

**CITY OF HOBOKEN, NJ
MEETING OF THE CITY COUNCIL
MISCELLANEOUS LICENSING
MEETING DATE: JUNE 17, 2009**

MECHANICAL AMUSEMENT DEVICES 1 ITEM

VJEKOSLAV FATOVIC OWNER
D/B/A MARIO'S BAR
301 PARK AVE.
HOBOKEN, NJ 07030

CARNIVAL 1 ITEM

HOBOKEN ITALIAN FESTIVAL/ DATES 09/10, 11, 12, & 13/2009
SOCIETA MADONNA DEI MARTIRI
332 ADAMS ST
HOBOKEN, NJ 07030

VENDORS 3 ITEMS

J LOREN PHOTOGRAPHY
132 WASHINGTON ST STE 305
HOBOKEN, NJ 07030

HOBOKEN PREMIUM CIGAR
51-53 NEWARK ST
HOBOKEN, NJ

PHOTO-GENIC
249 INSLEE PLACE #1R
ELIZABETH, NJ 07206

RAFFLES

3 ITEMS

SOCIETA MADONNA DEI MARTIRI
HOBOKEN ITALIAN FESTIVAL
332 ADAMS ST
HOBOKEN, NJ 07030

RA1312
"GAMES OF CHANCE"

HOBOKEN CATHOLIC ACADEMY
555 7TH ST
HOBOKEN, NJ

RA 1313
50/50 CASH RAFFLE
(OFF-PREMISE)

ST FRANCIS HOLY NAME SOCIETY
308 JEFFERSON ST
HOBOKEN, NJ

RA1314
50/50 OFF-PREMISE

Hoboken411.com

Introduced By: _____

Seconded By: _____

**CITY OF HOBOKEN
RESOLUTION No. _____**

**RESOLUTION ESTABLISHING A CHANGE FUND
FOR THE CONSTRUCTION CODE OFFICIAL**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of change fund in any county or municipality by application and resolution; and

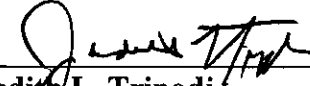
WHEREAS, it is the desire of the City Council of the City of Hoboken, County of Hudson, State of New Jersey to establish such fund for the Construction Code Official's office in the amount of \$300.00; and

WHEREAS, the custodian for this fund will be Construction Code Official, who is bonded and shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the city of Hoboken hereby authorizes such action and that two copies of this resolution with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

MEETING DATE: June 17, 2009

APPROVED AS TO FORM:



Judith L. Tripodi
State Fiscal Monitor



Steven W. Kleinman
Corporation Counsel

CITY OF HOBOKEN
RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE LOCATION OF THE HOBOKEN FARMERS'
MARKET ON TUESDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST,
SEPTEMBER AND OCTOBER**

WHEREAS, the Environment Committee of Hoboken and the City of Hoboken are sponsoring a farmers' market along the east side of Washington Street between Newark Street and Observer Highway; and

WHEREAS, the Hoboken Farmers' Market will take place every Tuesday, beginning June 30, 2009 and every Tuesday thereafter ending no earlier than Tuesday October 27, 2009; and

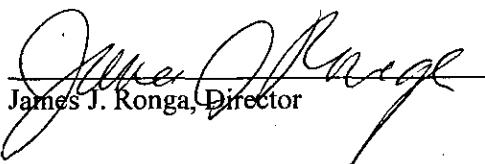
WHEREAS, the Environment Committee of Hoboken and City of Hoboken request that the Council of the City of Hoboken suspend parking meter rules on that section of the East side of Washington Street just South of Newark Street so that the farmers can park their trucks to unload and sell their goods.

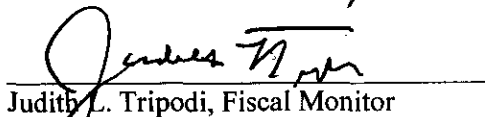
NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The parking meters along the East side of Washington Street just South of Newark Street are hereby suspended on every Tuesday from 12:00 P.M. to 9:00 P.M. beginning Tuesday June 30, 2009 and ending Tuesday October 27, 2009.
4. The Police Division shall enforce this regulation.
5. A certified copy of this resolution is provided to Mayor David Roberts, Director James J. Ronga, Acting Police Chief Robert Lisa, Acting Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Hoboken Parking Utility.

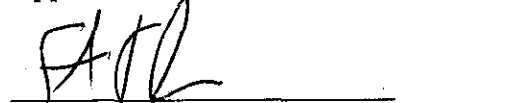
This Resolution is effective immediately.

