



April 15, 2010

To: City Council Members
Fr: Mayor Zimmer
Re: Hiring of New Business Administrator & 4.2 Million Severance Payment

Dear Council Members,

Yesterday the State approved Hoboken's FY 2010 budget. At the meeting in Trenton I advocated strongly for Hoboken to be released from State Fiscal Monitoring. The new DLGS Director, Marc Pfeiffer, assured me that he would seriously consider my request for the May or June meeting.

Before Hoboken can finally stand on its own, we must first hire a new Business Administrator. I am extremely pleased to inform you that a search process including Council members and directors has resulted in a strong consensus around one candidate.

At my request, Council President Cunningham formed a Council search committee that included Quality of Life Chair Giacchi, Public Safety Chair Bhalla, and Finance Chair Lenz. (Councilwoman Marsh, as a representative of the Finance committee, also attended some interviews on behalf of the Finance Chair). I completed interviews with the Council committee. Three directors from my Administration conducted separate interviews and provided their assessment of the candidates.

The position was advertised in the New York Times, the Newark Star-Ledger and numerous State industry publications including the League of Municipalities.

The interview process with the Council members and directors resulted in a consensus around Arch Liston, the Business Administrator in Bridgeton, which is a distressed city under State Fiscal Monitoring. Mr. Liston's experience includes bringing change in a challenging environment, managing many redevelopment projects, negotiating labor union contracts, and working as a former Police Chief. He is known for requiring employees to work hard by demanding accountability. He is also known to be fair, supportive and able to develop the potential of employees.

After hearing out the views of Council members that participated in the interview process, directors, checking references, and receiving positive reviews from others government and private sectors leaders about Mr. Liston, I have decided to appoint him as our City's new Business Administrator.

OFFICE OF THE MAYOR

Mr. Liston has asked that prior to giving notice at his current position, that approval of his appointment be voted on by the Council to ensure that there are no issues. I believe this is a reasonable request. Council President has agreed to include approval of Mr. Liston's appointment on the agenda for next week's meeting.

If you are interested in completing a face-to-face interview with Mr. Liston prior to next week's meeting, please call Dan Bryan in my office so we can coordinate with you to arrange this. Mr. Liston is also available to speak with each Council member on the phone prior to the meeting. (Please contact my office for his cell number).

If approved by the Council, Mr. Liston is available to begin working on May 3rd. He has agreed to a salary of \$150,000, and will not be taking health benefits. This salary is within the budget level approved by the Council.

I have conducted three separate interviews with Mr. Liston, and as one Council member said, "the more I talk with him, the more impressed I am." Mr. Liston will be an asset to moving our City forward. I hope that you can support his appointment at next week's City Council meeting so that we may not only accomplish our City's business, and expeditiously move out of State supervision.

\$4.2 Million Early Retirement Payment

In late March we received a bill for the \$4.2 million severance that was due on April 1st. Upon receiving the bill I immediately reached out to the Division of Pensions to ask for an extension. In addition, Finance Director Transante confirmed that we have a 30-day grace period. If the \$4.2 million is not paid by April 30th, the City will be charged interest at an annual rate of 10 percent or approximately \$35,000 per month.

Unfortunately my repeated requests for an extension to conduct additional due diligence has not been granted, nor has the Division of Pensions been forthcoming with providing the additional information needed to evaluate the assessment completed by Bucks Consulting.

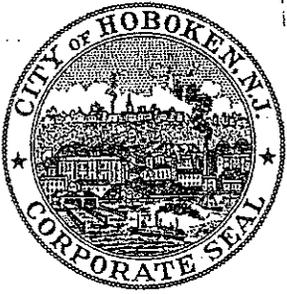
I will continue trying to arrange for a second review of the analysis completed by Bucks Consulting until the final deadline on April 30th.

As you know, the City has received Legal guidance from Corporation Counsel that the deadline for appealing this matter exceeded the time limit last year under the prior Administration. I have been trying to get an informal review completed of the calculations, however, our position is weak since the deadline for the appeal was missed long before I took office.

I will continue seeking an extension in order to complete a review of the Bucks Consulting calculations. However, if that extension is not granted, and given the legal guidance that we have received indicating that we are extremely unlikely to prevail in any challenge, it will be necessary for the City to make the payment. It is my obligation to pay the invoices billed to the City in order to avoid increasing the cost of this unfortunate mistake.

Thank you and best regards.

Mayor Zimmer



Municipal Court of Hoboken
City Hall

100 NEWARK STREET
Hoboken, New Jersey 07030
201-420-2120
Fax 201-420-2138



HON. CATALDO F. FAZIO
J.M.C.

