fees allowed to be charged against towed vehicles within this section, the City has the authority, at the discretion of the Director, to charge a tow release processing fee up to \$25 per vehicle.

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

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately 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.

RESULT:	Adopted [Unanimous]
SPONSOR:	Jennifer Giattino
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE HEREIN MENTIONED POSITIONS IN THE CITY OF HOBOKEN (B-78)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS:

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries, and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The attached shall be considered complete list of alphabetical titles within the City of Hoboken which require approval by ordinance. Any titles not included herein are titles which are not required by law to be passed by ordinance and said salaries shall be determined as set forth in the applicable law(s).
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. 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.
6. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

7. This Ordinance shall take effect immediately upon passage and publication as provided by law.
8. 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.
9. 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.

RESULT:	Adopted [Unanimous]
SPONSOR:	Ruben Ramos
SECOND:	Jennifer Giattino
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

PUBLIC COMMENTS

PETITIONS AND COMMUNICATIONS

18-659

MISCELLANEOUS LICENSES

REPORTS FROM CITY OFFICERS

18-660

A REPORT FROM MUNICIPAL TAX COLLECTOR SHARON CURRAN FOR TAXES COLLECTED FOR THE MONTH OF SEPTEMBER AS \$1,683,193.37 (ABATEMENT TOTALS-\$11,671.90)

18-661

REPORT FROM THE MUNICIPAL COURT INDICATING RECEIPTS FOR THE MONTH OF SEPTEMBER AS \$355,558.13

CLAIMS

18-662

CLAIMS TOTAL IS \$3,787,289.09

PAYROLL

18-663

FOR THE TWO WEEK PERIOD SEPTEMBER 20, 2018-OCTOBER 3, 2018

PAYROLL	O/T PAY	OTHER PAY
\$1,820,431.45	\$119,929.37	\$263,547.06
TOTAL		
\$2,203,907.88		

PUBLIC PORTION

The speakers who spoke: Dave Mello, Cheryl Fallick, Dan Tumpson, Mary Ondrejka, Jackie Dowd Prince, Scott Spencer, Franz Paetzold, John Gregorio, Rachel Hodes, Amardeep Singh Bhalla, Eduardo Gonzales, Jim Vance, Pat Waiters, Baneara Martinez, Julliane O'Connell, Vera Sinuta, Bhav Tibrewal, Mick Wannamaker, Liz Peyton, Jimmy Wicks, Malan Candemartori, Cristin Cricco Powell, Richard Weinstein, Niall Murray, Paul Schneider, Rosemary Orozco,

CONSENT AGENDA

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

RESOLUTIONS

Administration

18-664

RESOLUTION AWARDING A CONTRACT TO GRANICUS, LLC FOR AGENDA MANAGEMENT SOFTWARE IN THE AMOUNT OF \$24,480.00

WHEREAS, the City requires agenda management software for legislative management, civic streaming, and eSignatures; and,

WHEREAS, the City Council awarded a contract to Accela, Inc., on October 18, 2017 by way of Resolution No.: A3; and,

WHEREAS, the City Council acknowledged the purchase of Accela, Inc., by Granicus, LLC, on August 1, 2018 by way of Resolution No.: A1; and,

WHEREAS, the original contract was for one year, with an option to extend for one additional year; and,

WHEREAS, the Administration has determined that it is in the best interest of the City to extend the contract with Granicus for one year; and,

WHEREAS, pursuant to N.J.S.A.19: 44A-20.3 et seq., the contract is subject to State Pay-to-Play laws since the anticipated value of the contract is in excess of \$17,500.00; and,

WHEREAS, Granicus has completed and submitted the required Pay-to-Play forms including but not limited to the Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the City of Hoboken in the previous one year, and that the contract will prohibit Granicus from making any reportable contributions through the term of the contract; and,

WHEREAS, the Administration therefore recommends awarding a non-fair and open contract to Granicus pursuant to N.J.S.A. 19:44A-20.5 in an amount not to exceed \$24,480.00, for a period of one (1) year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken authorizes the City to award a non-fair and open contract to Granicus, LLC in the amount of \$24,480.00 for software subscription services related to agenda management, for a period of one (1) year to expire October 18, 2019; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

RESULT:	Adopted -[Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

~~RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
MCMANIMON SCOTLAND AND BAUMANN IN THE AMOUNT OF \$80,000.00
FOR WATER SYSTEM RFP TECHNICAL ASSISTANCE~~

~~***PULLED BY COUNCIL***~~

RESULT:	Carried
SPONSOR:	
SECOND:	

~~RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO NW
FINANCIAL GROUP, LLC IN THE AMOUNT OF \$35,000.00 FOR WATER
SYSTEM RFP FINANCIAL ASSISTANCE~~

~~***PULLED BY COUNCIL***~~

RESULT:	Carried
SPONSOR:	
SECOND:	

~~RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO CDM
SMITH IN THE AMOUNT OF \$14,600.00 FOR WATER SYSTEM RFP
TECHNICAL ASSISTANCE~~

~~***PULLED BY COUNCIL***~~

RESULT: Carried
SPONSOR:
SECOND:

18-665

RESOLUTION AMENDING THE CITY'S CONTRACT WITH T&M ASSOCIATES IN THE INCREASED AMOUNT OF \$780,846.00 FOR CONTRACT INSPECTION AND ADMINISTRATION OF THE WASHINGTON STREET PROJECT

WHEREAS, pursuant to City Council Resolution No. A2 dated October 19, 2016, the City Council awarded a contract to T&M Associates ("T&M") for construction administration, inspection, and observation services for the Washington Street Redesign Project, for a not to exceed amount of Two Million Sixty Seven Thousand Eight Hundred Forty Dollars (\$2,067,840.00) for a term to expire upon completion of the construction project; and,

WHEREAS, the City Council previously approved five (5) contract amendments to the City's contract with T&M in the combined amount of \$342,922.75, for a new total contract amount of \$2,410,762.75; and,

WHEREAS, on September 13, 2018, the Washington Street project contractor, Underground Utilities Corp, submitted a schedule showing they would not meet the September 21, 2018 contract completion date, and projected an actual completion date of May 24, 2019; and,

WHEREAS, as a result, T&M will be required to provide additional construction administration, inspection, and observation services; and,

WHEREAS, pursuant to the attached correspondence from T&M dated October 11, 2018, the additional services to be performed by T&M will amount to approximately \$780,846.00; and,

WHEREAS, the Administration recommends amending the contract with T&M for costs associated with an unanticipated construction delay in the increased amount of \$780,846.00, for a new total contract amount of \$3,191,608.75; and,

WHEREAS, the new total contract amount represents a 32.39% increase from the current contract amount and a 54.35% increase from the original contract amount; and,

WHEREAS, pursuant to N.J.A.C. 5:30-11.6, the 20 percent limitation does not apply to professional and consultant contracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City's contract with T&M shall be amended subject to the following:

- 1) The contract with T&M shall be increased by \$780,846.00 for a new total contract amount of \$3,191,608.75; and,
- 2) Aside from the change in contract amount, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; and,
- 3) The Mayor or his designee is hereby authorized to take the necessary steps to enter into an amendment to the contract and any other steps necessary to effectuate this resolution; and,
- 4) Updated Stockholder Disclosure and Contribution Disclosure forms are attached hereto; and,
- 5) This resolution shall take effect immediately.

RESULT:	Adopted - [8 to 1]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Ramos
NAYS:	Michael Russo

18-666

RESOLUTION APPROVING A CHANGE ORDER TO THE CITY'S CONTRACT WITH UNDERGROUND UTILITIES CORPORATION IN THE AMOUNT OF \$71,012.81 FOR A .38% INCREASE FROM THE CURRENT CONTRACT AMOUNT

WHEREAS, pursuant to Resolution No. A4 dated October 19, 2016, the City Council awarded a construction contract to Underground Utilities Corporation ("Underground Utilities") for the Washington Street Redesign Project in the amount of \$17,563,235.71; and,

WHEREAS, the City Council previously approved 22 Change Orders for Underground Utilities in the combined amount of \$1,217,449.29, for a new total contract amount of \$18,780,685.00; and,

WHEREAS, the City received the attached correspondence from T&M Associates dated October 10, 2018 recommending Change Order No. 23 in the increased amount of \$71,012.81, and a reduction of 83 days; and,

WHEREAS, Change Order No. 23 is the result of increased quantities resulting from field modifications, reductions resulting from overlapping construction with the Rebuild by Design (“RBD”) project, and reductions due to lack of need of quantities; and,

WHEREAS, the increased quantities resulting from field modifications include police traffic directors and load, haul, and disposal of regulated material; and,

WHEREAS, the reductions from overlapping construction with RBD are a result of improvements at the intersection of 14th St. and Washington St. that, in the opinion of the Washington Street project engineer and the RBD project engineer, will be impacted by the RBD construction; and,

WHEREAS, reductions due to lack of need of quantities include removal of full depth roadway reconstruction at intersections from 5th St. through 8th St. on Washington St., as well as removal of a portion of the water bypasses for temporary services; and,

WHEREAS, there is a time reduction of 20 days for the removal of improvements at the intersection of 14th St. and Washington St., and a time reduction of 63 days for removal of full depth reconstruction from Newark St. through 10th St. on Washington St.; and,

WHEREAS, the City of Hoboken has reserved its rights to seek reimbursement for monies in this change order that are a result of project delays; and,

WHEREAS, it is recommended that the City Council approve Change Order No. in the amount of \$71,012.81, and a total reduction of 83 days; and,

WHEREAS, the new total contract amount, including previous change orders, is \$18,851,697.81, which represents a .38% increase from the current contract amount and a 7.34% increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Change Order No. 23 is awarded as delineated above in the increased amount of \$71,012.81, subject to the following:

1. The award of these change orders are subject to finalization of the contract terms to be drafted and approved by Corporation Counsel.
2. Any contract additional change orders which may become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Mayor, or his designee, is hereby authorized to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

RESULT:	Adopted - [8 to 1]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Ramos
NAYS:	Michael Russo

RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC. IN THE AMOUNT OF \$40,000.00 FOR INSURANCE BROKER SERVICES RELATED TO HEALTH INSURANCE

WHEREAS, insurance consultant services is a professional service as defined in N.J.S.A. 40A:11-5(1)(a)(i) et seq; and,

WHEREAS, the City of Hoboken issued Request for Proposal No. 18-08 seeking insurance brokerage services for health insurance; and,

WHEREAS, the proposals were evaluated by an evaluation committee, which determined that Fairview Insurance Agency Associates, Inc. was the most qualified firm, price and other factors considered; and,

WHEREAS, the Administration recommends awarding a contract to Fairview Insurance Agency Associates, Inc. for insurance brokerage services related to health insurance in the amount of \$40,000.00, for a term to expire December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is hereby awarded to Fairview Insurance Agency Associates, Inc. in the amount of \$40,000.00, for a term to expire December 31, 2018; and,

BE IT FURTHER RESOLVED, the contract amount shall constitute the flat fee for services rendered for a four month period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City; and the award of this contract is subject to the following:

1. The award of this contract is subject to finalization of the contract terms to be drafted and approved by Corporation Counsel.
2. Any contract amendments which may become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The City is in receipt of the Stockholder Disclosure form, Contribution Disclosure form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.
5. The Mayor, or his designee, is hereby authorized to execute an agreement as outlined herein with:

Fairview Insurance Agency Associates, Inc.

25 Fairview Avenue

Verona, NJ 07044

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT:	Carried
SPONSOR:	
SECOND:	

18-667

RESOLUTION AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH IN THE INCREASED AMOUNT OF \$3,610.00 TO PROVIDE ENGINEERING TECHNICAL ASSISTANCE FOR THE HOBOKEN WATER SYSTEM

WHEREAS, pursuant to Resolution No. A4 dated June 20, 2018 the City Council awarded a contract to CDM Smith for professional engineering services in amount of \$9,710.00; and,

WHEREAS, it is necessary to amend the contract in order to have CDM Smith complete the Best Management Practices document as an appendix for the Request for Proposals for a Water System Operator; and,

WHEREAS, pursuant to the attached correspondence from Maria D. Watt, P.E. dated October 8, 2018, CDM Smith can provide the aforementioned services for \$3,610.00; and,

WHEREAS, the Administration recommends amending the contract with CDM Smith for professional engineering services in the increased amount of \$3,610.00, for a new total contract amount of \$13,320.00.

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

- 1) The award of this contract amendment is subject to finalization of the contract terms to be drafted and approved by Corporation Counsel.
- 2) Aside from the change in contract amount, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; and,
- 3) The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
- 4) This resolution shall take effect immediately.