Department of Environmental Services


James J. Ronga, Director


Judith L. Tripodi, Fiscal Monitor

Approved as to form:


Steven W. Kleinman, Corporation Counsel

Meeting Date: June 17, 2009

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO.: _____**

**RESOLUTION AUTHORIZING UPTOWN FARMERS' MARKET TO BE HELD ON
THURSDAYS DURING THE MONTHS OF JUNE THROUGH OCTOBER**

WHEREAS, the City of Hoboken wishes to hold a farmers' market along the east side of Hudson Street between 12th and 13th Streets during the months of June through October; and,

WHEREAS, the Uptown Farmers' Market will take place every Thursday, beginning July 2, 2009 and every Thursday thereafter, ending no earlier than Thursday, October 29, 2009; and,

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day; and,

WHEREAS, the Council of the City of Hoboken agrees to suspend parking rules on the relevant section of the east side of Hudson Street between 12th and 13th Streets so that the farmers can park their trucks to unload and sell their goods.

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

- 1) The above recitals are incorporated herein as though fully set forth at length.
- 2) The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary in furtherance of the intent and purpose of this resolution.
- 3) The Administration shall be responsible for enforcing the attached rules and regulations relating to the Uptown Farmers' Market, which are incorporated herein.
- 4) This Resolution shall be effective immediately.


Approved:


James J. Ronga, Director


Judith L. Tripodi, Fiscal Monitor

Meeting Date: June 17, 2009

Approved as to form:


Steven Kleinman, Corporation Counsel

2009 UPTOWN HOBOKEN FARMERS' MARKET REGULATIONS

PURPOSE: The Uptown Hoboken Farmers' Market has been established as a community service to the City of Hoboken and as support for regional farmers, allowing them the opportunity to market quality products grown on their farms in a designated area. To remain competitive, farmers need to be able to develop new markets for agricultural products grown on their farms. Success in agricultural marketing helps significantly in economically preserving farmland and open space which in turn contributes to maintaining the quality of life in the region. Communities benefit from the fresh, nutritious, high quality produce it provides consumers access to and attracts business activity to downtown areas. The Uptown Hoboken Farmers' Market also serves as a community gathering place to exchange recipes and ideas in a non-political setting.

REGISTRATION: Participation is open to established farming operations engaged in the production of agricultural products and vendors whose products promote nutrition and/or produce.

FEES: Registration -\$50 Due with completed application
Market Fees -\$35/day

LOCATION/TIME: The market will operate on Hudson St. between 12th and 13th Streets. Arrive at least one-half hour before to set up. No sales will occur before 4:00 PM and breakdowns should be completed no later than 8:00 PM

INSURANCE: A certificate of liability insurance is required with a minimum coverage of \$1,000,000 naming the City of Hoboken as an additional insured. Certificates of insurance must be received and approved by the market manager before a grower is permitted to sell at the market.

SALES AUTHORIZATION: Authorization to sell agricultural products is available to growers who have an established farming operation under their direct management. Only one authorization per market will be issued for each farming operation. The authorization entitles the farmer, family members and employees of the farming operation to sell agricultural products grown by that farming operation. The authorization is not transferable and may be limited to a specific number per market. Each market reserves the right to select the growers that will participate. Selection will be based on size of market location, composition of products offered, and prior adherence to the market regulations. Authorization to sell at the market can be withdrawn by the sponsor if a grower violates market regulations or if the market must close due to lack of support by the community or participating growers.

SPACES: Spaces (of a specified size and location) will be assigned by the market manager. Spaces assigned to vendors are to be used only by that vendor. No leasing or lending of market stalls will be allowed. **When unable to attend, vendors must notify the Market Manager in advance (24 hours, if possible). Each vendor will be allowed parking for one vehicle on Hudson St. between 12th and 13th Streets. The Uptown Hoboken Farmers' Market will not be held responsible for parking violations of a second vehicle.**

ORDERLY MARKET OPERATION: The market manager is responsible for the orderly

operation of the market. All questions and issues are to be directed to the market manager. **Disputes between vendors and/or market managers will not be tolerated at the market site.** The market manager has the right to evict any vendor from the market site. The vendor's recourse is a formal complaint in writing forwarded to both the Market Manager and the NJCFC. The Market Manager and the NJCFC are only responsible for acting upon written complaints.

DISPLAY: Tables displaying produce and related products will be set up, so that no seller blocks or limits the view or access of consumers to a neighboring seller. Vendors must supply their own scales, bags, tables, electrical power etc. Producers must maintain scales acceptable to the County Department of Weights and Measures. Produce may be sold by the count, weight, bunch, or in legally acceptable containers. All other containers must identify the net weight of the contents. Produce that is not of fresh or good quality will not be displayed nor sold at the market. The market manager has the right to require any produce that does not comply with the market regulations to be removed from any stand. All prices must be posted before and during sale time. **In addition, each seller must display a sign in a prominent place giving his or her farm name and address.** Producers and their employees must wear shirts, trousers/shorts/skirts and shoes. Hawking or shouting to attract customers will not be permitted. Each producer is responsible for cleaning the area around his or her stall and providing at least one trash receptacle. Grower generated waste should be disposed back at the farm.