ROSEANN GOHDE
Court Director

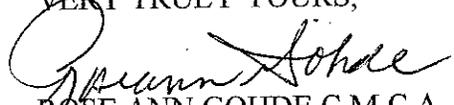
APRIL 7, 2010

MR. JAMES FARINA
CITY CLERK
CITY OF HOBOKEN
CITY HALL
HOBOKEN N.J. 07030

DEAR MR. FARINA:

THE HOBOKEN MUNICIPAL COURT HAS ISSUED CHECK # 4589 IN THE TOTAL AMOUNT OF \$443,885.07 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF MARCH 2010 (ATS/ACS SYSTEM)

VERY TRULY YOURS,


ROSE ANN GOHDE C.M.C.A.
MUNICIPAL COURT DIRECTOR

C: HON. DAWN ZIMMER, MAYOR
JUDITH L. TRIPODI, FISCAL MONITOR
JUDGE CATALDO FAZIO

SPONSORED BY: _____

SECONDED BY: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
APRIL 21, 2010**

VENDORS **11 ITEMS**

HENRY C. LOBO
452 FIRST ST. APT 6
HOBOKEN, NJ 07030

DESTRIE BOYAR
401 MONROE ST. #3L
HOBOKEN, NJ 07030

TRG FIELD SOLUTIONS
ROBERT BUEHLER
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
MICHAEL CALDERONE
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
MATTHEW V. RODRIGUEZ

SPONSORED BY:

SECONDED BY:

1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
ENRIQUE PERALTA
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
MANUEL VILLALTA
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
ROBERT SINATRA
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
JOHN W. SKERRETT
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
ED TERROGH
1099 WALL ST. WEST

SPONSORED BY: _____

SECONDED BY: _____

SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
GIOVANI REYNOSO
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

TRG FIELD SOLUTIONS
JOSEPH L. O'CONNOR
1099 WALL ST. WEST
SUITE 391
LYNDHURST, NJ

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

**CONFIRMING THE APPOINTMENT OF THE BUSINESS ADMINISTRATOR AND
DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION**

WHEREAS, the Code for the City of Hoboken establishes the Department of Administration, pursuant to §58-1 *et seq.*, and Code §4-5 creates the office of Business Administrator as Director of the Department of Administration; and

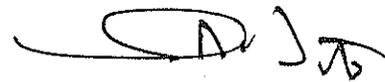
WHEREAS, Mayor Dawn Zimmer appointed _____ as Business Administrator and Director of the Administration, effective May 1, 2010, at an annual salary of **One Hundred Fifty Thousand Five Hundred (\$150,000.00) Dollars** allocated between the Office of Business Administrator and the Director of Administration; which hiring is on the basis it excludes participation in the municipal retirement plan and benefits related thereto; and

WHEREAS, N.J.S.A. 40:69A-180(c) requires the compensation of department heads to be fixed by the City Council and City Code §4-5 requires the Mayor's appointment to receive the advice and consent of the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council concurs with the appointment of _____, as the Business Administrator and Director of Department of Administration.

APPROVED:

Judith L. Tripodi, Fiscal Monitor



Michael B. Kates, Corporation Counsel

Date: April 21, 2010

Arch Liston

Education

Master of Governmental Administration *University of Pennsylvania, Fels Center of Government*
Bachelor of Science, Law and Justice *Trenton State College*
Senior Executive Institute *University of Virginia*

PROFESSIONAL EXPERIENCE

Business Administrator-City of Bridgeton (September 2006 – Present)

Oversight of 250 full-time employees with an annual budget of \$22.5 million. Worked with NJ Department of Community Affairs in the "Distressed Cities" Program. Negotiated and settled labor agreements with eight different unions. Reorganized *Emergency Medical Services* under paid Fire Department. Reorganized Inspections Division and all planning/zoning functions. Authored five year "Financial Recovery Plan" for City as requested by DCA. Coordinated City's designation as "Rehabilitation Area." Increased return on surplus property through GovDeals internet auctions. Implemented changes in financial software with increased emphasis on budget controls and accountability. Oversight of Master Plan process, last updated in 1976. Acquired property, funding, coordinated design of retrofitted police/court facility that opened in May 2009. Qualified Purchasing Agent.

TOWNSHIP MANAGER, MOUNT HOLLY, NJ (July 1999 – September 2006)

Chief executive officer of a township with an annual budget of \$7.5 million, 100 full and part-time employees with 10,600 population. Primary responsibilities included budget preparation, management control, purchasing agent, and personnel manager. *Negotiate all labor contracts (five) for the township and hear all grievance matters.* Directed grant writing efforts. Work effectively with all township professionals. Review all ordinances and recommended changes to Township Council. Served as a member of the Parks and Recreation Committee and Emergency Management Committee. Extensive knowledge of NJ Department of Personnel regulations and procedures. Oversight of Neighborhood Preservation Program and administration of Regional Contribution Agreements. Had four different areas designated as "Redevelopment Areas."