RESULT:	Adopted -[Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-668

RESOLUTION AMENDING A CONTRACT WITH INSURANCE ADMINISTRATOR OF AMERICA TO INCLUDE THE COLLECTION OF HEALTH INSURANCE CONTRIBUTION AMOUNTS

WHEREAS, pursuant to Resolution No.: F3 dated December 20, 2017, the City awarded a contract to Insurance Administrator of America, Inc. (IAA) to act as the City's third-party administrator for health insurance benefits; and,

WHEREAS, the City is required to collect health insurance contributions from certain retired employees in accordance with P.L. 2011, c. 78 (Chapter 78); and,

WHEREAS, the City requested proposals for the administration of this collection from three companies; and,

WHEREAS, the Administration and the Self-Insurance Fund Commission have determined the attached proposal from IAA is most advantageous to the City, cost and other factors considered; and,

WHEREAS, the fee to perform these services will be \$7.50 per employee per month, for and estimated annual cost of \$1,350.00; and,

WHEREAS, the Administration recommends awarding an amendment to the City's contract with IAA to collect retiree health insurance contribution amounts for an estimated annual amount of \$1,350.00, for the duration of their original contract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City's contract with Insurance Administrator of America, Inc. is amended in the increased amount of \$7.50 per employee per month, for an estimated annual amount of \$1,350.00, for the term of the original contract; subject to the following:

1. The award of this contract amendment is subject to finalization of the contract terms to be drafted and approved by Corporation Counsel.
2. Aside from the change in price, the original contract shall govern the relationship of the parties.
3. The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. Insurance Administrator of America, Inc. has submitted Stockholder Disclosure and Contribution Disclosure forms which are attached hereto.
5. The Mayor, or his designee, is hereby authorized to execute an amended agreement as outlined herein with:

Insurance Administrator of America, Inc.
 1934 Olney Ave., Suite 200
 Cherry Hill, NJ 08003

RESULT:	Adopted -[Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Community Development

18-669

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HOBOKEN AND KMS DEVELOPMENT PARTNERS, LP FOR THE REDEVELOPMENT OF THE HOBOKEN POST OFFICE REHABILITATION AREA

WHEREAS (#1), the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "**Act**"), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and areas in need of rehabilitation; and

WHEREAS (#2), in order to stimulate redevelopment, the City, by Resolution, designated certain properties within the City of Hoboken as areas in need of redevelopment or rehabilitation in accordance with the Act; and

WHEREAS (#3), by Ordinance of the City Council of the City of Hoboken (the “**City Council**”) adopted on April 19, 2017, the City adopted the Hoboken Post Office Redevelopment Plan for the Hoboken Post Office Rehabilitation Area dated March 27, 2017 (the “**Redevelopment Plan**”), which may be amended from time to time, and which sets forth the plan for the Hoboken Post Office Rehabilitation Area; and

WHEREAS (#4), the City desires that the land currently designated as Block 231.01, Lot 1 on the Tax Map of the City of Hoboken and owned by the U.S. Postal Service, more commonly known as 89 River Street (the “**Rehabilitation Area**” or the “**Project Site**”), be subdivided and redeveloped in accordance with the Redevelopment Plan, as same may be amended in accordance with the terms herein; and

WHEREAS (#5), on or about May 15, 2017, KMS submitted a Pre-Submission Form to the City seeking to be designated as the Redeveloper of the Project Site, a complete copy of which is on file at City Hall; and

WHEREAS (#6), following the submission of certain supplemental information, all of which is on file at City Hall, and a series of compliance reviews by the City as well as meetings with the representatives of KMS regarding the Pre-Submission Form and certain components of the proposed project, including but not limited to building height, parking and public access, KMS submitted to the City a revised Pre-Submission Form dated March 13, 2018 together with revised concept drawings (the “**Pre-Submission Form**”); and

WHEREAS (#7), the Pre-Submission Form, a complete copy of which is on file at City Hall, reflected an overall proposed project that would accommodate renovated facilities for the existing U.S. Post Office which is located upon a portion of the Project Site and, *inter alia*, a new, full service hotel, with a rooftop bar, event and banquet space, meeting rooms, a restaurant and ground floor retail on the remaining portion of the Project Site (such remaining portion, as further defined herein, shall be referred to as the “**Hotel Site**”); and

WHEREAS (#8), KMS is the current contract purchaser of the Hotel Site and has been authorized by the U.S. Postal Service to seek designation by the City as the redeveloper of the Project Site pursuant to that certain correspondence from the USPS dated May 12, 2017; and

WHEREAS (#9), the Pre-Submission Form further reflected the provision of parking and the implementation of complete site improvements including, *inter alia*, new sidewalks, streetscaping, public space, and improved traffic circulation, as well as the generation of approximately 200 jobs, with an additional 19 supported by guest spending and 550 regional construction jobs; and

WHEREAS (#10), after considering the Pre-Submission Form and the proposed project overall, the City, by Resolution of the City Council dated April 4, 2018, entered into an Interim Cost and Conditional Designation Agreement on or about April 9, 2018 conditionally designating KMS, the contract purchaser of the Hotel Site as the Redeveloper of the Project Site; and

WHEREAS (#11), the City and KMS then entered into extensive negotiations concerning the details of the proposed project to be constructed upon the Hotel Site as well as the renovations to be

undertaken upon the Post Office Facility and KMS has submitted to the City certain additional information, including but not limited to a Site Plan, Architectural Plans, Subdivision and Easement Plan, Streetscape Plan, Traffic Circulation Plan, View Corridor Simulation, Traffic and Parking Study with a Transportation Demand Management Plan, draft Memorandum of Agreement with SHPO and a Demolition Plan, as those terms are defined herein, all of which is on file at City Hall, expanding upon the Pre-Submission Form and further clarifying how KMS intends to redevelop the Project Site (collectively, the “**Additional Submissions**”); and

WHEREAS (#12), the Pre-Submission Form and the Additional Submissions are collectively referred to herein as the “**Proposal**”; and

WHEREAS (#13), the Proposal specifically provides for the following: renovation of portions of the existing U.S. Post Office located upon the Project Site (the “**Post Office Facility**”), including the following components: (a) a historic preservation component requiring the execution of a final Memorandum of Agreement (“**MOA**”) with the State Historic Preservation Office (“**SHPO**”) as part of completing the requirements of Section 106 of the National Historic Preservation Act (NHPA) and a plan for demolition activities to be undertaken in connection with the Project, as well as undertaking certain actions, recommended by the City’s Historic Preservation Commission and agreed to by the Redeveloper; (b) the construction of loading bays for use by the Post Office; and (c) the provision of Post Office Facility employee and delivery vehicle parking; as well as the development and construction of a new, first class, full service waterfront hotel, to be constructed to LEED Silver standards, generally to include the following components: (A) up to three hundred and fifty (350) guest rooms on twenty (20) occupied floors; (B) an approximately 6,400 sq. ft. rooftop terrace lounge with separate elevator access from the lobby level incorporating an interior bar area and an outdoor terrace area, to which the public shall have access; (C) a gym; (D) meeting and banquet spaces which shall have a view towards the waterfront, one (1) of which shall accommodate at least two hundred and fifty (250) attendees at seated tables; (E) two (2) ground floor double height loading bays for use by the Hotel; (F) certain on-site and off-site parking; (G) a combined lobby bar/restaurant, to which the public shall have access; (H) retail/sidewalk café use on the ground floor, to which the public shall have access; (I) landscaping; (J) lighting; and (K) signage; and complete site improvements comprising the following components: (i) improved traffic circulation at certain intersections in the vicinity of the Project Site that are impacted by the Project; (ii) improved and expanded pedestrian connections by modifying certain existing reciprocal easements as set forth herein, providing improved sidewalks and incorporating streetscaping, and connecting to the existing Pedestrian Plaza from Warrington Plaza and the Waterfront Walkway; (iii) improved bicycle circulation as shown on the Site Plan; (iv) certain sustainable elements, including the incorporation of certain LEED Silver components; (v) certain stormwater management elements including the separation of the combined sewer overflow, the construction of a storm water detention system, and the installation of certain green infrastructure; (vi) construction and implementation of certain other infrastructure improvements to support the Project as may be necessary; (vii) public open space in the form of a pocket park to be accessed from River Street in the area between the Post Office Facility and the building located on Block 231.01, Lot 2, measuring approximately 1,880 square feet;

and (viii) environmental remediation of the Hotel Site as may be applicable (collectively, the “**Project**”); and

WHEREAS (#14), while generally consistent with the spirit and intent of the Redevelopment Plan, the Proposal requires various amendments to the Redevelopment Plan including with regard to the maximum architectural height, setbacks and step backs and certain parking requirements, all of which amendments are a condition of the attached Redevelopment Agreement (the “**Redevelopment Plan Amendment**”); and

WHEREAS (#15), as further set forth herein, Redeveloper shall provide \$3,850,000.00 in Community Benefit Payments for the good of the public including, *inter alia*, a payment to the City in the total amount of \$2 million (“**Revitalization Funds**”) to be utilized by the City to advance a public private partnership between the City, the Hoboken Board Of Education, the Trustees of the City of Hoboken Public Library and the Hoboken Community Center, it being the intent of the City to revitalize and restore the facility located on Washington Street, formerly known as the YMCA, and to provide other such facilities for the public benefit, including, *inter alia*, an uptown branch of the Hoboken Public Library, educational space for use by the Hoboken Board of Education and/or indoor recreational facilities, including a community swimming pool at the Hoboken Community Center (collectively, the “**Revitalization Project**”); \$1 million in total to be paid directly to the Hoboken Public Education Foundation; \$485,000.00 in total to be paid directly to the City’s charter schools; \$200,000.00 for deposit into the City’s Affordable Housing Trust Fund; and \$165,000.00 to be paid to the City for infrastructure improvements within the 1st Ward (“**Infrastructure Improvement Funds**”), all as set forth in the Redevelopment Agreement; and

WHEREAS (#16), upon the receipt by the City of Revitalization Funds from the Redeveloper, it is the intent of the City that said funds shall be allocated to a City of Hoboken Capital Reserve Account, for the purpose of providing funding for the Revitalization Project, including, *inter alia*, any preliminary planning, study and/or analysis of the Revitalization Project; and further, following the execution of the Redevelopment Agreement authorized by this Resolution, the City intends to pursue entering into a subsequent agreement with the Hoboken Board of Education, the Trustees of the Free Public Library of the City of Hoboken and the Hoboken Community Center in order to define the parameters of the joint revitalization effort, including the overall description of the Revitalization Project, the oversight and governance of the Revitalization Project and the resolution of all issues relating to the legal structure and authority for the use of the Revitalization Funds for such purpose; and

WHEREAS (#17), upon the receipt by the City of the Infrastructure Improvement Funds from the Redeveloper, it is the intent of the City that said funds shall be allocated to a City of Hoboken Capital Reserve Account, for the purpose of providing funding for the referenced infrastructure improvements within the 1st Ward; and

WHEREAS (#18), the Community Benefit Payments referenced above are *in addition* to those public improvements to be constructed and implemented by Redeveloper around the Project Site, which are estimated by Redeveloper to have a value of \$1,000,000.00, and which include various street and

streetscape improvements along Newark Street, Sinatra Drive and First Street and the development of Pocket Park, at no cost to the City; and

WHEREAS (#19), the City and the Redeveloper have engaged in extensive negotiations and the City has determined that in furtherance of the City's goals and objectives to implement the redevelopment contemplated in the Redevelopment Plan, as may be amended, it is in the best interests of the City and of Hoboken residents to enter into the attached Redevelopment Agreement with KMS being designated as the exclusive Redeveloper of the Project Site; and

WHEREAS (#20), the Parties desire to enter into the attached Redevelopment Agreement for the purpose of setting forth in greater detail their respective undertakings, rights and obligations in connection with the development and construction of the Project.