Producers will comply with all federal, state, and county regulations including, but not limited to, chapter 12 of the New Jersey Sanitary Code. Vendors must also comply with other terms and conditions that may be added for the public health, safety, and welfare.

VENDORS: The Uptown Hoboken Farmers' Market reserves the right to invite, or not invite, vendors as it sees fit. Products sold by vendors at the Uptown Hoboken Farmers' Market must either be grown/produced by New Jersey farmers directly or promote good nutrition and/or produce.

FARMERS' PRODUCTS: Only agricultural products produced from the farm of the grower can be sold* at the Farmers' Market, except as specified below:

Leased land - Growers may utilize leased land only if all aspects of production and maintenance are conducted under their direct management. The Market Manager and NJCFC may ask for a copy of the lease agreement *and proof that the farmer performs or supervises all work associated with the production of the crop. Proof may include but is not limited to seed receipts, pay roll records, spray records, orchard equipment, etc.*

Leasing of orchard land is permitted only if it is done on a long-term (+3 years). NJCFC will ask for a copy of the lease agreement which must be received by April 15, 2009. Legitimacy of all lease agreements will be judged by the NJCFC to determine if products can be brought to market.

Cider and fruit juice - Sold only by the producers of those fruits. Cider can be pressed off farm, if not pressed on the farm, provide name and address of mill at the market. At least 60% of fruit in the juice will come from grower's orchard. No cider or juices can come from anywhere other than New Jersey. No concentrates are permitted.

The sale of baked and other processed items is decided on a market by market basis by the municipality in which a market is located. Growers wishing to sell items freshly grown on their farm baked or processed on their premises must submit a copy of their County Health Department's annual Sanitary Inspection Report to the NJCFC and the Market Manager before the market season begins.

Products sold as organic must comply with the National Organic Program rules.

***All agricultural products to be sold must first be registered, as appropriate, on the Crop Plan Form or the Purchased Product Request Form.**

PURCHASED ITEMS: A grower may petition the Market Manager to sell a purchased agricultural product at the farm market, not grown on his or her farm, for a specified period of time. The grower petitioning the Market Manager to sell a purchased product will submit a **Purchased Product Request Form** at least one week in advance of the starting date of sale of that product.

Based on the following criteria, the Market Manager will either approve, partially approve, or reject the grower's petition:

1. The product is purchased directly from another New Jersey farm operation where it was grown.
2. It has been determined by reviewing crop plans and surveying other growers in the market that there will not be a sufficient quantity *and quality* of that product in the market to satisfy demand during the specified time period. *Sales of purchased items will be allowed only after growers of the crop has been sold out.*
3. A maximum of *1-5 crops (based on number of farmers as follows: 1-2 farmers=0-5 crops, 3-4 farmers=0-4 crops, 4 or more farmers=0-3 crops) (all varieties/cultivars of a crop are counted as one crop)* may be purchased and will account for no more than 25% of all products offered for sale by the farmer, both in number and sales space, at the beginning of each sales day.
4. The offering for sale of purchased items will not deter from the purpose of the Farmers Market, nor negatively impact its viability. Approval may be withdrawn with one-week prior notice.

A listing of all purchased product approvals will be made available to all authorized farmers upon request. **Purchased items must be identified as such at the market by indicating the farm name and location where they were bought.**

Full partnerships of two individual farmers sharing in the production of crops can participate in the Farmers Markets only with **written preapproval from the Market Manager** and supported with a partnership agreement filed in the county the farm is located. A full partnership is defined as two

individual farmers actually sharing in the production (planting, cultivation, pest control, and harvest) of crops. This cannot be a brokerage arrangement. It is the grower participants responsibility to submit a legal partnership agreement to the Market Manager and the NJCFC before bringing the partnership's products to market.

INSPECTIONS: The NJCFC, or its agent, will inspect each registered farm during the marketing season to verify agricultural products being grown, acreage, and scheduled time of harvest. An approved farm inspection is required annually for each grower to be authorized to sell any product at the Farmers' Market. Advance notice will be provided before any farm inspection. *Growers must schedule an inspection within one week of being contacted by the inspector.* The NJCFC reserves the right to reinspect farms to clarify or resolve questions or complaints *with 48 hour advance notice.* *Farmer will be billed \$125 for reinspection if a violation is found.* Farmers will receive copies of their farm inspection report as well as the Manager of the market(s) the farmer is attending. The NJCFC will make at least one market inspection per year at each of the community sites to ensure produce being sold by the participating growers is on their **Crop Plan form** and /or **Purchased Product Request form(s)**. The results of this market inspection will be forwarded to the Market Managers.