Accomplishments

- Researched, designed and implemented summer recreation program.
- Initiated bond program to repair dam, roadways and bridges.
- Implemented "Acquisition and Demolition" of high-crime neighborhood.
- Directed major economic development of township through *Urban Enterprise Zone*.
- Implemented technology based services throughout Township offices.
- Improved labor relations with five separate bargaining units.
- Successfully rebuilt parking facilities in downtown business area.
- Wrote and coordinated grants to revitalize township parks.
- Transitioned self-insurance health fund into state-wide system, saving \$150,000 in first year
- Coordinated efforts to receive "Main Street" designation for central business district.
- Reorganized all inspections under one department and increased enforcement by 300%.
- Rewrote personnel manual to included sexual harassment and computer usage polices.
- Recognized by *Statewide Insurance Fund* for 2005 "All Lines Loss Control Award."

Police Chief-Police Lieutenant-Police Sergeant-Patrolman (1975-2000)

Mount Holly Township Police Department

Established first "Mission Statement" for Police Department. Implemented 'COPS in School program placing officers in the K-8 School System and Regional High School. Worked jointly the County Prosecutor's Office in establishing directives regarding hostage situations and civil disturbance. Prepared and administered budget, initiated disciplinary actions, internal affairs functions and oversaw hiring and background investigations.

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

CONFIRMING APPOINTMENT OF DIRECTOR OF ENVIRONMENTAL SERVICES

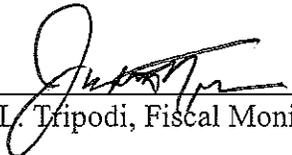
WHEREAS, the Code for the City of Hoboken establishes the Department of Environmental Services, pursuant to §58-1 *et seq.*; and

WHEREAS, Mayor Dawn Zimmer appointed Jennifer W. Maier as the Director of the Environmental Services, effective February 15, 2010, at an annual salary of **One Hundred Three Thousand Five Hundred (\$103,500.00) Dollars**; and

WHEREAS, N.J.S.A. 40:69A-180(c) requires the compensation of department heads to be fixed by the City Council and City Code §58-5 requires the Mayor's appointment to receive the advice and consent of the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council concurs with the appointment of Jennifer W. Maier, as the Director of Environmental Services.

APPROVED:



Judith L. Tripodi, Fiscal Monitor



Michael B. Kates, Corporation Counsel

Date: April 21, 2010

JENNIFER WENSON MAIER R.A., P.P.

OBJECTIVE

To obtain a position with a municipality as Director of Public Works.

EXPERIENCE

Jan 2006–Present City of Plainfield Plainfield, NJ \$104,000./yr
Director of Public Works and Urban Development

- Organized all redevelopment activities for 10 projects, coordinated with UCIA as redevelopment agency, procured redevelopment in need studies and redevelopment plans, chaired weekly redevelopment meeting, reviewed schematic designs, coordinated with redevelopment attorneys and planners. Researched recent Supreme Court decisions regarding redevelopment criteria. Coordinated with NJEDA, NJRA, HMFA & UCEDC for funding for commercial redevelopment projects.
- Responsible for the work of DPW Yard, Divisions of Economic Development, Engineering, Recreation, Inspections, Planning, & Office of Community Development.
- Annual Municipal Budget \$72,000,000. Population 50,000.
- Day to day administrative tasks such as payroll, requisitions, departmental resolutions, review of zoning applications, employee reviews. Staff of 100, plus 150 Seasonal workers.
- Prepared \$48,000,000. CIP.
- Coordinated Brownfields Rehabilitation and acquired a \$5,000,000 BDA renewable annual grant.
- Coordinated Green Team for Sustainability working with Sustainable Jersey, Energy Efficiency Community Block Grant and BPU Energy Audit.
- Supervised 35 roadway projects as well as in-house hot asphalt paving.
- Prepared new Master Plan and updated mapping.
- Obtained \$11,000,000 in grants. Applied for an additional \$21,000,000.
- Established Live Where You Work Program.
- Coordinated \$500,000 Neighborhood Stabilization Program.
- Addressed Foreclosure thru prevention outreach, task force, housing counseling and homeownership fair.
- Established Neighborhood Security Program in partnership with Public Safety Department with CDBG Funds.
- Performed Community Clean-up projects partnering with the County.
- Brought in \$800,000 in fines and fees.

1996–2007 Wenson Associates, P.C. Rahway, NJ

Principal

- Various commercial, industrial, municipal, federal, hospitality and custom residential projects.

1983–1996 Various Architectural Firms

- Peter Blaufeux AIA Architects New York, NY
- Thoresen & Linard New York, NY
- Eric Cohler Interior Design New York, NY
- James Jao & Associates, Ltd New York, NY
- Hyun & Siri Architects, P.C. New York, NY

EDUCATION

1977–1982 University of Miami Coral Gables, FL

- B.Arch.