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

1. The Mayor of the City of Hoboken is hereby authorized to execute the Redevelopment Agreement by and between the City of Hoboken and KMS Development Partners, LP in substantially the form attached hereto as **Attachment A**, designating KMS Development Partners, LP as the exclusive redeveloper of Block 231.01, Lot 1 on the Tax Map of the City of Hoboken, more commonly known as 89 River Street, and as same is proposed to be subdivided into Lots 1.01, 1.02 and 1.03.
2. Upon receipt by the City of the Revitalization Funds, or any portion thereof, from Redeveloper, same shall be allocated to to a City of Hoboken Capital Reserve Account, for the purpose of providing funding for the Revitalization Project, including, *inter alia*, any preliminary planning, study and/or analysis of the referenced Revitalization Project.
3. Upon the receipt by the City of the Infrastructure Improvement Funds from the Redeveloper, it is the intent of the City that said funds shall be allocated to a City of Hoboken Capital Reserve Account, for the purpose of providing funding for the referenced infrastructure improvements within the 1st Ward.
4. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

5. This Resolution shall be effective immediately.

RESULT:	Adopted -[8 to 1]
SPONSOR:	Mike DeFusco
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Falco, Fisher, Giattino, Jabbour, Russo, Ramos
NAYS:	James Doyle

18-670

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

WHEREAS, by Ordinance adopted April 19, 2017, the City Council of the City of Hoboken (“City Council”) adopted a Redevelopment Plan known as the Hoboken Post Office Redevelopment Plan for the redevelopment of an area in the City of Hoboken known as the Hoboken Post Office Rehabilitation Area, which was determined to be an area in need of rehabilitation on October 17, 2012 pursuant to the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.; and,

WHEREAS, the following real property is situated within the Hoboken Post Office Rehabilitation Area of the City:

- Block 231.01, Lot 1 on the Tax Map of the City of Hoboken, more commonly known as 89 River Street; and,

WHEREAS, the City Council has prepared certain amendments to the Hoboken Post Office Redevelopment Plan, which amendments are in furtherance of the redevelopment of the Hoboken Post Office Rehabilitation Area, and which are set forth in a proposed Ordinance entitled “Ordinance Amending The Redevelopment Plan For The Hoboken Post Office Rehabilitation Area,” a copy of which is attached hereto as **Exhibit A**; and,

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

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

1. A copy of the proposed ordinance entitled “Ordinance Amending The Redevelopment Plan For The Hoboken Post Office Rehabilitation Area” be transmitted to the Planning Board of the City of Hoboken for its review and recommendations pursuant to N.J.S.A. 40A:12A-7.

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

RESULT:	Adopted - [8 to 1]
SPONSOR:	Mike DeFusco
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Falco, Fisher, Giattino, Jabbour, Russo, Ramos
NAYS:	James Doyle

RESOLUTION OF THE CITY OF HOBOKEN REFERRING THE PROPOSED "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 196 "ZONING" AND 128 "LICENSES" OF THE CODE OF THE CITY OF HOBOKEN ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS" TO THE CITY OF HOBOKEN PLANNING BOARD IN ACCORDANCE WITH THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-64, the City Council shall refer all ordinances to amend the zoning code and related municipal regulations to the Planning Board prior to final adoption of same; and,

WHEREAS, on September 5, 2018, the City Council will consider on First Reading an "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 196 "ZONING" AND 128 "LICENSES" OF THE CODE OF THE CITY OF HOBOKEN ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS", which the City Council, in accordance with N.J.S.A. 40:55D-64, wishes to refer to the Planning Board following Introduction, but prior to the City Council's final consideration of same.

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

1. Following its Introduction, the City Council hereby refers the proposed ordinance titled "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 196 "ZONING" AND 128 "LICENSES" OF THE CODE OF THE CITY OF HOBOKEN ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS" which is on file at

the municipal offices of the City of Hoboken, and incorporated herein as if set forth in full, to the City of Hoboken Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

2. The City of Hoboken Planning Board shall generate a report within thirty-five (35) days after this referral containing its recommendation regarding the proposed ordinance.
3. City Staff and consultants are hereby authorized and directed to take all actions to implement this Resolution as are necessary or appropriate to accomplish its goals and intent.
4. This Resolution shall take effect immediately.

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Carried

SPONSOR:

SECOND:

Corporation Counsel

18-671

RESOLUTION AMENDING THE CITY'S CONTRACT WITH BUZAK LAW GROUP FOR GENERAL LITIGATION AND ETHICS MATTERS IN THE INCREASED AMOUNT OF \$10,000.00

WHEREAS, the City Council has previously approved a contract to the Buzak Law by way of Resolution dated May 2, 2018 to serve as Special Counsel – General Litigation and Ethics in the amount of \$25,000.00; and,

WHEREAS, the Buzak Law Group has utilized a majority of the contract amount but additional work is anticipated to be required through the end of CY2018; and,

WHEREAS, the City Council wishes to increase the City's contract with the Buzak Law Group in the increased amount of \$10,000.00 for no change in the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract amendment is awarded to Buzak Law Group in the increased amount of \$10,000.00 for a new total contract amount of \$35,000.00; and,

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

1. Other than as specified herein, no changes shall be made to the contract.
2. Any additional amendments which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

RESULT:	Adopted - [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Environmental Services

18-672

RESOLUTION AWARDING A CONTRACT TO MURRAY PAVING & CONCRETE LLC IN THE AMOUNT OF \$51,071.48 FOR THE INSTALLATION OF A CONCRETE FLOOR AT CITY HALL

WHEREAS, the City requires a general contractor to install a concrete floor in place of an existing dirt floor in the area of City Hall occupied by the Hoboken Parking Utility; and,

WHEREAS, the scope of work for this project includes: mold testing due to water damage, removal of the existing flooring, debris disposal, excavation of soil, installation of a waterproof sealing for the walls, installation of a concrete floor slab with stone subbase, and installation of metal framed walls with moisture resistant barrier; and,

WHEREAS, N.J.S.A. 40A:11-10 and N.J.S.A. 40A:11-12 permit municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved purchasing cooperative; and,

WHEREAS, Murray Paving & Concrete, LLC is the general contractor approved by Contract No. ESCNJ 16/17-54 GC2 through the New Jersey State Approved ESCNJ Cooperative Pricing System #65MCESCCPS, of which the City of Hoboken is a member; and,

WHEREAS, Murray Paving & Concrete, LLC submitted a proposal to the City for the aforementioned scope of work dated September 21, 2018; and,

WHEREAS, the Administration recommends awarding a contract to Murray Paving & Concrete, LLC in the amount of \$51,071.48 pursuant to Contract No. ESCNJ 16/17-54 GC2 through the New Jersey State Approved ESCNJ Cooperative Pricing System #65MCESCCPS, to expire October 17, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is awarded to Murray Paving & Concrete, LLC in the amount of \$51,071.48, for a term to expire October 17, 2019; subject to the following:

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

Murray Paving & Concrete, LLC
210 S. Newman St.
Hackensack, NJ 07601

RESULT:	Adopted
SPONSOR:	Jennifer Giattino
SECOND:	Peter Cunningham
AYES:	Cunningham, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos
ABSTAIN:	Mike DeFusco

18-673

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO LAHITA ENGINEERING, LLC IN THE AMOUNT OF \$7,215.00 FOR STRUCTURAL ENGINEERING DESIGN OF REPAIRS TO THE ELYSIAN PARK SERVICE BUILDING

WHEREAS, the service building at Elysian Park which houses restrooms and storage of maintenance equipment is showing signs of structural deterioration including cracks in the brick and concrete walls; and,

WHEREAS, further structural deterioration of the service building at Elysian Park could pose a safety risk to those walking along Sinatra Drive adjacent to the service building; and,

WHEREAS, structural engineering design services are required to develop construction drawings to repair the service building at Elysian Park; and,

WHEREAS, engineering is a professional service as defined in N.J.S.A. 40A:11-5(1)(a)(i) et seq.; and,

WHEREAS, the City of Hoboken issued Request for Proposals 17-32 seeking qualified architects, engineers, landscape architects, LSRPs, planners, and surveyors; and,

WHEREAS, Lahita Engineering, LLC was prequalified to provide said services to the City by way of Resolution A3 dated February 7, 2018; and,

WHEREAS, Lahita Engineering, LLC provided a proposal for structural engineering design services to repair the service building at Elysian Park dated October 5, 2018; and,

WHEREAS, the Administration recommends awarding a contract to Lahita Engineering, LLC for structural engineering design of repairs to the Elysian Park service building in the amount of \$7,215.00, for a term to expire October 17, 2019; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is hereby awarded to Lahita Engineering, LLC in the amount of \$7,215.00, for a term to expire October 17, 2019; and:

1. The award of this contract is subject to finalization of the contract terms.
2. Any contract amendments which may become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The City is in receipt of the Stockholder Disclosure form, Contribution Disclosure form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.
4. The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or his designee, is hereby authorized to execute an agreement as outlined herein with:

Lahita Engineering, LLC
50 Harrison St., Suite 211B
Hoboken, NJ 07030

RESULT:	Adopted
SPONSOR:	Jennifer Giattino
SECOND:	Peter Cunningham
AYES:	Cunningham, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos
ABSTAIN:	Mike DeFusco

18-674

RESOLUTION APPROVING A SHARED SERVICES AGREEMENT WITH NORTH HUDSON SEWERAGE AUTHORITY FOR THE 9TH STREET AND MADISON STREET DRAINAGE PROJECT

WHEREAS, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1 et seq., the City of Hoboken ("City") and North Hudson Sewerage Authority ("NHSA") are authorized

to enter into an agreement with each other to jointly provide for any lawful service;
and,

WHEREAS, the City and NHSA wish to enter into the attached Shared Services Agreement for the design and construction of the 9th Street and Madison Street Drainage Project; and,

WHEREAS, it is the desire of the City Council to authorize the execution of the attached Shared Services Agreement between the City of Hoboken and the North Hudson Sewerage Authority.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the attached Shared Services Agreement with North Hudson Sewerage Authority is hereby approved.

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

RESULT:	Adopted -[Unanimous]
SPONSOR:	Michael Russo
SECOND:	Emily Jabbour
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Finance

18-675

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2018
MUNICIPAL BUDGET TO INCLUDE THE \$500,000.00 RECEIVED FROM THE HUDSON
COUNTY DEPARTMENT OF PARKS & COMMUNITY SERVICES FOR MADISON
STREET PARK PLAYGROUND IMPROVEMENTS

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or

municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

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

WHEREAS, the City of Hoboken has received notice of an award of \$500,000.00 from Hudson County Office of Cultural & Heritage Affairs and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2018 in the sum of \$500,000.00. This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated

With Prior Written Consent of the Director of the

Division of Local Government Services:

State and Federal Revenues Off-set with

Appropriations:

Madison St. Park Playground Improvements

Other Expenses \$500,000.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$500,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by

Revenues:

Madison St. Park Playground Improvements

Other Expenses \$500,000.00

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

RESULT:	Adopted - [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Emily Jabbour
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-676

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2018
MUNICIPAL BUDGET TO INCLUDE THE \$123,176.00 RECEIVED FROM THE COUNTY
OF HUDSON, DEPARTMENT OF HEALTH & HUMAN SERVICES OFFICE OF AGING

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$123,176.00 from the County of Hudson, Department of Human Services relative to Office of Aging and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2018 in the sum of \$123,176.00. This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

Office of Aging

Other Expenses \$123,176.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$123,176.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

Office of Aging

Other Expenses \$123,176.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk or Chief Finance Officer will forward a certified copy of this resolution to the Director of Local Government Services for approval.

RESULT:	Adopted - [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-677

RESOLUTION AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH
PARKER MCKAY FOR BOND COUNSEL IN THE INCREASED AMOUNT OF \$60,000.00

WHEREAS, pursuant to Resolution No. F3 dated March 21, 2018 the City Council previously awarded a contract to Parker McCay for Bond Counsel Services in amount of \$50,000.00; and,

WHEREAS, an amendment to the contract in the increased amount of \$60,000.00 is necessary to pay for additional legal services related to financings; and,

WHEREAS, the Administration recommends amending the contract with Parker McCay for Bond Counsel Services in the increased amount of \$60,000.00, for a new total contract amount of \$110,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the contract with Parker McCay shall be increased by \$60,000.00 for a new total contract amount of \$110,000.00; and,

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

RESULT:	Adopted - [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Health and Human Services

18-678

RESOLUTION AWARDING A CONTRACT TO APPLIED LANDSCAPE TECHNOLOGIES IN THE AMOUNT OF \$1,043,857.00 FOR CONSTRUCTION OF THE MADISON STREET PARK RENOVATIONS

WHEREAS, the City requires construction services for the Madison Street Park Renovations;
and,

WHEREAS, the City advertised to bidders for said service by way of Bid No 18-15, and received the following responses:

<u>Bidder</u>	<u>Base Bid Amount</u>	<u>Alternate</u>	<u>Total</u>
Applied Landscape Technologies	\$949,257.00	\$94,600.00	\$1,043,857.00
Picerno Giordano Construction, LLC	\$993,493.50	\$77,500.00	\$1,070,993.50
Zenith Construction Services, Inc.	\$1,039,010.00	\$80,000.00	\$1,119,010.00
Flanagan's Contracting Group, Inc.	\$1,103,722.00	\$93,770.00	\$1,197,492.00

WHEREAS, the Administration recommends awarding a contract to Applied Landscape Technologies, the lowest responsive and responsible bidder, for construction of the Madison Street Park Renovations, with alternate, for a total bid of \$1,043,857.00, pursuant to BID No.18-05, for a term to expire October 17, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is awarded to Applied Landscape Technologies in the amount of \$1,043,857.00, for a term to expire October 17, 2019; subject to the following:

1. The award of this contract is subject to finalization of the contract terms.
2. Any change orders which may become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The City is in receipt of the Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.