VIOLATIONS: If a Market Manager in consultation with the NJCFC determines a grower is in violation of the regulations, the grower will be notified by phone or in person, and a written notice will follow. If the violation continues, the following penalties may be assessed:

PENALTIES: **One violation** - a warning letter issued and/or suspension from the market(s) *where the violation was found* for one day.

Two violations - suspension from the market(s) for up to one month and a mandatory meeting with NJCFC Executive Committee and Market Manager.

Additional violations - suspension from the market(s) for up to the remainder of the season. Re-application to the market(s) will be at the market manager's and community sponsor's discretion.

Major violations in which suspension from a market was necessary are cumulative and stay on a growers record for two years from the date of the violation. Minor violations in which only a warning letter was issued cumulate only during the year they were issued.

APPEALS: Upon receiving a violation notice, you may request an appearance before the NJCFC Executive Committee and the Market Manager to contest the findings. A meeting will be called within two weeks of your request. Items in violation may be suspended from sale until the hearing. To assure speedy resolution of violations, an enforcement subcommittee may hear your case in lieu of a full committee.

Market Contact:

Uptown Hoboken Farmers' Market

Peter Cunningham

1009 Garden St.

Hoboken, NJ 07030

201-562-7071

Hoboken411.com

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION No. _____

**RESOLUTION AUTHORIZING THE CLOSURE OF A BANK
ACCOUNT AT THE RECOMMENDATION OF THE DIVISION OF
REVENUE AND FINANCE**

WHEREAS, The Division of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Accounts which has been dormant:

City of Hoboken Collector of Revenue Collections	Acct #3451513978
City of Hoboken PILOT	Acct #3452441709
City of Hoboken Smart Growth	Acct #3982549945
City of Hoboken DDEF	Acct #3982549929
City of Hoboken Special Purpose	Acct #3982692944

NOW, THEREFORE, BE IT RESOLVED, that the Division of Revenue & Finance be and is hereby authorized to close the aforementioned bank accounts and to execute any and all documents necessary for the closure of said accounts; and be it further


RESOLVED, that the TD Bank, which administer the accounts noted above shall be furnished with a certified copy of this resolution.

MEETING: June 17, 2009

APPROVED AS TO FORM:



Judith L. Tripodi
State Fiscal Monitor



Steven Kleinman
Corporation Counsel

Sponsored By: _____

Seconded By: _____

RESOLUTION #: _____

**AUTHORIZING THE SUBMISSION OF AN APPLICATION TO
THE U.S. DEPARTMENT OF ENERGY FOR A RECOVERY ACT – ENERGY EFFICIENCY &
CONSERVATION BLOCK GRANT – FORMULA GRANT IN THE AMOUNT OF \$161,000**

WHEREAS, the City of Hoboken has been selected to submit an application to the U.S. Department of Energy for a Recovery Act – Energy Efficiency & Conservation Block Grant (Formula Grant) in the amount of \$161,000 to be submitted by June 25, 2009; and

WHEREAS, The City of Hoboken desires to submit such grant application with the project(s) being dictated by the City of Hoboken's Energy Audit being prepared by Concord Engineering Group, Inc.

NOW, THEREFORE, the governing body resolves that David Roberts or the successor to the office of Mayor is hereby authorized to:

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

RESOLVED BY THE Council of the City of Hoboken:


1. That, should funding be awarded, the Mayor is hereby authorized to execute an agreement thereto with the U.S. Department of Energy with respect to energy conservation project(s); and
2. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
3. That this resolution shall take effect immediately.

Meeting Date: June 17, 2009

Department of Environmental Services


James Ronga, Director

Approved as to form:


Steven W. Kleinman, Corporate Counsel


4/11/09

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

**RESOLUTION AWARDING A CONTRACT FOR THE SFY 2009 ROADWAY IMPROVEMENT PROJECT
BASED ON THE LOWEST RESPONSIBLE BIDDER.**

WHEREAS, pursuant to the resolution of the City Council and after public advertising thereof, the following proposals were received for the SFY 2009 Roadway Improvement Project for the City of Hoboken in accordance with the specifications set forth in City of Hoboken Bid 09-18.