INTERESTS

- Rahway Center Partnership Volunteer
- Rahway Environmental Committee Volunteer
- Member of Rahway YMCA “Activate Rahway” promoting healthy life styles

LICENSES

N.J. Architect Lic. # 10363
N.J. Planner Lic. # 4195
N.Y. Architect Lic. # 20922
PA. Architect Lic. # 14943 B

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

Inserting a Special Item of Revenue into the SFY 2010 Municipal Budget

COUNTY OF HUDSON OFFICE OF CULTURAL AFFAIRS

WHEREAS, N.J.S. 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 \$4,734.00 from the County of Hudson Office of Cultural & Heritage Affairs and wishes to amend it's SFY 2010 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT 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 approve the insertion of an item of revenue in the budget of the year SFY 2010 in the sum of.....\$4,734.00 Which is now available as a 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 Cultural Affairs
Cultural Affairs

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$4,734.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

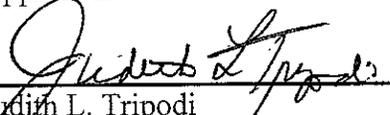
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

Office of Cultural Affairs
Cultural Affairs

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

Date of Meeting: April 21, 2010

Approved:

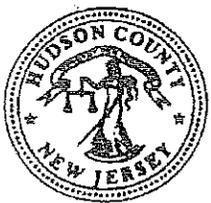


Judith L. Tripodi
State Fiscal Monitor

Approved as to Form:



Michael B Kates
Corporation Counsel



COUNTY OF HUDSON
OFFICE OF CULTURAL & HERITAGE AFFAIRS
TOURISM DEVELOPMENT
JUSTICE WILLIAM BRENNAN COURT HOUSE
583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
TEL: (201) 459-2070 - FAX: (201) 792-0729

THOMAS A. DeGIUSE
COUNTY EXECUTIVE

TOURISM: (800) 542-7894

WILLIAM LA ROSA
ADMINISTRATOR

February 2, 2010

Geraldine Fallo
The City of Hoboken
Hoboken City Hall
94 Washington Street
Hoboken, NJ 07030

Dear Ms. Fallo:

*Congratulations! Your FY 2010 award from the New Jersey-State Council on the Arts State/County Partnership Grant administered by the Hudson County Office of Cultural & Heritage Affairs is: **Special Project Support - \$4,734.00.***

Enclosed are two (2) original contracts between the County of Hudson, and your organization, for the administration and distribution of grant moneys for the FY 2010 State/County Partnership Arts Re-Grantee Program. Please complete the (2) copies of the contract as follows, and return to my attention at the above address.

1. *Signature - Page 6 of 6*
2. *Start and Completion Dates of Project - Annex "A" Page 1*
3. *Signature - Annex "A" Page 2*
4. *Signature - Annex "B" Page 1*

CURRENT ACCOUNT

ACCOUNT NO.	ORDER NO.	INVOICE NO.	DESCRIPTION	AMOUNT
3031-	E000217557		FY 2010 1ST PYMT 75% ON ARTS	3550.50
				000059618

DETACH BEFORE DEPOSITING

COUNTY OF HUDSON
ADMINISTRATION ANNEX
CURRENT ACCOUNT
 567 PAVONIA AVENUE
 JERSEY CITY, NJ 07306

CAPITAL ONE BANK
 NORTH FORK BANK
 No. 150-791-2111

PAY TO THE ORDER OF
 THREE THOUSAND FIVE HUNDRED FIFTY AND
 NO/100 DOLLARS

CITY OF HOBOKEN
 24 WASHINGTON ST
 HOBOKEN NJ 07030

VOID AFTER 90 DAYS

CHECK NO. 000059618 DATE 03/31/10 AMOUNT *****3550.50

24955251
 Wale

⑈059618⑈ ⑆021407912⑆40140 14866⑈

THE OFFICE OF THE COUNTY EXECUTIVE OF THE COUNTY OF HUDSON

REGISTER OF CLAIMS DR
 TO: The City of Hoboken
 Hoboken City Hall
 ADDRESS: 94 Washington Street
 Hoboken, NJ 07030

folio _____

DATE OF DELIVERY OR SERVICE	FOR	DOLLARS	CENTS
3/12/10	First Payment (75%) New Jersey State Council on the Arts State/County	\$ 3,550	50
	Partnership Arts Block Grant for FY 2010.		
	RESOLUTION #83-3-2008		
	CODE: 67 3031 2010	TOTAL:	\$ 3,550 50

STATE OF NEW JERSEY, SS
 HUDSON COUNTY.)
 BEING DULY SWORN ACCORDING TO LAW, SAITH THAT THE ABOVE CLAIM AGAINST "THE COUNTY OF HUDSON" IS JUST AND TRUE, AND THAT THE WORK HAS BEEN PERFORMED, AND THE MATERIALS HAVE BEEN FURNISHED. THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITH THE KNOWLEDGE OF SAID DEFONENT IN CONNECTION WITH THE ABOVE CLAIM. THAT IT IS IN ALL RESPECTS A BONA FIDE AND FAIR CLAIM AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.
 Subscribed and sworn to before
 me this)
 day of 2008)