5. The Mayor, or his designee, is hereby authorized to execute an agreement as outlined herein with:

Applied Landscape Technologies
145 River Rd.
Montville, NJ 07045

RESULT:	Adopted - [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Emily Jabbour
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Public Safety

18-679

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE ASSISTANCE TO FIREFIGHTERS GRANT, APPROVING MATCH AMOUNTS, AND ACCEPTANCE OF FUNDS IF APPROVED

WHEREAS, the Department of Homeland Security, Federal Emergency Management Agency has established the Assistance to Firefighters (AFG) Grants with the primary goal of enhancing the safety of the public and firefighters with respect to fire related hazards by providing direct financial assistance to eligible fire departments; and,

WHEREAS, this financial assistance can be used to equip and train emergency personnel to recognize standards, enhance operations efficiencies, foster interoperability, and support community resilience; and,

WHEREAS, the Hoboken Fire Department would like to submit the attached application for the 2018 Assistance to Firefighters Grant; and,

WHEREAS, if awarded, the grant would be used to provide at least 20 Hoboken first responders training in Intermediate Incident Command System (ICS) courses, which will permit the students to develop an ICS organizational structure, list staffing requirements, prepare a briefing, lead or participate in a planning meeting, identify resources, develop goals, prepare an action plan, and become familiar with the National Incident Management System (NIMS); and,

WHEREAS, the total grant application request is for \$49,840.00, which is made up of \$48,240.00 in overtime costs and \$1,600.00 in tuition costs; and,

WHEREAS, there is a required 10% match from the City in the amount of \$4,984.00.

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

1. The City Council hereby authorizes the submission and execution of the attached Assistance to Firefighters Grant in the amount of \$49,840.00, which includes a 10% match.
2. The Mayor, the Business Administrator, or their designee may sign any other documents necessary in connection therewith, on behalf of the City of Hoboken, and their signature will constitute acceptance of the terms and conditions.
3. Upon receipt of the grant, the Council does further authorize the acceptance of the grant and expenditure of funds pursuant to the terms of the agreement.

BE IT FURTHER RESOLVED, the City is authorized to provide the 10% funding match in the amount of \$4,984.00.

RESULT:	Adopted - [Unanimous]
SPONSOR:	James Doyle
SECOND:	Vanessa Falco
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Tax Collector

18-680

**RESOLUTION CANCELLING ASSIGNMENT OF MUNICIPAL TAX SALE
CERTIFICATES DATED OCTOBER 3, 2018**

WHEREAS, in accordance with N.J.S.A. 54:5-113, the Tax Collector's Office received a request for assignment from Trystone Capital Assets, LLC, on the following certificates:

<u>Block</u>	<u>Lot</u>	<u>Qual #</u>	<u>Certificate #</u>	<u>Address</u>	<u>Amount</u>
95	21	C0P-5	18-00032	920 Jefferson St	\$582.72
254	11	C000M	18-00071	213 Fourteenth St	\$442.21
254	12	C000M	18-00072	211 Fourteenth St	\$460.28

WHEREAS, on October 3, 2018, the City Council approved such assignments sale on resolutions 18-638, 18-639 and 18-640; however, payment was not received from Trystone Capital Assets, LLC, on October 4, 2018 as required; and,

WHEREAS, due to the fact that no payment was received from Trystone Capital Assets, LLC as required, the Tax Collector is requesting that the sale be deemed null and void.

NOW, THEREFORE, BE IT RESOLVED, that due to the fact that payment was not received from Trystone Capital Assets, LLC as required, this assignment sale is deemed null and void; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

RESULT:	Adopted - [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

Transportation and Parking

18-681

RESOLUTION ALLOWING THE CITY OF HOBOKEN TO WAIVE THE ESTOPPEL PERIOD AND AUTHORIZE THE IMMEDIATE ENACTMENT OF ORDINANCE NO. B-75 (COUNCIL MEMBER GIATTINO)

WHEREAS, N.J.S.A. 40:69A-181 permits the waiver of the 20~~-~~day estoppel period for the

enactment of ordinances upon the adoption of a resolution by 2/3 of the Council finding that an emergency exists necessitating the immediate enactment of the ordinance; and,

WHEREAS, City of Hoboken Ordinance No. B-75 was passed by an affirmative vote of the City Council on October 3, 2018; and,

WHEREAS, Ordinance No. B-75 changes the parking hours in school zones when school is in session; and,

WHEREAS, immediate enactment of Ordinance No. B-75 is necessary to reduce illegal parking and reduce traffic congestion in school zones; and,

WHEREAS, immediate enactment of Ordinance No. B-75 would also provide greater access for police, fire and emergency vehicles in the event it is necessary to respond to a school.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City Council declares an emergency to exist as detailed above for which waiving the 20 day estoppel period for enactment of Ordinance No. B-75 is warranted and justified; and,

BE IT FURTHER RESOLVED, that Ordinance No. B-75 shall take effect immediately upon final adoption.

RESULT:	Adopted - [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

City Clerk

18-682

RESOLUTION TO APPROVE THE MINUTES OF THE MEETINGS OF THE CITY
COUNCIL DATED: REGULAR AND SPECIAL MEETINGS OF SEPTEMBER 17, 2018
AND OCTOBER 3, 2018

BE IT RESOLVED, that the attached Meeting Minutes for the City of Hoboken's Special and Regular

meeting of September 17, 2018 and October 3, 2018 have been reviewed by the Governing Body, and are hereby approved by the Governing Body, and said Meeting Minutes shall now be made public, except to the extent said minutes include closed execution session discussions, which shall remain confidential until the need for confidentiality no longer exists, at which point the matters discussed therein will be made available to the public in accordance with applicable law.

RESULT:	Adopted - [Unanimous]
SPONSOR:	James Doyle
SECOND:	Vanessa Falco
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-683

RESOLUTION IN SUPPORT OF NATIONAL BREAST CANCER MONTH

WHEREAS, October is National Breast Cancer Month; and,

WHEREAS breast cancer is one of the most common cancers among women and effects roughly 230,000 women as well as 2,300 men each year and is responsible for more than 40,000 deaths annually in the United States; and,

WHEREAS, breast cancer does not discriminate, it strikes people of all races, ages and income levels and we must raise awareness of this disease and its symptoms so we can more easily identify it and more effectively treat it; and,

WHEREAS, this month as we honor those whose lives were tragically cut short by breast cancer and as we stand with their families, let us arm ourselves with the best knowledge, tools and resources available to fight this devastating disease; and,

WHEREAS, regular screenings and quality care are vital to improving outcomes to millions of people.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken recognizes October as National Breast Cancer Awareness Month and stands with all who have been affected by Breast Cancer.

RESULT:	Adopted - [Unanimous]
SPONSOR:	Jennifer Giattino
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

ORDINANCES

Introduction and First Reading

18-684

B-79

ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR THE HOBOKEN POST OFFICE REHABILITATION AREA

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "**Redevelopment Law**"), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and,

WHEREAS, by Ordinance of the City Council of the City of Hoboken (the "**City**") adopted on April 19, 2017, the Redevelopment Plan for the Hoboken Post Office Rehabilitation Area dated March 27, 2017 (the "**Redevelopment Plan**"), which sets forth the plan for the Hoboken Post Office Rehabilitation Area; and,

WHEREAS, the City desires that the land located within the Hoboken Post Office Rehabilitation Area designated as Block 231.01, Lot 1 on the Tax Map of the City of Hoboken, more commonly known as 89 River Street (the "**Project Site**"), be redeveloped in accordance with the Redevelopment Plan; and,

WHEREAS, on or about May 15, 2017, KMS Development Partners, LP ("**KMS**") submitted a Pre-Submission Form to the City seeking to be designated as the Redeveloper of the Project Site, a copy of which is on file at City Hall; and,

WHEREAS, after considering the Pre-Submission Form and the proposed project overall, the City, by Resolution of the City Council dated April 4, 2018, conditionally designated KMS as the Redeveloper of the Project Site; and,

WHEREAS, the overall proposed project would be implemented to accommodate renovated facilities for the existing U.S. Post Office located upon a portion of the Project Site and, *inter alia*, a new, full service hotel, with a rooftop bar, event and banquet space, meeting rooms, a restaurant and ground floor retail on the remaining portion of the Project Site, as well as the provision of parking and the implementation of complete site improvements including, *inter alia*, new sidewalks, streetscaping,

public space, public park, and improved traffic circulation, as well as the generation of approximately 130 hotel jobs, 19 others supported by guest spending, and 550 regional construction jobs (“**Proposed Project**”); and,

WHEREAS, the Redevelopment Plan provides that KMS shall provide certain community benefits for the good of the public the details of which are set forth in the redevelopment agreement between the City and KMS; and,

WHEREAS, while generally consistent with the spirit and intent of the Redevelopment Plan, the Proposed Project requires several -amendments to the Redevelopment Plan (as amended, the “**Amended Redevelopment Plan**”); and,

WHEREAS, upon passage of this Ordinance, the Amended Redevelopment Plan shall amend and supersede the Redevelopment Plan; and,

WHEREAS, the Amended Redevelopment Plan would, inter alia, reduce the allowed maximum architectural height, adjust the setbacks and step backs from the Newark Street property line, change the requirement for postal loading docks from eight (8) to seven (7), remove the twenty-five percent (25%) area limit for rooftop equipment, remove the additional twenty (20) foot step back from Sinatra Drive and modify a reference to the distance within which parking must be located; and,

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the proposed amendments to the Redevelopment Plan were referred to the Planning Board for its review and recommendation; and,

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

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

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

Section 1. The Redevelopment Plan is hereby amended as follows:

- a. On page 23, the Section entitled “Land Use & Development Requirements” is amended as follows:

This Redevelopment Plan has been designed to create an overlay zoning district for the Post Office Rehabilitation Area. It is anticipated that the property within the Post Office Rehabilitation Area will need to be subdivided to create a new lot for the Hotel Site and one or more lots for the United States Post Office property, including a lot that would contain

the existing Post Office building. The specific land use and development requirements that are applicable to the entire Post Office Rehabilitation Area are outlined in the following sections. Notwithstanding anything herein to the contrary, the limitations of this section shall not apply to any lots fronting on First Street that are generally utilized for parking and/or automobile circulation.

- b. On page 23, Section D, “Area and bulk regulations,” is amended as follows:
“Area and bulk regulations applicable to the new Hotel Site”
- c. On page 23, Section D (4)(a) regarding building setbacks from the Newark Street property line, is amended as follows:

Upper: ~~40~~ 3 feet min., plus the required setbacks as provided for in Section D (8) “Building height setbacks and cantilevers” below.

- d. On pages 24-25, the section entitled “Habitable Height” is amended as follows:

The maximum height to the roof of the tallest occupied floor of the hotel shall be ~~260~~ 234 feet from DFE, subject to the “step-back” requirements in Section D(8) below. From grade, the habitable height is approximately ~~270~~ 244 feet. This equates to a hotel building of approximately ~~24~~ 20 usable stories, as all usable floors must be above DFE and it is expected that at least two floors above DFE will have double-height ceilings or mezzanine levels (e.g., lobby floor, banquet hall). (For reference, the habitable height of the nearby W Hotel is 265 feet, with 27 stories above ground.)

- e. On page 25, the section entitled “Architectural height” is amended as follows:

The maximum height to the absolute highest point of the building, including the enclosed rooftop mechanical equipment and architectural features, shall be ~~280~~ 262' from DFE, subject to the “step-back” requirements in Section D(8) below. From grade, the architectural height is approximately ~~290~~ 272 feet. (For reference, the architectural height of the W Hotel is 313 feet; the height to the tip of the “W” sign on that hotel is 333 feet.)

- f. On page 25, the section entitled “Rooftop equipment” is amended as follows:

Any rooftop equipment shall be enclosed and screened from view. ~~Rooftop equipment shall occupy no more than 25% of the tallest portion of the roof and, if possible, shall be located in the northwest portion of the roof closest to First Street.~~ Rooftop enclosures shall be creatively designed to minimize visual impact.

- g. On page 25, the section entitled “Gross Floor Area (GFA) above DFE” is amended as follows:

The hotel shall contain a maximum of ~~170,000~~ 205,000 square feet of GFA, where GFA shall be calculated as the gross horizontal area of all floors of the hotel above the DFE measured from the interior perimeter walls ...

- h. On page 26, the section entitled “Stepback from Newark Street” is amended as follows:

By a height no greater than ~~85~~ 225 feet above DFE, the building shall step back a minimum of ~~20~~ 40 feet from Newark Street, or 10 feet back from the floor immediately below, whichever is greater.