Vendor	Base Bid	Alt. #1	Alt. #2	Alt. #3	Total \$
English Paving. 1087 Edgewater Ave. Ridgefield, NJ 07657	\$335,448.30	\$ 25,151.46	\$ 18,160.51	\$ 25,225.32	\$403,985.59
Cifelli & Son General Con. 4 Coppola Street Nutley, NJ 07110	\$321,505.00	\$ 30,522.90	\$ 24,862.40	\$ 31,020.40	\$407,910.70
Crossroad Construction 312 Emmet Street Newark, NJ 07114	\$324,980.00	\$ 43,453.90	\$ 31,898.25	\$ 45,812.90	\$446,145.05
AJM Contractors, Inc. 300 Keller Road Clifton, NJ 07011	\$290,290.40	\$ 22,994.18	\$ 16,710.03	\$ 23,271.95	\$353,266.56

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


1. The above recitals are incorporated herein as thought fully set forth at length.
2. The council hereby authorizes the Mayor, or his designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. This contract shall be awarded inclusive of all alternates not to exceed \$353,266.56.
4. The Mayor, or his designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above references goods and/or services based upon the following information:


AJM Contractors, Inc.
300 Keller Road
Clifton, NJ 07011

Approved:


James Ronga, Director, Envir. Svcs.
Meeting: 17 June 2009

Approved to Form:


Steven W. Kleinman, Corp. Counsel


4/11/09

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

Resolution Receiving Corrective Action Plan for the SFY 2008 Audit

WHEREAS, the City of Hoboken has received its Audit for SFY 2008 from the independent auditor Ferraioli, Wielkotz, Cerullo, & Cuva, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires the Chief Financial Official and other City Officials to prepare a Corrective Action Plan for all recommendations reflected in the Annual Audit, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires such Corrective Action Plan to be accepted by the Council of the City of Hoboken and filed with the Director of Local Government Services, and

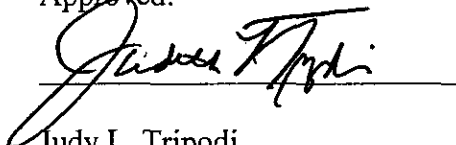
WHEREAS, the Corrective Action Plan is attached hereto, and incorporated by reference.

NOW, THEREFORE BE IT RESOLVED that the above recitals are incorporated by reference as it's fully stated herein.

BE IT FURTHER RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to accept the Corrective Action Plan for the City of Hoboken SFY 2008.

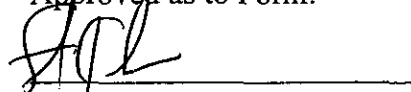
BE IT FURTHER RESOLVED, that the City Clerk forward two certified copies of this resolution with the Corrective Action Plan to the Director of Local Government Services for approval.

Approved:



Judy L. Tripodi
State Fiscal Monitor

Approved as to Form:



Steven W. Kleinman
Corporation Counsel

Date of Meeting: June 7, 2009

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 35,132.84**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>OTR/YEAR</u>	<u>AMOUNT</u>
AMTRUST BANK 1801 E 9 TH STREET CLEVELAND, OH 44114	15/20/C002L	1500 GARDEN ST	4/08	\$ 1,615.07
KRISTEN RASCHE 129 WILLOW AVE #1R HOBOKEN, NJ 07030	34/16.11/C001R	129 WILLOW AVE	2 & 3/09	\$ 1,569.90
JEFF EDLEMAN 231-233 MONROE ST #2N HOBOKEN, NJ 07030	38/12/C0001	231-233 MONROE ST	4/07	\$ 1,900.00
SAMIR HANS 215 GRAND ST #2F HOBOKEN, NJ 07030	42/7/C0003	215 GRAND ST #2F	1/09	\$ 2,846.47
TD BANK ATTN: KATHY BERR 6000 ATRIUM WAY MT. LAUREL, NJ 08054	61/6	411 ADAMS ST	1/09	\$ 2,915.69
MATTHEW AZZARTO 508 GRAND STREET HOBOKEN, NJ 07030	70/24/C004R	508 GRAND ST	1-08/2-08/4/08 2/09	\$12,911.13
CARMELLA TARANTINO 15 CHURCH TOWERS #2D HOBOKEN, NJ 07030	85/12	723 ADAMS ST	1/09	\$ 2,986.02

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
DAVID & NICOLE DONNELLY 1201 ADAMS ST #308 HOBOKEN, NJ 07030	204/18/C003S	535 BLOOMFIELD ST	2-07/3-07 1-06/2-06/3-06	\$ 5,874.33
DAVID WANNER 1106 WASHINGTON ST HOBOKEN, NJ 07030	246/22/C002S	1106 WASHINGTON ST	1/09	\$ 859.57
PAUL CONAN 11 BRAZIEN ST. WALDEN, NY 12586	261.04/1/C0202	1025 MAXWELL LANE	2/09	\$ 143.84
WILLIAM POST 1500 HUDSON STREET #10N HOBOKEN, NJ 07030	268.1/3/C010N	1500 HUDSON ST	2/09	\$1,510.82

Meeting: JUNE 17, 2009

Approved as to Form:



CORPORATION COUNSEL



Sharon Curran

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO.: _____**

**AUTHORIZATION OF ONE (1) YEAR CONTRACT
FOR THE HOBOKEN POLICE DEPARTMENT TO PROVIDE SECURITY
SERVICES TO THE HOBOKEN HOUSING AUTHORITY**

WHEREAS, the City of Hoboken is desirous of continuing its relationship with the Hoboken Housing Authority ("HHA") for the provision of security services and personnel to HHA facilities by the Hoboken Police Department; and

WHEREAS, the services provided by the Hoboken Police Department include vertical patrols and specific operations which are over and beyond the basic service afforded to the HHA; and,

WHEREAS, the Council wishes to formalize this continuing relationship by entering into a contractual agreement, which is exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-5(2), since it is between two governmental entities; and,

WHEREAS, this contract shall run for a one (1) year period, from July 1, 2009 through June 30, 2010.

WHEREAS, this contract shall pay the City of Hoboken an amount not to exceed \$540,000 for a period of one (1) year.

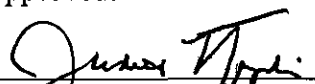
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken, County of Hudson, State of New Jersey, that a contract is hereby authorized between the City of Hoboken and the Hoboken Housing Authority to provide security services as set forth above;

BE IT FURTHER RESOLVED this contract shall run for a one (1) year period, from July 1, 2009 through June 30, 2010;

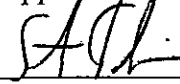
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute a contract with the Hoboken Housing Authority for security services to be provided by the City of Hoboken and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and

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

Approved:


Judith L. Tripodi
Fiscal Control Officer

Approved as to form:


Steven W. Kleinman
Corporation Counsel

Date of Meeting: June 17, 2009

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO.: _____**

**RESOLUTION AMENDING EXISTING AGREEMENT WITH CMX ENGINEERING
TO PERFORM SPECIAL ENVIRONMENTAL ENGINEERING SERVICES FOR THE
CITY OF HOBOKEN**

WHEREAS, the Council of the City of Hoboken, by resolution dated November 24, 2008 awarded a contract to the firm of CMX Engineering for professional engineering services, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken); and,

WHEREAS, the work to be performed by CMX involves certain testing, remediation and other environmental engineering services at the Public Works Garage site, which is under contract to be sold to the S. Hekemian Group for \$25.5 million provided that certain environmental standards are met; and,

WHEREAS, CMX has advised that additional funds are necessary in order to meet the environmental requirements contained in the contract between the City and the S. Hekemian Group as a result of unanticipated developments in the work being performed; and,

WHEREAS, funds for this agreement are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize an amended contract between the City of Hoboken and CMX Engineering to provide professional engineering services as set forth above;

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

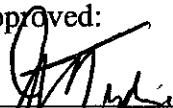
1. An amended contract for Special Environmental Engineer for the City of Hoboken shall be prepared and executed with the following vendor:

**CMX Engineering
Justin Corporate Center
200 State Highway Nine
P.O. Box 900
Manalapan, NJ 07726-0900**

Such firm to be paid a total amount not to exceed \$98,445.00 (increased from \$65,185.00) for the services as set forth in its proposal attached hereto and made a part hereof.


2. This agreement shall be effective November 1, 2008 and terminate November 30, 2009.
3. The Mayor is hereby authorized to execute an amended contract with CMX Engineering for professional engineering services on behalf of the City of Hoboken and to take any other actions necessary to complete and realize the intent and purpose of this resolution.
4. The City Clerk shall publish notice of this resolution in one newspaper authorized by law to publish the City's legal advertisements as required by N.J.S.A. 40A:11-5(1)(a) and shall keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.
5. This resolution shall take effect immediately.

Approved:



Judith Tripodi
Fiscal Control Officer

Approved as to form:



Steven W. Kleinman
Corporation Counsel

Date of Meeting: June 17, 2009

Hoboken411.com

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**


RESOLUTION FOR HANDICAP PARKING ZONE

WHEREAS, the committee denied approval;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that warrants be drawn on the City Treasurer to the order of the following sum opposite the name as reimbursement for handicap parking fees:

<u>NAME / ADDRESS</u>		<u>AMOUNT</u>
Carlos Rosado	1312 Bloomfield Street Apt 2B	\$125.00

City Clerk



Approved as to Legal Form
Corporation Counsel

MAYOR

Meeting Date: June 17, 2009

Introduced by: Councilman Cunningham

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO.: _____**

**RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH THE TOWN
OF SECAUCUS FOR THE USE OF ITS POOL BY THE RESIDENTS OF THE
CITY OF HOBOKEN**