 Notary Public, New Jersey

X *Gerardine Talla*

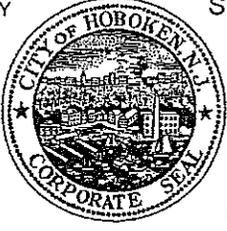
 Title

CITY OF HOBOKEN
DEPARTMENT OF HUMAN SERVICES

CULTURAL AFFAIRS

DAWN ZIMMER
ACTING MAYOR

PUBLIC LIBRARY
VITAL STATISTICS
RENT LEVELING
BOARD OF HEALTH
RECREATION



SENIOR CITIZENS
TRANSPORTATION
HOUSING SERVICES
PUBLIC DEFENDER

LEO PELLEGRINI
DIRECTOR

HUMAN SERVICES

To: Finance Department
George DeStefano, CFO

From: Leo Pellegrini, Director of Human Services

CC: Geri Fallo, Cultural Affairs Coordinator

Date: April 6, 2010

RE: Monies received by the Division of Cultural Affairs to be split between
The Artists Studio Tour and The Summer Concert Series 2010.

Deposit # 190

Attached please find checks in the amount of : **\$3,550.50**
grant monies received by the Division of Cultural Affairs to be split between
The Artists Studio Tour and The Summer Concert Series 2010.

Please deposit the total amount of **\$3,550.50** in the **Division of Cultural Affairs Trust Account**. This brings our **total** to date of grant monies to be split between The Artists Studio Tour and The Summer Concert Series 2010 to **\$3,550.50**.

GERALDINE FALLO, CULTURAL AFFAIRS, DIVISION HEAD

CITY HALL, 94 WASHINGTON ST. • HOBOKEN, NEW JERSEY 07030 • 201-420-2207 • Fax 420-2388

COUNTY OF HUDSON - ADMINISTRATION ANNEX
 567 PAVONIA AVENUE, JERSEY CITY, N.J. 07306

CURRENT ACCOUNT

CHECK NO.

5 9618

ACCOUNT NO.	ORDER NO.	INVOICE NO.	DESCRIPTION	AMOUNT
3031	E000217557		FY 2010 1ST PYMT 75% ON ARTS	3550.50
				0000000000

DETACH BEFORE DEPOSITING

COUNTY OF HUDSON
 ADMINISTRATION ANNEX
 CURRENT ACCOUNT
 567 PAVONIA AVENUE
 JERSEY CITY, NJ 07306

NORTH FORK BANK

Capital One Bank
Capital One, N.A.
 50-791-214

NO. 59618

PAY

THREE THOUSAND FIVE HUNDRED FIFTY AND
 THE ORDER OF

CITY OF HOBOKEN
 94 WASHINGTON ST
 HOBOKEN NJ 07030

CHECK NO.	DATE	AMOUNT
0000059618	03/31/10	*****3550.50

VOID AFTER 90 DAYS

50/100 DOLLARS

(195525)

W. J. ...

⑆059618⑆ ⑆021409912⑆101 40 14886⑆

Details on back



THE BUZAK LAW GROUP, LLC

Attorneys at Law

EDWARD J. BUZAK
(MEMBER OF N.J. & D.C. BAR)
TIENA M. COFONI
JOHN P. MILLER
KELI L. GALLO
(MEMBER OF N.J. & N.Y. BAR)

MONTVILLE OFFICE PARK
150 RIVER ROAD SUITE N-4
MONTVILLE, NEW JERSEY 07045

(973) 335-0600

FAX: (973) 335-1145

E-MAIL: BLG@BUZAKLAWGROUP.COM

April 15, 2010

James J. Farina, City Clerk
City of Hoboken
City Hall
94 Washington Street
Hoboken, New Jersey 07030

E-MAIL

DRAFT

Re: Memorializing Resolution -- Kane Properties, LLC - Appeal

Dear Mr. Farina:

Enclosed herewith please find an original draft of a proposed resolution for consideration by the Governing Body at their next meeting, memorializing the March 24, 2010 actions taken on the above captioned appeal of the Zoning Board of Adjustment determination.

Please note that at the end of the resolution I inserted the members who are eligible to vote, which are those members who voted in favor of the action taken. Since the action was taken in different motions, five of the eight members present could vote on all aspects of the resolution and three of the eight members can only vote on the affirmance of the nursery school/child care variance along with the first five. Thus, the announcement of the vote could be something like: "for the adoption of the entire resolution" and then seek the vote of the five members eligible to vote on the entire resolution, and then continue with "and solely for the affirmance of the nursery school/child care d(1) variance" and then call the names of the three additional Council members eligible to vote only on that aspect of the motion.