By a height no greater than ~~160~~ 234 feet above DFE, the building shall step back a minimum of 80 feet from Newark Street, so as to create ~~a single, narrow structure closest to the First Street side of the site~~ the effect of two narrow structures, rather than a single building.

~~Between the required stepbacks at 85’ DFE and 160’ DFE, the building shall step back a minimum of 10 feet at least one additional instance, unless the City determines through the preparation of a Redevelopment Agreement that a design without this additional stepback presents a better design outcome.~~

- i. On page 26, the section entitled “Stepback from Newark Street or Sinatra Drive” is amended as follows:

Figure 12 and Figure 13 illustrate how these stepback requirements can ~~achieve a more narrow structure to meet the~~ multiple City’s objectives.

- j. At the end of page 26, a new Section E is added:

E. Area and bulk regulations applicable to the lot containing the existing Post Office building.

(1) Minimum lot area — 5,000 square feet

(2) Minimum lot width — 50 feet

(3) Minimum lot depth — 100 feet

(4) Min/Max Building Setbacks (in feet):

i. Newark Street property line: 0 feet

ii. River Street property line: 15 feet

iii. Hotel Site: 0 feet

iv. Block 231.01, Lot 2: 20 feet

(5) Building Coverage - 90%

(6) Maximum Building Height — 42 feet above DFE

- k. On page 27, Figure 12 is amended as follows:

Figure 12: Example of a hotel massing ~~in order to meet the required~~ with stepbacks ~~and that create a more narrow structure along the east west frontage the effect of two narrow structures.~~

- l. On page 30, last paragraph under Section B. Parking (1) Existing Parking Supply is amended as follows:

With the anticipation of the redevelopment of a portion of the current Post Office site for hotel use, the easement along Newark Street shall be terminated as part of the redevelopment agreement and the parking and loading spaces within the existing parking lot and easements shall be accommodated on site or through off- site parking agreements with

private parking facilities or as otherwise determined in the Redevelopment Agreement.

- m. On page 31, paragraph (a)(iii) with regard to hotel parking requirements is amended as follows:

Parking shall be secured in a private parking garage within a walking distance of 1,000 feet from the main building entrance unless Redeveloper provides the City with a technical analysis prepared by a transportation professional that demonstrates that valet service operations will operate at an acceptable level of service at a greater distance from the Hotel's main entrance so that patron wait times are kept to acceptable industry standards as a result of sufficient levels of parking staff and valet service procedures. Spaces must be secured for the exclusive use of the hotel, as described in paragraph (iv) below.

- n. On page 31, paragraph (a)(iv) is amended as follows:

A long term instrument, such as a deed, easement or lease agreement that secures the required parking in accordance with item (iii) above, shall be a requirement of the Redevelopment Agreement and will be subject to the approval of the Mayor and Council, acting as the Redevelopment Entity prior to the issuance of any Certificate of Occupancy for the Hotel, and as per the terms of a Redevelopment Agreement with the City. ~~prior to execution of the Redevelopment Agreement and submission of an application for Site Plan Approval to the Hoboken Planning Board.~~

- | o. On page 31, paragraph- (b) Post Office Parking is amended as follows:

The Maser Traffic and Parking Study also evaluated parking needs for the Post Office facility. ~~The Post Office requires and estimated that parking to accommodate its~~ there are approximately 100 employees operating over three shifts; at least 20 delivery trucks (including tractor trailers); and Post Office customers. The United States Postal Service does not currently supply parking for its employees, except for eight (8) on-street spaces for managerial level staff. Post Office parking requirements are as follows:

- p. On page 33, in Table 1, the intersection of the row entitled “Employees” and the column entitled “Parking Space Requirement” is amended as follows:

~~2.0 per employee per maximum shift; Min. 45~~ Min. 8 spaces

- q. On page 33, in Table 1, the intersection of the row entitled “Employees” and the column entitled “Location” is amended as follows:

~~On or Off Site*~~ Per Redevelopment Agreement

- r. On page 33, in Table 1, the intersection of the row entitled “Loading” and the column entitled “Parking Space Requirement” is amended as follows:

Min. ~~8-7~~ bays

- s. On page 33, paragraph (C)(1) with regard to off-street loading is amended as follows:

Off-street loading shall be provided for both the hotel and Post Office uses, with a minimum of ~~eight (8)~~seven (7) loading bays to be provided for the post office and at least one (1) loading bay to be provided for the hotel, subject to final review and approval by the City’s traffic consultant.

- t. On page 37, paragraph H, entitled “Signage” is amended as follows:

A comprehensive signage package must be submitted to the City for review and approval prior to the execution of a Redevelopment Agreement, and the approved signage package shall be included as an exhibit to such Redevelopment Agreement. ...

Section 2. The Hoboken Post Office Redevelopment Plan dated March 27, 2017, adopted by the City Council on April 19, 2017 as amended in Section 1 above meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 3. The Hoboken Post Office Redevelopment Plan, dated March 27, 2017, adopted by the City Council on April 19, 2017 as amended in Section 1 above is consistent with the City of

Hoboken's Master Plan or is designed to effectuate the Master Plan.

Section 4. The Hoboken Post Office Redevelopment Plan, dated March 27, 2017, adopted by the City Council on April 19, 2017 as amended in Section 1 above shall continue to constitute an overlay of existing zoning, and the Official Zoning Map is hereby amended to reflect the overlay zone set forth in the Plan.

Section 5. The Amended Redevelopment Plan shall amend and supersede the Redevelopment Plan adopted by the City Council on April 19, 2017 and applicable provisions of the Zoning Ordinance of the City of Hoboken. In all situations where zoning issues are not specifically addressed by the Amended Redevelopment Plan, the Zoning Ordinances of the City of Hoboken shall remain in full force and effect.

Section 6. Pursuant to N.J.S.A. 40A:12A-7(c), the City Zoning Map is hereby amended consistent with Section 1 above, so as to indicate that the Amended Redevelopment Plan applies to the Hoboken Post Office Rehabilitation Area depicted in the attached Redevelopment Plan, and which is further designated as Block 231.01, Lot 1 on the Tax Map of the City of Hoboken.

Section 7. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be separable from the remainder of any portion thereof.

Section 8. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 9. This Ordinance shall take effect immediately upon adoption and publication according to law.

RESULT:	1st Reading -[8 to 1]
SPONSOR:	Mike DeFusco
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Falco, Fisher, Giattino, Jabbour, Russo, Ramos
NAYS:	James Doyle

18-685
B-80

ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING TERMINATION OF THE GRANT OF RECIPROCAL PERMANENT EASEMENTS BY AND BETWEEN THE CITY OF HOBOKEN AND THE UNITED STATES POSTAL SERVICE DATED JULY 23, 1997 AND RECORDED ON AUGUST 5, 1997 IN THE OFFICE OF THE REGISTER OF HUDSON COUNTY AT BOOK 5172, PAGE 073 ET SEQ. AND AUTHORIZING THE EXECUTION AND RECORDING OF THE ATTACHED GRANT OF RECIPROCAL PERMANENT EASEMENTS BY AND BETWEEN THE CITY OF HOBOKEN AND THE UNITED STATES POSTAL SERVICE

WHEREAS, on July 23, 1997, the City of Hoboken, a municipal corporation organized pursuant to the laws of the State of New Jersey, with offices located at City Hall, 94 Washington Street, in the City of Hoboken (the “City”) and the United States Postal Service, an independent establishment with the Executive Branch of the Government of the United States, with offices located at 2 Hudson Place, 5th Floor, Hoboken, New Jersey (USPS) executed a Grant of Reciprocal Permanent Easements which was recorded in the office of the Register of Hudson County on August 5, 1997 in Book 5172, Pages 073 et seq. (the “1997 Easements”); and,

WHEREAS, the 1997 Easements consist of: (1) a permanent easement and license from the City to USPS consisting of 1,976 square feet on Newark Street between River Street and Sinatra Drive for the sole and exclusive use of parking for USPS vehicles; (2) a permanent easement and license from the City to USPS consisting of 2,700 square feet on Sinatra Drive between Newark Street and First Street for the sole and exclusive use of parking for USPS vehicles; and (3) a permanent standard use easement for public access and right of way from USPS to the City on property running parallel and adjacent to First Street between River Street and Sinatra Drive consisting of 4,375 square feet as more particularly described in the 1997 Easements; and,

WHEREAS, subject to subdivision approval by the Hoboken Planning Board and creation by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, as more fully described in Exhibit A to the Grant of Reciprocal Permanent Easements, attached hereto, the City and USPS desire to terminate the 1997 Easements and authorize the execution and recording of the attached Grant of Reciprocal Permanent Easements to:

- (1) provide a permanent easement ~~to~~ USPS on Newark Street consisting of 840 square feet, not to exceed six (6) parking spaces each parking space having dimensions of 20’ length and 7’ width for the sole and exclusive use of USPS to park employee passenger vehicles, for the benefit of the post office property situated on proposed Lot 1.01 in Block 231.01;

- (2) obtain for the benefit of the City a permanent sidewalk easement 159' length and 2.59' width on proposed Lot 1.01 in Block 231.01;
- (3) obtain for the benefit of the City a permanent sidewalk easement -66' length and 3.70' width on proposed Lot 1.02 in Block 231.01;
- (4) obtain for the benefit of the City a permanent easement from USPS on proposed Lot 1.03 in Block 231.01, adjacent to and running the length parallel to First Street, for any public purpose, including, but not limited to, vehicular and pedestrian use, and for purpose of public access, entry upon, passage over, and construction, reconstruction, repair, maintenance of streets, together with any needed associated utilities and right of way on over across and under the portion of proposed Lot 1.03 in Block 231.01, consisting of 4,375 square feet with a reservation of rights to USPS for:
 - (a) USPS to retain the permanent, exclusive right to park, load and unload USPS employee passenger vehicles in parking spaces to be constructed along the south side of First Street consisting of 420 square feet not to exceed three (3) parking spaces with each parking space having dimensions of 20' -length and 7' width; and
 - (b) USPS to retain the exclusive right of vehicular access from First Street by USPS, and their employees, contractors, agents and deliverymen, including USPS or postal vehicles and private carriers contracted to transport U.S. Mail, for the loading and unloading of U.S. Mail, freight, equipment, furnishings, supplies, foodstuffs or other goods, to loading docks to be constructed in proposed Lot 1.02 in Block 231.01, for the benefit of the post office use in proposed Lot 1.01 in Block 231.01 and the proposed hotel and related uses on Lot 1.02 in Block 231.01; and,

WHEREAS, in addition to the foregoing the Grant of Reciprocal Permanent Easements agreement, attached hereto, provides for other terms, including, but not limited to USPS and City indemnification -and maintenance provisions; and,

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes the City to convey any property interest, including an easement interest, not needed for public use at private sale to the United States of America or any department of agency thereof pursuant to N.J.S.A. 40A:12-13 and the City may acquire any real property interest by purchase or exchange pursuant to N.J.S.A. 40A:12-5; and,

WHEREAS, the USPS is a department or agency of the United States of America; and

WHEREAS, the termination of the 1997 Easements and authorization to execute the attached Grant of Reciprocal Permanent Easements requires approval by Ordinance pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12-13.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson, State Of New Jersey, as Follows:

Section 1. Subject to subdivision approval by the Hoboken Planning Board and creation by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, as more fully described in Exhibit A to the Grant of Reciprocal Permanent Easements, attached hereto, the Mayor is authorized to execute the Termination of Easements agreement by and between the City and USPS in substantially the form attached hereto.

Section 2. Subject to subdivision approval by the Hoboken Planning Board and creation by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, as more fully described in Exhibit A to the Grant of Reciprocal Permanent Easements, attached hereto, the easements to be conveyed by the City to USPS, as more particularly set forth in the Grant of Reciprocal Permanent Easements, attached hereto, are not needed for a public use.

Section 3. Subject to subdivision approval by the Hoboken Planning Board and

creation by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, as more fully described in Exhibit A to the Grant of Reciprocal Permanent Easements, attached hereto, the Mayor is authorized to execute the Grant of Reciprocal Permanent Easements by and between the City and USPS in substantially the form attached hereto.

Section 4. A copy of this Ordinance and the agreements authorized herein shall be placed on file with the City Clerk's Office.

Section 5. Upon full execution of the Termination of Easements, in substantially the form attached hereto, said agreement shall be sent to the Hudson County Register's Office for recording.

Section 6. Upon full execution of the Grant of Reciprocal Permanent Easements, in substantially the form attached hereto, said agreement shall be sent to the Hudson County Register's Office for recording.

Section 7. The Mayor and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 9. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage, approval, and publication.

RESULT:	1st Reading -[Unanimous]
SPONSOR:	Mike DeFusco
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-686

B-81

ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION AND RECORDING OF THE ATTACHED GRANT OF EASEMENT FOR A PUBLIC PARK ON PROPERTY TO BE REDEVELOPED BY KMS DEVELOPMENT PARTNERS, L.P.