WHEREAS, N.J.S.A. 40:8A-1, et seq. authorizes any local governmental unit to enter into a contract with any other local governmental unit for providing of any service that any party to such agreement is empowered to render within its own jurisdiction; and,

WHEREAS, the Town of Secaucus has agreed to provide use of a swimming pool facility to the residents of the City of Hoboken upon payment by the residents for use of such facility; and,

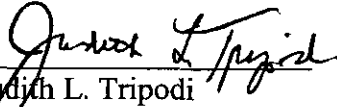
WHEREAS, it is the desire of the Council of the City of Hoboken to authorize the execution of an Interlocal Service Agreement whereby the Town of Secaucus will provide use of this facility to the residents of Hoboken.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute an Interlocal Agreement whereby Secaucus will provide use of a swimming pool facility to the residents of Hoboken;


BE IT FURTHER RESOLVED that the Mayor is hereby authorized to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

Approved:


Judith L. Tripodi
Fiscal Control Officer

Approved as to form:


Steven W. Kleinman
Corporation Counsel

Date of Meeting: June 17, 2009

Sponsored by: _____

Seconded by: _____

**City of Hoboken
Ordinance No.: _____**

AN ORDINANCE AMENDING CHAPTER 93 OF THE CODE OF THE CITY OF HOBOKEN, "DOGS AND OTHER ANIMALS," AND CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN, "ZONING," WITH RESPECT TO DOG DAY CARE AND BOARDING KENNEL SERVICES

WHEREAS, the Council of the City of Hoboken is aware of the growing need for dog day care and boarding kennel services for the many owners of dogs that reside in our community; and,

WHEREAS, the Code of the City of Hoboken requires amendment to provide for standards under which these services may be provided, and the appropriate locations within the City where these services will be considered "conditional uses" for which no zoning variance shall be necessary; and,

WHEREAS, this Ordinance will promote the health, safety and general welfare of the City of Hoboken and its people and will advance the purposes of the Municipal Land Use Law set forth at N.J.S.A. 40:55D-2.

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

SECTION ONE:

Chapter 93 of the Code of the City of Hoboken, entitled "Dogs and Other Animals," more specifically, Sections 93-1, "Definitions," and 93-7, "Kennels, pet shops and pounds," is hereby amended, in part, as follows, (additions noted by underline, deletions by ~~strikethrough~~):

Chapter 93--DOGS AND OTHER ANIMALS

§93-1. Definitions.

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

AUTHORIZED AGENT--A Sanitary Inspector First Grade or a Public Health Nuisance Investigator of the Hoboken Board of Health.

DOG--Any dog, bitch or spayed bitch.

DOGGIE DAYCARE--An organized, controlled and monitored environment in which a group of friendly dogs from multiple households can interact and play throughout the day between the hours of 7:00 A.M. and 9:00 P.M. for the purpose of daytime care. In no event may the dogs stay overnight in such facility unless the facility is also licensed as a "boarding kennel." A "doggie daycare" facility, with or without overnight kenneling, may include such services as grooming and may offer dog-related items or sale.

DOG OF LICENSING AGE--Any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

GUIDE DOG--Any dog certified to serve and aid those members of our nation who suffer from a verified disability, and are at the time serving or aiding a person with a verified disability.

HEALTH OFFICER--The legally designated Health Officer of the City of Hoboken or his authorized representative.

~~KENNEL--Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.~~

KENNEL, BOARDING--Any establishment wherein or whereon the business of boarding dogs on an overnight basis is carried on, except a pet shop.

KENNEL, BREEDING--Any establishment wherein or whereon the business of breeding dogs for sale is carried on, except a pet shop.

OWNER (when applied to the proprietorship of a dog)--Includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET GROOMING SHOP--Any room or group of rooms wherein dogs, cats or other animals are washed, cleaned or groomed.

PET SHOP--Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs, cats, birds, fish, reptiles, lawful wildlife, rodents or insects for sale are kept or displayed.

POUND--An establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

RULE OR ORDER - Directive of the Health Officer.

SHELTER-- Any establishment where dogs are received, housed and distributed without charge.

§ 93-7. Kennels, pet shops, doggie daycare, shelters and pounds.

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a doggie daycare, a shelter or a pound shall apply to the Board of Health for a license entitling him to keep or operate such establishment, on an application form furnished by the Clerk of the Board.
- B. The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained and shall show compliance with the local and state rules and regulations governing location and sanitation of such establishments.
- C. All licenses issued for a kennel, pet shop, doggie daycare, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of each year and be subject to revocation on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health. Revocation of the operating license shall be reported to the Zoning Officer who shall revoke the certificate of occupancy until the license is restored.
- D. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments. Such licenses shall not be transferable to another owner or different premises.
- E. The annual license fee for a kennel or doggie daycare providing accommodations for ten (10) or less dogs at any one time shall be one hundred fifty dollars (\$150.00) and for more than ten (10) dogs, three hundred dollars (\$300.00). The annual license fee for a pet shop shall be twenty-five dollars (\$25.00). No fee shall be charged for a shelter or pound.
- F. No dog kept in a kennel, pet shop, doggie daycare, shelter or pound shall be permitted off such premises, except on a leash or in a crate or other safe control.