By copy of this letter I am distributing a copy of the resolution to all interested parties. Please advise as to when this matter will be placed on the agenda for a vote so that if necessary, I can be at the meeting to answer any questions that the Council may have.

Page 2

As always, thank you for your courtesies.

Very truly yours,

THE BUZAK LAW GROUP, LLC

Edward J. Buzak

EJB:FD-S-222 (HC-2012)

Enclosure

cc: Michael Kates, Esq. - E-Mail
James J. Burke, Esq. - E-Mail
Arnold K. Mytelka, Esq. - E-Mail
W. Mark O'Brien, Esq. - E-Mail
Douglas M. Bern, Esq. - E-Mail

DRAFT

DRAFT

**CITY OF HOBOKEN
COUNTY OF HUDSON**

**RESOLUTION REVERSING THE GRANTING OF CERTAIN
VARIANCES BY THE
ZONING BOARD OF ADJUSTMENT OF THE
CITY OF HOBOKEN
WITH RESPECT TO THE PROPERTY KNOWN AS
511-521 NEWARK STREET, BLOCK 3.2, LOTS 6 THROUGH 11
AS SHOWN ON THE OFFICIAL TAX MAP OF THE
CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY**

WHEREAS, an application for preliminary site plan approval with certain variance relief was made to the Hoboken Zoning Board of Adjustment ("ZBA") by Kane Properties, LLC in connection with a proposed development upon property commonly known as 511-521 Newark Street, particularly described in Block 3.2, Lots 6 through 11 on the Official Tax Map of the City of Hoboken, County of Hudson, State of New Jersey (the "Property"); and

WHEREAS, the development application proposed a mixed use building with 72 residential dwelling units, 1,700 square feet of nursery school/child care use and 78 parking spaces in a 12 story, 125 foot high building (the "Project"); and

WHEREAS, above captioned development application required preliminary site plan approval and variance relief from the following sections of the subdivision of land and zoning ordinance of the City of Hoboken:

1. Section 196-18(B) where the residential use sought by the Applicant is not permitted [d(1) variance]; and

2. Section 196-18(e)(4), where nursery school (child care) use is not permitted [d(1) variance]; and
3. Section 196-18(6), where the Applicant proposed a floor area ratio ("F.A.R.") of 6.27, whereas the maximum FAR is 1.25 [d(4) variance]; and
4. Section 196-18(5), where the Applicant proposed a 12 story building, whereas the maximum number of stories permitted are 2 stories [d(6) variance]; and
5. Section 196-18(5), where the Applicant proposed a building height of 125 feet, whereas the maximum height permitted is 40 feet [d(6) variance]; and
6. Section 196-18(E)(4), where the Applicant proposed a lot coverage 100% for the first through third floors, 82% for the fourth through sixth floors and 61% for the seventh through twelfth floors, whereas the ordinance permits lot coverage of 60% for the principal building and 10% for an accessory building [c variance]; and
7. Section 196-18(7)(a), where the Applicant proposed a front yard of 0 feet, whereas the ordinance requires a minimum front yard of five feet [c variance]; and
8. Section 196-18(7)(b), where the Applicant proposed a side yard of 0 feet, whereas the ordinance requires a minimum side yard of five feet [c variance]; and
9. Section 196-18(7)(c), where the Applicant proposed a rear yard of 0 feet, whereas the ordinance requires a minimum rear yard of fifteen feet [c variance];

and

WHEREAS, the application was duly considered by the ZBA at public hearings on August 18, 2009; September 15, 2009 (at which no testimony was taken); October 1, 2009, October 13, 2009; and November 4, 2009; and

WHEREAS, the ZBA heard the sworn testimony of the owner of the site, Anthony Rey, the Applicant's Planner, Kenneth Ochab; the Applicant's Architect, Dean Marchetto; the Applicant's Traffic Engineer, Scott Parker; and the Executive Director of the Boys and Girls Clubs of Hudson County, Gary Greenberg, in support of the application; and

WHEREAS, the ZBA further heard the sworn testimony of Jason Kasler and the Treasurer of the Skyline Condominium Association, Inc., James Martinez in opposition to the application; and

WHEREAS, the public had an opportunity to be heard on the applications being permitted to both question witnesses and make statements; and

WHEREAS, after appropriate deliberation, on November 4, 2009 the ZBA granted preliminary site plan approval to the Applicant and further approved all of the variances sought by the Applicant as outlined above, subject to 15 conditions as more particularly described in the resolution of the ZBA adopted on December 15, 2009, which memorialized the ZBA's decision rendered on November 4, 2009; and

WHEREAS, pursuant to N.J.S.A. 40:55D-17, the City of Hoboken adopted Section 44-34 of the Code of the City of Hoboken which permits an appeal from a final decision of the ZBA which approves a "d" variance; and