WHEREAS, after full execution of the Redevelopment Agreement by and between the City of Hoboken and KMS Development Partners, L.P. (the “Redeveloper”) it is anticipated that the Redeveloper, with the consent of the United States Postal Service (USPS) will proceed to the Hoboken Planning Board with its “Conceptual Subdivision Plan Proposed Waterfront Hotel, 89 River Street, Block 231.01, Lot 1, City of Hoboken, Hudson County, New Jersey” seeking a subdivision of USPS property situated on Lot 1 in Block 231,01 into proposed Lots 1.01, 1.02 and 1.03 in Block 231.10, as more particularly set forth in the proposed subdivision plan attached to the Redevelopment Agreement; and,

WHEREAS, in the event that the Hoboken Planning Board approves the aforementioned subdivision and after the recording of the Subdivision Deed, it is anticipated that Lot 1.02 in Block 231.01 will be conveyed by the USPS to the Redeveloper for the redevelopment of the property in accordance with the Redevelopment Agreement; and,

WHEREAS, subject to subdivision approval by the Hoboken Planning Board and creation by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, and conveyance of Lot 1.02 in Block 231.01 from USPS to the Redeveloper, the City and the Redeveloper desire to execute the attached Grant of Easement for a public park in an area consisting of 1,880 square feet in Lot 1.02, Block 231.01, said area more fully described in the metes and bounds description set forth in Exhibit A to the Grant of Easement, attached hereto; and,

WHEREAS, in addition to the foregoing, the Grant of Easement for public park use contains construction and maintenance, indemnification and regulations for use of the public park in accordance with the Grant of Easement, attached hereto; and,

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes the City to acquire any real property interest, including an easement interest, by Ordinance pursuant to N.J.S.A. 40A:12-5; and,

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., authorizes the City to acquire the aforementioned easement pursuant to N.J.S.A. 40A:12A-22(i).

NOW, THEREFORE, BE IT ORDAINED, By the Council of The City of Hoboken, County Of Hudson, State Of New Jersey as follows:

Section 1. Subject to: (1) Hoboken Planning Board subdivision approval and creation and recording by subdivision Deed of Lots 1.01, 1.02 and 1.03 in Block 231.01, as set forth in the “Conceptual Subdivision Plan Proposed Waterfront Hotel, 89 River Street, Block 231.01, Lot 1, City of Hoboken, Hudson County, New Jersey” prepared by Langan Engineering and Environmental Services, Inc. and attached to the Redevelopment Agreement; and (2) conveyance of Lot 1.02 in Block 231.01 from the USPS to the Redeveloper, the Mayor is authorized to execute the Grant of Easement from the Redeveloper to the City in substantially the form attached hereto.

Section 2. A copy of this Ordinance and the agreement authorized herein shall be placed on file with the City Clerk’s Office.

Section 3. Upon full execution of the Grant of Easement, in substantially the form attached hereto, said agreement shall be sent to the Hudson County Register’s Office for recording.

Section 4. Upon full execution of the Grant of Easement, in substantially the form attached hereto, said agreement shall be sent to the Hudson County Register’s Office for

recording.

Section 5. The Mayor and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 6. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 7. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage, approval, and publication.

RESULT:	1st Reading- [Unanimous]
SPONSOR:	Mike DeFusco
SECOND:	Ruben Ramos
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

18-687
B-82

AN ORDINANCE AMENDING HOBOKEN CITY CODE CHAPTER 128 “LICENSES” AND CHAPTER 115 “HEALTH/SANITARY CODE” TO UPDATE LICENSING FEES AND REQUIREMENTS

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

SECTION ONE: AMENDMENTS TO HOBOKEN CITY CODE CHAPTER 128 ENTITLED “LICENSES” AT §128-5

§ 128-5. Business licenses; fees.

A. Food Businesses

Business	Fee (annual unless otherwise noted)
Bakery (retail)	\$150 <u>\$200</u>
<u>Bar (No food preparation)</u>	<u>\$100</u>
Butcher (retail)	<u>\$125</u>
Confectionery, retail	\$100 <u>\$125</u>
Eating and drinking (take-out)	\$150
Farmers market (<u>Included all Hoboken Markets – Only one fee per season</u>)	<u>\$125</u> <u>\$200</u>
Fish market	<u>\$125</u>
Frozen ices, ice cream, (wholesale)	<u>\$200</u>
Frozen ices, ice cream, yogurt (mobile truck only, not to exceed five feet long)	<u>\$175</u>
Fruit and vegetable store (retail)	<u>\$150</u>
Fruit and vegetable truck (peddler truck not to exceed 15 feet long)	\$150 <u>\$200</u>
Grocery (retail)	<u>\$125</u> <u>\$250</u>
Grocery, deli (retail)	<u>\$125</u>
Grocery, milk (retail)	<u>\$125</u>
Milk (store)	<u>\$125</u>
Restaurants (seating capacity fewer than 25)	\$125 <u>\$175</u>
Restaurants (seating capacity 26-50)	<u>\$250</u> <u>\$300</u>
Restaurants (seating capacity 51-100)	<u>\$350</u> <u>\$400</u>
Restaurants (seating capacity over 100)	<u>\$500</u> <u>\$550</u>
Small market (mini-market)	<u>\$250</u>
Supermarkets under 20,000 square feet	\$600 <u>\$750</u>
Supermarkets over 20,000 square feet	<u>\$1,250</u> <u>\$1,500</u>
Vending machines (food and drink)	<u>\$35/per machine</u> <u>\$50/per machine</u>
Vendor (mobile retail non-motorized food vendor)	<u>\$150</u> <u>\$175</u>
Vendor (mobile retail motorized food vendor)	<u>\$500</u> <u>\$600</u> <u>See § 147-8B</u>
Vendor, mobile retail, seasonal*	<u>\$300</u> <u>\$350</u>
Vendor, temporary, not pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)	\$100
Vendor, temporary, pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)	\$25

"Vendor, mobile retail, seasonal" shall be defined as motorized and/or non-motorized retail food vendors, operating at a fixed location for a period, not to exceed six consecutive months; fixed locations shall not be on any public street, public right-of-way, or sidewalk; these licenses are subject to prior approval of the Hoboken Health Officer, who may deny a license for failure to comply with any applicable health code.

B. Nonfood businesses.

Business	Fee
Barbershop	\$25/per chair
Beauty shop/nail salon	\$200
<u>Cosmetology (Includes Spas, Nails, Hair, Barbershop, Waxing, etc.)</u>	<u>\$250.00</u>
Dry cleaning off premises	\$100 <u>\$150</u>
Dry cleaning on premises	\$500 <u>\$550</u>
Health and fitness	\$50
<u>Fitness (Includes Gym, Sports, Fitness Facilities All types)</u>	<u>\$250</u>
Laundry drop-off (each store)	\$100
Laundromat store	\$75, plus \$10 per machine
Laundry room/apartment building (coin-operated)	\$75, plus \$5 per machine
Laundry (pickup truck)	\$50
Pet grooming	\$50 <u>\$100</u>
Pet shop	\$100 <u>\$200</u>
Pier A food concessionaire	\$150 <u>\$300</u>
Pool license (public)	\$150
Spas and health clubs/gym	\$200
Tanning salon/tanning UVA/UVB/ Spray booths	\$25, plus \$25 per booth <u>\$50, plus \$25 per booth</u>
Dog license	
Unspayed or unneutered dogs – 1 Year License	\$14 <u>\$16</u>
Spayed or neutered dogs – 1 Year License	\$10 <u>\$12</u>
Unspayed or unneutered dogs – 3-year License	\$42 <u>\$40</u>
Spayed or neutered dogs – 3 Year License	\$30.00
Late fee if not renewed by January 31 each year	\$5 <u>\$25</u>
Transcripts (births, deaths, marriages both certified and uncertified, no quantity discounts)	\$10
Tattoo parlors	\$125 <u>\$200</u>

Business	Fee
Taxicab applications	\$30
Taxicab license	\$500

SECTION TWO: AMENDMENTS TO HOBOKEN CITY CODE CHAPTER 115 ENTITLED “HEALTH/SANITARY CODE” AT §115-14

§ 115-14. Reinspection fees.

A. Whenever, upon inspection, any licensee, facility or entity licensed under Chapter 128 of the Code of the City of Hoboken or listed in this chapter of the Code of the City of Hoboken or any licensee, facility or establishment defined in N.J.A.C. 8:24 (Retail Food Establishments) is issued an unsatisfactory or a conditional satisfactory rating by the local health authority which requires a reinspection, a reinspection fee of \$150 for the first visit shall be paid directly to the local health authority. Additional subsequent inspections as a result of business establishment failing to take corrective action to abate said violations will incur an addition penalty of \$200 for a second reinspection fee, and \$350 for a third reinspection fee to abate said violations.

B. Said fee shall be paid by the owner, owners, managers, management agency or operator of any aforementioned licensee, facility or entity listed above directly to the local health authority within seven business days of notice of an unsatisfactory or conditional satisfactory rating.

C. The Health Officer or his designee shall deposit said fee into a bank account maintained exclusively for the collection of said fees.

D. All aforementioned fees shall be used at the Health Officer's discretion to subsidize the day-to-day operation of the health authority.

E. The Health Officer or his or her designee, at his discretion, shall have the authority to suspend or revoke the imposition of said fee for good cause.

F. Any and all other applicable provisions and regulations, inclusive of penalties, shall also apply.

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

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately 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.

RESULT:	1st Reading [Unanimous]
SPONSOR:	Jennifer Giattino
SECOND:	Peter Cunningham
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 196 “ZONING” AND 128 “LICENSES” OF THE CODE OF THE CITY OF HOBOKEN ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

WHEREAS, the City Council wishes to create land use regulations and licensing requirement for marijuana establishments that also protect the health, safety, and general welfare of the community; and

WHEREAS, in light of recent statements from Governor Murphy and the number of pending bills before the New Jersey State Legislature that would expand licensing for medical marijuana dispensaries, and make way for the eventual legalization of recreational marijuana, it is in the best interest of the City of Hoboken to be proactive in establishing such local land use regulations and

licensing requirements for marijuana establishments before the adoption of new State laws and ahead of the arrival of such businesses in Hoboken.

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

SECTION ONE: AMENDMENT

Chapters 196 “Zoning” of the Code of the City of Hoboken shall be amended as follows; additions to the current ordinance are noted in underline.

CHAPTER 196 - ZONING

ARTICLE II Definitions

CITY – The City of Hoboken, Hudson County, State of New Jersey.

LABORATORY – Facilities designed specifically for controlled experimentation and research. Such facilities may require accurate temperature and humidity control, dust control, and clean power, but do not generate or store environmentally hazardous waste.

MARIJUANA ESTABLISHMENT – An umbrella term that encompasses all facilities used for and/or associated with legal marijuana, including but not limited to, medical marijuana dispensaries, retail marijuana stores, marijuana-infused products manufacturing facilities, marijuana cultivation facilities, marijuana testing facilities, and/or marijuana storage facilities.

STATE – The State of New Jersey.

USE-BY-REVIEW – A use that is permitted to occupy real property within the designated zone district but is subject to review by a land use board, a public hearing and site plan approval.

USE-BY-RIGHT – A use that is permitted to occupy real property within a designated zone district upon obtaining a Certificate of Zoning Compliance; a principal permitted use. Formal land use board approval is not required.

ARTICLE VI Schedule II: Industrial Districts

§ 196-17 I-1 District; I-1 (W) Subdistrict.

B. Principal permitted uses shall be as follows:

(1) I-1 District:

- (a) Manufacturing, processing, producing or fabricating operations which meet the performance standards set forth in Article XII, provided that all operations and activities, except parking, are carried on within enclosed buildings and that there is no outside storage of materials, equipment or refuse.
- (b) Office buildings.
- (c) Research laboratories.
- (d) Warehouses and related office buildings.
- (e) Essential utility and public services.
- (f) Wireless telecommunications towers subject to §§ 196-26 and 196-35.
- (g) Marijuana establishments subject to § 196-33.1 and prior approval of a State of New Jersey Marijuana License.

(2) I-1(W) Subdistrict:

- (a) Manufacturing, processing, producing or fabricating operations which meet the performance standards set forth in Article XII, provided that all operations and activities, except parking, are carried on within enclosed buildings and that there is no outside storage of materials, equipment or refuse.
- (b) Office buildings.
- (c) Research laboratories.
- (d) Planned unit development, per § 196-27.1.
- (e) Marijuana establishments subject to § 196-33.1 and prior approval of a State of New Jersey Marijuana License.

§ 196-18 I-2 District.