The remainder of Chapter 93 shall remain unchanged.

SECTION TWO:

Chapter 196 of the Code of the City of Hoboken, entitled "Zoning," more specifically, Sections 196-6, "Definitions," 196-17, "I-1 District," 196-18, "I-2 District" and 196-38, "Conditional Uses," is hereby amended, in part, as follows, (additions noted by underline, deletions by ~~strikethrough~~):

I) The following definitions are hereby added to §196-6, "Definitions."

DOGGIE DAYCARE--Any establishment wherein dogs may be left An organized, controlled and monitored environment in which a group of friendly dogs from multiple households can interact and play throughout the day between the hours of 7:00 AM and 9:00 PM for the purpose of daytime care. In no event may the dogs stay overnight in such facility unless the facility is also licensed as a "boarding kennel". A "doggie daycare" facility, with or without overnight kenneling may include such services as grooming and may offer dog-related items for sale.

KENNEL - See below:

KENNEL, BOARDING--Any establishment wherein or whereon the business of boarding dogs on an overnight basis is carried on, except a pet shop.

KENNEL, BREEDING--Any establishment wherein or whereon the business of breeding dogs for sale is carried on, except a pet shop.

II) The following conditional uses are added to §196-17, "I-1 District."

D. Conditional uses shall be as follows:

(1) I-1 District

(j) Doggie Daycare

(k) Boarding Kennel

III) The following conditional uses are added to §196-18, "I-2 District."

D. Conditional uses shall be as follows:

(10) Doggie Daycare

(11) Boarding Kennel

IV) The following is added to §196-38, "Standards for particular use."

X. Doggie Daycare/Boarding Kennel. Such facilities, whether provided independently or combined into one facility, shall be maintained in a completely enclosed structure and shall be of soundproof construction and so operated as to produce no objectionable odors at the lot boundary line. Outdoor kennels, exercise pens or runways shall not be permitted.

1. The facilities for housing dogs shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs, to contain the dogs and restrict the entrance of other animals. Sufficient space shall be provided indoors for all animals kept at the facility, and no animals may be kept out-of-doors.

2. Hot and cold water facilities shall be provided.

3. Detailed plans and proposals for sanitary sewage and solid waste disposal, approved by the Hoboken Board of Health, shall be submitted to the Planning Board. Feces and other excreta shall be removed at least once daily and the runs washed down with hot water and disinfectant cleaner. Excreta shall be disposed of in a sanitary manner.

4. The kennel space shall be ventilated in such a manner as will provide fresh air at all times. The kennel temperature shall be maintained at a reasonable and suitable level to promote the health and comfort of the type of dog or dogs housed.

5. Lighting by either natural or artificial means shall provide a minimum of thirty candle power for at least eight hours per day except where contraindicated for health reasons.

6. Provisions shall be made for noise control which at a minimum shall include soundproofing of all enclosed structures.

7. All such facilities shall be licensed by the City's Board of Health and shall also meet the requirements of all appropriate county, state or federal regulatory agencies. Revocation of the operating license shall be reported to the Zoning Officer who shall revoke the certificate of occupancy until the license is restored.

The remainder of Chapter 196 shall remain unchanged.

SECTION THREE: REFERRAL TO PLANNING BOARD

In accordance with N.J.S.A. 40:55D-26 and 64, subsequent to the introduction of this Ordinance, the Municipal Clerk shall refer this Ordinance to the Planning Board for review and consideration for a period of 35 days. Subsequent to the 35-day review period, this Ordinance shall be heard for second reading. In the event the Planning Board issues a report, the governing body shall consider same and any recommendations made therein. The governing body, when considering the adoption of this ordinance, shall review any such report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation in accordance with the provisions of law.

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, specifically including, but not limited to, the entirety of Chapters 34, 36, 44 and 196 of the Code of the City of Hoboken. With respect to all other ordinances contained elsewhere in the Code, any provisions that are in conflict or inconsistent with this Ordinance are also 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 being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE: SEVERABILITY

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

SECTION SIX: EFFECTIVE DATE

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

SECTION SEVEN: 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.

Dated: _____, 2009

ADOPTED:

APPROVED:

James J. Farina, City Clerk

, Mayor

APPROVED AS TO FORM:



Steven W. Kleinman
Corporation Counsel