WHEREAS, the objectors to the application, Skyline Condominium Association, Inc. ("Appellant") filed a timely appeal with the Clerk of the City of Hoboken seeking a review of the ZBA determination as set forth in the ZBA memorializing resolution of approval, adopted on December 15, 2009; and

WHEREAS, the Governing Body of the City of Hoboken ("Governing Body") established a schedule for the submission of transcripts, the record below, briefs and a hearing; and

WHEREAS, the record before the ZBA was submitted to the Governing Body consisting of the transcripts of each of the public hearings, together with all exhibits considered by the ZBA; and

WHEREAS, briefs in support of, and in opposition to, the actions of the ZBA were submitted by counsel for the Applicant, counsel for the Appellant and counsel for the ZBA; and

WHEREAS, on March 24, 2010 the Governing Body convened to consider the appeal by making a *de novo* determination based upon the record created before the ZBA, the exhibits submitted to the ZBA, and the briefs of the participants and argument of counsel; and

WHEREAS, the Governing Body determined that its substantive *de novo* review was limited to determining whether adequate proofs were submitted by the Applicant to justify the approval of the "d" variances set forth above; and

DRAFT

WHEREAS, after a review of the transcripts provided, the exhibits presented to the ZBA, the resolution of the ZBA adopted December 15, 2009, the oral argument of counsel for the Applicant, the Appellant and the ZBA, and after having questioned counsel for those entities with regard to the application and the record created before the ZBA, the governing body makes the following *de novo* findings of fact:

1. The exhibits as set forth in the ZBA resolution of December 15, 2009 constitute all of the exhibits that were presented to the ZBA in connection with the application.

2. The application consists of a proposal to construct a mixed use building with 72 dwelling units, 1,700 square feet of nursery school/child care use, and 78 parking spaces in a 12 story, 125 foot high building ("Project"), located on Block 3.2, Lots 6 through 11 as shown on the Official Tax Map of the City of Hoboken ("Property") and commonly known as 511-521 Newark Street, Hoboken, New Jersey. The Property is located in the I-2 Zone.

3. The I-2 Zone includes as permitted uses, retail or personal service establishments, such as appliance sales and services; banks; bakeries; fruit stores; supermarkets; barber shops; beauty parlors; pharmacies; book card, and stationery stores; candy and tobacco shops; dry goods; variety stores; department and clothing stores; florists; garden supply stores; hardware stores; newspaper and periodical vendors; business and professional offices; package liquor stores; photographic supplies; services; tailors and dressmakers, and similar uses.

4. The description of the applicable provisions of the Zoning Code of the City of Hoboken and the comparable activities of the Applicant in connection with those particular provisions of the Code are accurately set forth in the Preamble to this resolution and represent the scope of the *de novo* hearing on which the governing body will render a *de novo* decision.

5. The Property was operated as a wholesale meat distribution business by its owner from 1980 through 2001. That wholesale meat distribution business required the use of low temperature equipment for freezers and medium temperature equipment for refrigeration as well as compressors located on the roof of the existing structure.

6. The operation of the business consisted of supply trucks bringing meat products to the Property and then said meat products being redistributed to retail establishments. Deliveries to the Property were made at various times of the day and night by refrigerated vehicles.

7. After the Skyline Condominiums were constructed (consisting of 104 units within a 15 story structure) in proximity to the Property, complaints about the noise generated by the facility and the delivery of the meat products were made to the City of Hoboken by, *inter alia*, owners of units within the Skyline Condominiums. The City of Hoboken proceeded to investigate those complaints and issued a series of directives to stop the disturbances being experienced by other persons in proximity to the owner's operation of the wholesale meat distribution business. Moreover,

delivery trucks to the site were being ticketed by the Hoboken Police Department.

8. Approximately 2001, the owner abandoned the Property and relocated his business to North Bergen, New Jersey in conjunction with a merger with another company. The Property has been vacant since 2001 when the wholesale meat distribution facility ceased operation.

9. Although the Applicant testified that he had a fish wholesaler and a pastry importer interested in utilizing the structure subsequent to his vacating it, their interest waned when they became aware of the complaints of residents and the Police Department initiatives to curb and regulate noise and other disturbances to residents in proximity to the Property. The Property was boarded up and has been unused from approximately 2001 to date.

10. The Property was not listed with a broker because the owner did not like brokers.

11. Given the various permitted uses in the I-2 Zone as listed above, there was no testimony as to the Applicant's attempt to find any prospective tenant or purchaser to utilize the Property in accordance with the permitted uses in the zone. The activities of the owner to utilize the Property after the wholesale meat distribution operation was terminated, was limited to a fish wholesaler and a pastry importer. Potential purchasers or tenants who would conduct an operation consisting of any of the categories of permitted use were neither contacted nor solicited.