B. Principal permitted uses shall be as follows:

- (1) Food processing and related storage and distributive activities.
- (2) Manufacturing, processing or fabricating operations which meet the performance standards set forth in Article XII, provided that all operations and activities are carried on within enclosed buildings and that there is no outside storage of materials.
- (3) Retail business or service.
- (4) Public buildings and uses, such as equipment garages, parking facilities, parks and playgrounds.
- (5) Wireless telecommunications towers subject to §§ 196-26 and 196-35.
- (6) Research laboratories.
- (7) Marijuana establishments subject to § 196-33.1 and prior approval of a State of New Jersey Marijuana License.

ARTICLE VII Schedule III: Review Districts

§ 196-19 CBD District; CBD(H) Subdistrict; CBD(H)(CS) Subdistrict.

B. Principal permitted uses shall be as follows:

- (1) Commercial recreation.
- (2) Instructional use.
- (3) Office buildings.
- (4) Offices, including studios and clinics.
- (5) Hotels and motels.
- (6) Public buildings and uses, including governmental buildings, administrative offices, parks and plazas.
- (7) Residential buildings.
- (8) Restaurants and bars.
- (9) Retail business or service.

- (10) Medical marijuana dispensaries and retail marijuana stores subject to § 196-33.1 and prior approval of a State of New Jersey Marijuana License.

C. Accessory uses.

- (1) Signs. See § 196-31.
- (2) Accessory garages.
- (3) Home occupations.
- (4) Other uses customarily incident to principal permitted uses and on the same lot.
- (5) Wireless telecommunications antennas subject to §§ 196-26 and 196-35.
- (6) Marijuana cultivation operations and facilities accessory to a licensed marijuana dispensary or retail marijuana store and located on the same lot with prior approval of a State of New Jersey Marijuana License.

ARTICLE IX General Supplementary Regulations

§ 196-33.1. Marijuana Establishments.

A. **Marijuana Establishments; General.**

- (1) The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- (2) Prior to the operation of any Marijuana Establishment, including but not limited to, a medical marijuana dispensary, a retail marijuana store, a marijuana-infused products manufacturing facility, a marijuana cultivation facility, a marijuana testing facility, and/or a marijuana storage facility, a license must be obtained from the State of New Jersey and from the City of Hoboken.
- (3) Site plan approval must be obtained from the City of Hoboken Planning Board, or Board of Adjustment as the case may be, and a Certificate of Zoning Compliance must be issued by the Zoning Officer. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval for marijuana-related uses shall expire after the period of vested rights as proscribed in the Municipal Land

Use Law (N.J.S.A. 40:55D et seq.) unless extended by approval of the board of jurisdiction. The Certificate of Zoning Compliance issued by the Zoning Officer shall expire 6 months from the date of issuance if an application for licensure has not been submitted to the City's licensing authority.

- (4) Uses established pursuant to this Section shall, at all times, be in complete compliance with the terms and conditions of its marijuana establishment license for licenses issued by the State of New Jersey and the City of Hoboken.
- (5) No marijuana establishment shall be allowed as a Home Occupation as defined in Article II of this Chapter.
- (6) No marijuana establishment shall be housed in a vehicle or any movable or mobile structure.
- (7) Performance Standards
 - (a) General. Standards and guidelines set forth in this section shall supersede for purposes of regulating Marijuana Establishments. Where bulk regulations, parking requirements, or other provisions of the Zoning Code are not specifically stated, the underlying Zoning standards and guidelines shall prevail.
 - (b) Odor. Marijuana Establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the City of Hoboken Health Department and Building Department and may be subject to periodic inspection.
 - (c) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution. [See also, Chapter 133 Noise Control.]
 - (d) Lighting. To prevent excessive light pollution, glare, and light trespass on any public way or onto adjoining property, greenhouses and buildings engaged in cultivation and/or manufacturing, shall have internal shielding (such as blackout curtains) for walls and roof. Proof of wall and roof shielding shall be submitted for land use board approval at the time of site plan application.

- (e) Security. All facilities associated with marijuana sales, manufacturing, cultivation, testing, and transportation shall be secured and shall have around-the-clock security monitoring, 365 days a year. Security protocols shall be submitted to the Hoboken Police Department for compliance review with all safety and security standards established by the State of New Jersey for Marijuana Establishments. The Hoboken Police Department may, at their discretion upon review of the proposed location, recommend or require additional safety and security measures.
- (8) Prohibited uses. Except as are expressly permitted under the terms of this Section, medical marijuana dispensaries, retail marijuana stores, marijuana-infused products manufacturers, marijuana cultivation operations, marijuana testing facilities, marijuana storage and distribution operations, as well as any other activity involved in the cultivation, testing and distribution or sale of marijuana or marijuana infused products, are expressly prohibited as land uses in the City of Hoboken.
- (9) Suspension of use. If the licensed premises have been inactive or unoccupied by the licensee for at least 6 months, and the license is revoked by the Director of Health and Human Services pursuant to §128-11.C of the Code of the City of Hoboken, the use approval for said premises shall be suspended. The Zoning Officer shall issue a notice of suspension to the licensee and to the owner of the property. Any subsequent application for use or occupancy of the premises as a marijuana establishment, including re-occupation by the previous licensee, shall be referred to the original board of jurisdiction for modification or extension of the board's approval.

B. Medical Marijuana Dispensaries and Retail Marijuana Stores.

- (1) Permitted Zone District. Medical marijuana dispensaries and retail marijuana stores are only permitted in commercial and industrial zone districts as a use-by-review, requiring a public hearing and site plan approval by the City of Hoboken Planning Board subject to the guidelines set forth herein. Medical marijuana dispensaries and retail marijuana stores are not permitted in residential zone districts, except as a use variance subject to Board of Adjustment approval.
- (2) Definition. A medical marijuana dispensary or retail marijuana store, for purposes of this Section, shall mean any facility so licensed by the State of New Jersey and the City of Hoboken to distribute, supply, sell or dispense marijuana in any form, derivative products, and related supplies.

(3) Location.

(a) One medical marijuana dispensary or retail marijuana store shall be allowed per zone district where the use is permitted.

(b) For safety and security reasons, medical marijuana dispensaries and/or retail marijuana stores shall only be located on the ground floor (i.e. street-level) of the building in which they are located. They shall be accessible directly from the right-of-way through a separate retail entrance; independent from any other retail or residential ingress to the building. Only secondary safety egress may be via a shared or common area.

(4) Hours of operation. It shall be unlawful for any person to sell marijuana or marijuana products at a licensed marijuana dispensary or retail marijuana store at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily.

C. Marijuana-Infused Products Manufacturing.

(1) Permitted Zone District. Marijuana-infused products manufacturing is only permitted in industrial zone districts as a use-by-right if the facility is less than 3,000 square feet and no open blast butane extraction method is allowed; or otherwise, as a use-by-review requiring a public hearing and site plan approval by the City of Hoboken Planning Board, subject to the guidelines set forth herein.

(2) Definition. Marijuana-infused products manufacturing shall include, but is not limited to, any operation engaged in the production of edibles, infusions, oils, tinctures or any other such product containing derivative components of the marijuana plant.

D. Marijuana Cultivation Operations and Facilities.

(1) Permitted Zone Districts. Marijuana cultivation is only permitted in commercial zone districts when accessory to a licensed medical marijuana dispensary or retail marijuana store and located on the same lot; or in industrial zones as a use-by-review requiring a public hearing and site plan approval by the City of Hoboken Planning Board, subject to the guidelines set forth herein.

- (2) Definition. Marijuana cultivation operations and facilities, shall include, but are not limited to, locations where marijuana is planted, grown, harvested, processed and/or packaged for sale or distribution.
- (3) Location. Marijuana cultivation operations and facilities shall be located within a greenhouse, building, or other fully enclosed structure. Cultivation operations shall not be conducted on open land or on an unenclosed rooftop.

E. Marijuana Testing Facilities.

- (1) Permitted Zone District. Marijuana testing facilities are permitted in any zone districts where, at the time of application for the license, land use denominates laboratory, research, development, and technological services as permitted uses. Such facilities are permitted as a use-by-right if the testing facility is less than 3,000 square feet and is accessory to an approved manufacturing or cultivation operation; or as a use-by-review if the testing facility is 3,000 square feet or more, or if the testing facility is independently operated without direct association with an approved manufacturing or cultivation operation.
- (2) Definition. A marijuana testing facility is a controlled environment such as a laboratory or research facility engaged in experimentation, research, and the study of marijuana and its derivative components. Such facility may also be engaged in the development and testing of new products but is not in any way engaged in the sale or distribution of such products.
- (3) Location. Marijuana testing facilities are permitted wherever Research Laboratories are a permitted use.

F. Off-site Marijuana and Marijuana Product Storage.

- (1) Permitted Zone District. Off-site storage of marijuana or marijuana products shall be permitted in any zone district where, at the time of application, warehouses and storage facilities are a principal permitted use.

- (2) Off-site storage facilities, located in the City of Hoboken, shall be licensed only when directly associated with an existing Hoboken-licensed medical marijuana dispensary, retail marijuana store, marijuana-infused products manufacturer, or marijuana cultivation operation. Such off-site facilities shall be approved as an expansion of premises amended to the primary license and shall be subject to the same rules and regulations as the primary licensed premises.
- (3) The off-site storage facility may only be used for storage of finished goods inventory. It shall be unlawful to open sealed packages or containers on the storage premises, or to re-package marijuana or marijuana products on the storage premises.

SECTION TWO: AMENDMENT

Chapters 128 “Licenses” of the Code of the City of Hoboken shall be amended as follows; additions to the current ordinance are noted in underline.

CHAPTER 128 – LICENSES

ARTICLE I General Business and Vital Statistics Licensing Procedures and Fees

§ 128-9. Reserved.

ARTICLE II Marijuana Licensing

§ 128-10. Licensing.

A. Local licensing authority.

- (1) The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is

inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.

- (2) The City of Hoboken Director of Health and Human Services (“Director”) is hereby designated to act as the local licensing authority for the City for all marijuana establishments. Under all circumstances in which State law requires communication to the City by the State licensing authority or any other State agency with regard to the licensing of marijuana establishments by the State, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Director.
 - (3) Under no circumstances shall the Director receive or act upon any application for local licensing of a marijuana establishment where the State has failed to issue a license. It is the intent of this Chapter that no marijuana establishment may lawfully exist in the City of Hoboken absent the issuance of a State license and full regulatory oversight of the marijuana establishment by the State licensing authority as well as the City.
 - (4) Under no circumstances shall the Director receive or act upon any application for local licensing of a marijuana establishment unless or until the applicant has obtained site plan approval from a City of Hoboken land use board; and a Certificate of Zoning Compliance has been issued by the Zoning Officer. The Director shall not receive or act upon any application for licensing if the if the Certificate of Zoning Compliance is more than 6 months old.
- B. Classification of licenses. The City of Hoboken, at its discretion, and subject to Land Use approval and State licensure, may issue the following municipal licenses to operate a marijuana establishment:
- Class I: Marijuana dispensary or retail store license
- Class II: Marijuana manufacturing license
- Class III: Marijuana cultivation license
- Class IV: Marijuana testing license
- Class V: Marijuana storage and transportation license

- C. Cap on the number of Class I licenses. Effective November 1, 2018, the maximum number of marijuana dispensary and/or retail store licenses issued by the City of Hoboken for operation within the municipal boundaries of the City of Hoboken shall not exceed 3. A person holding multiple licenses, including a Class I license, shall be counted first as a Class I licensee.
- D. Application. Persons wishing to obtain any classification of marijuana license shall file a license application with the Director, on a standardized form established by the Director and available in the Director's office and on the City's website. An application shall be deemed incomplete, and shall not be processed by the Director, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
- (1) The applicant shall submit proof of prior approval by the State licensing authority for the marijuana establishment in question. The classification of local Hoboken license applied for shall be the same use or uses licensed by the State.
 - (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises propose for the marijuana establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
 - (3) The applicant shall submit an affidavit and documentary proof of compliance with all State and Local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. Violation of this statute shall be grounds for suspension or revocation of license at the sole discretion of the City.
 - (4) The location proposed for licensing by the applicant shall comply with all applicable city zoning laws and the location restrictions set forth in this Chapter.
 - (5) The applicant shall submit, to the satisfaction of the Director, proof of financial capability to open and operate the marijuana establishment for which the applicant is

seeking a license. Standards for proof of financial capability shall be determined by the Director and adopted by rule or regulation.

- (6) The applicant shall submit all application fees required in accordance with the following annual fee schedule:

Class I: Marijuana dispensary or retail store license...\$ 15,000.

Class II: Marijuana manufacturing license...\$ 10,000.

Class III: Marijuana cultivation license...\$.25/sq. ft.

Class IV: Marijuana testing license...\$ 5000.

Class V: Marijuana off-site storage facility...\$ 2,500.

- (7) In addition to complying with any other state or City requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have committed any marijuana licensing violation affecting public safety, as defined in the rules and regulations of the State or local marijuana business license in the preceding year.

- (8) The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and City laws or regulations.

E. Term of license and license renewals.

- (1) Any local license issued pursuant to this Chapter shall be valid for a period of 1 year from the date of issuance.
- (2) The Director may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- (3) Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.

- (4) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be treated as a new application, subject to City Planning review and Zoning approval as set forth in this Chapter.
- (5) If the licensee has received notice of violation of any law or regulation, including disciplinary action against any past or current marijuana license, the applicant for renewal shall include a copy of the notice or disciplinary action with their application.
- (6) Except where the Director has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove marijuana or marijuana products from the premises of any license after the expiration date recorded on the face of the license.

§ 128-11. Disciplinary Actions; Sanctions; Penalties.

- A. Disciplinary actions. Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follow:
 - (1) First offense: \$500 per violation per day;
 - (2) Second offense: \$1,000 per violation per day;
 - (3) Third violation shall result in summary suspension.
- B. Summary suspension. When the Director has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Director may enter a summary suspension order for the immediate suspension of such license pending further investigation.
 - (1) The summary suspension order shall be in writing and shall State the reasons therefore.

- (2) The Director shall convene a review panel consisting of the Director, a second Director or administrative officer designated by the Mayor, and the Chair of the Hoboken Planning Board or his or her designee. The hearing shall be scheduled within 30 days of the date of the order. The hearing shall be open to the public and shall be legally noticed as a public hearing in accordance with the Open Public Meetings Act.
- (3) The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the City may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed 6 months.
- C. Inactive licenses. The Director may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least 6 months.
- D. State license. The Director may suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.
- E. Off-premises storage. A licensed marijuana off-premises storage facility shall constitute an extension of the licensed premises of the corresponding marijuana establishment. All off-premises storage licenses shall be deemed surrendered, suspended or revoked if the corresponding marijuana establishment license is expired, surrendered, suspended, or revoked.

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 affect the validity of the remaining

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

SECTION 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.

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Tabled
SPONSOR:
SECOND:

AN ORDINANCE AMENDING HOBOKEN CITY CODE CHAPTER 141A “PARKING PERMITS” AT §141A-3 “VIOLATIONS AND PENALTIES” TO AMEND THE PRICE FOR VISITOR’S PERMITS (**COUNCIL MEMBER DEFUSCO**)

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

SECTION ONE: The following additions and ~~deletions~~ shall be made to Hoboken City Code §141A-3 to read as follows:

§ 141A-3 Temporary permits.

A. Temporary permits may be issued, at a cost of ~~\$5~~ \$1 per day, for a maximum of 45 continuous days per vehicle per calendar year, whereupon the permit shall expire. Alternatively, a temporary permit may be issued for 14 continuous days by providing one document listed in § 141A-3C, and the documentation listed in § 141A-3D. The Parking Utility shall have the power to extend the duration of the fourteen-day temporary permit up to a maximum of 45 continuous days upon application in person to the Parking Utility and by providing the minimum required documentation as mandated in § 141A-3C and D.

B. Temporary permits are issued only to current Hoboken residents who do not meet the requirements of a residential permit as described in § 141A-2, or who need parking on a temporary basis for vehicles which they own or are primary user during the temporary period. Examples include individuals without a Hoboken address on their New Jersey driver's license, vehicles not registered in the name of the resident, awaiting receipt of a driver's license with a Hoboken address, awaiting registration papers for a newly purchased car, or for vehicles in short term use, such as rental cars.

C. The documentation required to establish current residence is the same as provided in § 141A-2B; namely, a valid New Jersey driver's license reflecting a legal Hoboken address. Alternatively, proof of residence may be established for the purposes of obtaining a temporary permit by presenting three of the following documents showing the same residential Hoboken address:

- (1) A valid deed for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (2) A current, original lease or rental agreement for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (3) A current utility bill or receipt for establishing service for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (4) A current tax bill for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (5) A current telephone bill for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (6) A checking or savings account statement within the past 60 days for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (7) First class mail received from any federal, state, or local government agency within the past six months for same legal residential Hoboken address in the name of the individual seeking a temporary permit;
- (8) An official, certified letter from a Dean of Students attesting to residence at a legal off-campus residential Hoboken address;
- (9) An official academic course schedule for the current semester from a local institution in the name of the individual seeking a temporary permit;
- (10) Other appropriate documentation sufficient for establishing residency of an individual upon approval of the Director of the Parking Utility.

D. Documentation is also required to establish vehicle ownership or primary use by the individual seeking a temporary permit, as provided in § 141A-2C. Alternatively, proof of ownership or primary use may be established for the purposes of obtaining a temporary permit by presenting one of the following documents or combination of documents:

(1) A valid driver's license, a valid vehicle registration, and proof of insurance for same vehicle in the name of the individual seeking a temporary permit.

(2) A valid driver's license and a current vehicle rental agreement both in the name of the individual seeking a temporary permit.

(3) A valid driver's license, a copy of a temporary license plate issued upon purchase of a vehicle, and proof of insurance for same vehicle, all in the name of the individual seeking a temporary permit. Said temporary permit shall be issued for one vehicle, free of charge to the resident for a maximum of 45 days with an endorsement allowing temporary permit holder to park in resident permit parking areas when a residential permit in the same name as the individual seeking the temporary permit is concurrently suspended.

(4) A valid driver's license and a copy of a work order or repair estimate from an official automotive repair facility for a vehicle, both in the name of the individual seeking a temporary permit. Said temporary permit shall be issued for one vehicle, free of charge to the resident for the number of days indicated on the work order or repair estimated, or for a maximum of 45 days, whichever is less with an endorsement allowing temporary permit holder to park in resident permit parking areas when a residential permit in the same name as the individual seeking the temporary permit is concurrently suspended.

(5) A valid driver's license, a valid vehicle registration, proof of insurance, all in the name of the individual seeking a temporary permit, and a copy of a valid business permit application provided by a Hoboken business owner. Said temporary permit shall be issued for a maximum of 45 days, whereupon the permit shall expire and be replaced by a business permit by presenting a current pay stub as described in § 141A-5B.

E. Use of a temporary permit is confined to permit parking only areas as designated by the Parking Utility.

F. All temporary permits are to be displayed prominently in the front windshield where they are easily visible and fully readable from the exterior of the vehicle.

G. Temporary permits shall be discarded once the resident no longer needs the permit or the permit expires, whichever occurs first.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Tabled
SPONSOR:
SECOND:

**ORDINANCE AMENDING HOBOKEN CITY CODE CHAPTER 155 “RENT CONTROL”
AT §155-6 “TAX SURCHARGE FROM TENANTS” (COUNCIL MEMBER JABBOUR,
COUNCIL MEMBER DOYLE)**

WHEREAS, currently, the City’s Rent Control ordinance utilizes 1988 to compare whether there has been a tax increase on the property and therefore whether a tax surcharge may be applied to a tenant; and,

WHEREAS, due to the twenty (20) year gap between the governing year and now, tax surcharges can be calculated at extremely high amounts to be added to the base rent, which can put tenants in a difficult situation financially; and,

WHEREAS, on the other hand, some landlords depend upon the tax surcharge in order to be able to afford to continue to maintain and rent the premises; and,

WHEREAS, the City Council wishes to address these issues by maintaining tax surcharges that are currently in effect, but also making tax surcharges moving forward less onerous on tenants; and,

WHEREAS, the City Council therefore seeks to amend the Rent Control ordinance so that the tax surcharge will be calculated from either 1988 or the date that landlord acquired the property, whichever assessment date is later starting as of October 15, 2018; and,

WHEREAS, the City Council wishes to maintain the effective date as October 15, 2018 in order to avoid a deluge of applications in the period between introduction and passage of this ordinance.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CITY CODE CHAPTER 155 “RENT CONTROL” AT §155-6 “TAX SURCHARGE FROM TENANTS”:

§155-6 Tax Surcharge from tenants.

A. As of October 15, 2018, a-landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes if said taxes are in excess of those assessed for the year that the landlord acquired the property or for the 1988 tax year, whichever assessment date is later. Any approval of a tax surcharge that is in effect prior to October 15, 2018, remains valid and in effect as previously approved. Any approval of a tax surcharge on or after October 15, 2018, shall be subject to this section, whether retroactively or otherwise. The rental increase permitted for taxes is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for taxes that each tenant is liable to pay shall be paid in 12 equal monthly payments, 1/12 each month. The surcharge shall not be considered rent for purposes of computing cost-of-living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. If an initial rental decontrol as set forth in § ~~155-37~~ occurs, the base year shall be the date of the first paid four quarters in the taxes after the initial rental decontrol.

B. Notice on standardized form.

(1) The landlord shall, upon approval by the Rent Regulation Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms, setting forth:

- (a) An explanation of the tax surcharge.
- (b) The base rent.
- (c) The tax surcharge, total and apportioned.
- (d) The effective date.

(2) This notice shall be filed with the Rent Regulation Officer.

C. Any tax surcharge that has been approved may only be imposed at the commencement of a lease term or upon renewal of a lease term and must be included in the lease/renewal or it may not be imposed.

(1) In no case shall the landlord be permitted to impose a tax surcharge without removal of the pervious tax surcharge.

(2) Nothing herein requires a landlord to impose a tax surcharge or to impose the full amount of the allowable tax surcharge after having been approved to do so.

(2) Rental units must be registered to qualify for tax surcharge.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

*****CARRIED TO THE NOVEMBER 7, 2018 COUNCIL MEETING*****

RESULT: Tabled
SPONSOR:
SECOND:

18-688

B-83

AN ORDINANCE AMENDING HOBOKEN CITY CODE CHAPTER 190 “VEHICLES AND TRAFFIC” AT §190-30.1 “GENERAL HANDICAP SPACES DESIGNATED” TO DESIGNATE GENERAL HANDICAP SPACES

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

SECTION ONE: GENERAL HANDICAP SPACES DESIGNATED

This ordinance will designate the following spaces as general handicap spaces pursuant to §190-30.1 General handicap spaces designated.

Name of Street	Side	Location
<u>Clinton Street</u>	<u>East</u>	<u>Beginning at a point 137 feet from the northern curbline of Fifth Street, extending 22 feet northerly therefrom.</u>
<u>Clinton Street</u>	<u>West</u>	<u>Beginning at a point 116 feet from the northern curbline of Fourth Street, extending 22 feet northerly therefrom.</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

RESULT:	1st Reading- [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Emily Jabbour
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

NEW BUSINESS

18-689

RESOLUTION APPROVING THE EXTENSION OF THE TEMPORARY CLOSURE OF 13TH STREET BETWEEN ADAMS STREET AND MADISON STREET FOR THE BASF 13TH STREET SOIL REMEDIATION PROJECT

WHEREAS, the City Council approved Resolution No. T2 on July 11, 2018 approving the temporary closure of 13th Street between Adams Street and Madison Street and other necessary measures for the 13th Street Soil Remediation Project; and,

WHEREAS, the resolution approved the temporary road closure for a period of approximately four (4) weeks but not longer than six (6) weeks beginning on September 17, 2018, and concluding no later than October 26, 2018; and,

WHEREAS, BASF Corporation (BASF) began remediating soil beneath 13th Street between Jefferson and Adams Streets, proximal to its former property located at 1301 Jefferson Street on September 24, 2018 date; and,

WHEREAS, this start date was five (5) working days later than the start date approved by the City Council due to unforeseen delays in obtaining the necessary permits; and,

WHEREAS, the area of excavation has expanded to include additional contaminated soils to the North and West of the original excavation and encountered a 15 feet wide by 20 feet long x 1 foot thick concrete slab, extending the end date of the project to November 9, 2018; and,

WHEREAS, BASF has requested that the temporary road closure extend for an additional period of approximately two (2) weeks concluding no later than November 9, 2018; and,

WHEREAS, the City Administration received this unforeseen request from BASF on October 17, 2018, necessitating the addition of this resolution on the October 17, 2018 City Council Agenda under New Business per the Council President.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the extension of the temporary road closure request is approved; and,

BE IT FURTHER RESOLVED, the temporary road closure may remain in effect until 6:00 p.m. on November 9, 2018; and,

BE IT FURTHER RESOLVED, all conditions of Resolution T2 as approved by the City Council on July 11, 2018 remain in effect for the duration of the temporary road closure.

RESULT:	Adopted -[Unanimous]
SPONSOR:	Ruben Ramos
SECOND:	Michael Russo
AYES:	Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo, Ramos

At 11:58 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Ramos then adjourned the meeting at 11:58 PM

PRESIDENT OF THE COUNCIL

CITY CLERK