12. While the Governing Body recognizes that the Applicant's qualified professional planner, Kenneth Ochab testified that the Property had been zoned into "inutility" because of the restrictive permitted uses in the I-2 Zone and that there was no reasonable expectation of property development in that fashion constituting an undue hardship, the Governing Body finds that such testimony was conclusory and not supported by any related facts. By way of example, but not limitation, there was no testimony by the Applicant's Planner as to whether the Property could be utilized consistent with any of the myriad of permitted uses in the I-2 Zone. Although the Governing Body acknowledges that certain retail uses would generate additional traffic and that there would have to be some innovative parking accommodations for retail use, there was no testimony indicating that such parking or other traffic accommodations could not be adequately addressed for business and professional offices, a permitted use in the zone, in a manner not dissimilar to the on-site parking proposed as part of this Project. Multi-level parking for such office or professional services uses could be accomplished in a manner similar to that being proposed for the non-permitted residential use sought by the Applicant.

13. The Applicant's Planner testified that the Property is under-utilized from a planning and land use perspective. However, there was no testimony offered by the Applicant that the Property would continue to be under-utilized if any of the permitted uses were developed at the site. For example, a multi-story office building or multi-story retail with appropriate parking was not explored in any way by the Applicant

or its experts, nor was there any testimony that such a use would represent an under-utilization of the Property.

14. The Applicant's Planner testified that residential development is consistent with the "dominant" residential development pattern in the surrounding area, but failed to acknowledge certain significant retail use within close proximity, i.e. approximately three blocks, in the adjacent City of Jersey City, consisting of a Target, Home Depot facility and other retail activity. Moreover, while there was testimony that half of the properties in the I-2 Zone are "non-conforming" to permitted uses, that leaves half the properties as being conforming to the uses permitted in the I-2 Zone.

15. The Board acknowledges that the site is a major gateway to the City of Hoboken and that the current boarded up, vacant building does not visually enhance the area and represents a negative physical approach to the City of Hoboken. That fact, however, does not translate into the need or justification for the creation of a non-permitted use on that site. Quite the contrary, the boarded up, vacant building could be replaced by a visually and aesthetically attractive structure for a use permitted in the zone which would create an appropriate and attractive entry-way to the City of Hoboken and still remain consistent with the uses set forth in the I-2 Zone.

16. The Governing Body notes that while the Master Plan of the City makes reference to residential use in this area, the Governing Body has elected to not modify

the I-2 zoning in that area to reflect the concepts advanced in the Master Plan. Further, although industrial uses have declined in that zone and throughout the City of Hoboken, the Governing Body notes that the specific permitted uses in the I-2 Zone are many more than what one would consider the traditional "industrial" use. Thus, the identification of the zone as an I-2 Zone (industrial zone) is to some extent a *misnomer* since retail and personal services establishments are permitted, as well as business and professional offices. Accordingly, the title of the zone implies a limitation on use which is inaccurate given the broad expanse of other non-residential uses that can be constructed in that zone as a matter of right. Therefore, while traditional industrial use has declined and may even be inappropriate in certain portions of this zoning district, the other permitted uses in the I-2 Zone continue to be appropriate uses for the Property in that zone. The Governing Body further acknowledges that the Southwest District Redevelopment Study done in 2007 found that the buildings on the Property and in the area are in need of rehabilitation and that although the adoption of the Redevelopment Study was voided, that particular fact does not detract from the fact that the structure on this Property is dilapidated and that the particular use as a wholesale meat distribution facility may be inappropriate for that Property. Nevertheless, a variety of permitted uses in the I-2 Zone can be accommodated on that Property without the need for having residential use. To that end, the Hoboken Master Plan designates that the area is an industrial transition district and recommends that residential uses be permitted as well as other uses that

serve the community. Again, however, the Governing Body notes that it has not modified the zoning provisions in this district and that virtually all of the permitted uses in the I-2 Zone, as noted above, serve the community in a variety of positive ways.

17. The Governing Body recognizes that the nursery school/child care facility is effectively a "permitted use" in any non-residential district, such as the I-2 Zone, pursuant to N.J.S.A. 40:55D-66.6 and therefore that although the ZBA granted a variance to allow the same, such action is arguably superfluous. The Governing Body also notes that in the brief filed by the Appellant and in the course of the oral presentation made by Appellant's counsel, the Appellant confirmed that it was not seeking to overturn the determination of the ZBA granting the d(1) variance for the nursery school/child care facility and the Governing Body, as will be set forth hereinafter, concurs that such a use is permitted by statute and to the extent that the ZBA granted a variance to allow it, that determination should be affirmed.

18. The Governing Body is aware that there has been high rise residential development and redevelopment in proximity to the Property. Indeed, the Appellant Condominium Association administers a 15 story residential condominium structure in proximity to this Property, consisting of a larger number of units and a higher structure. However, in spite of the residential growth in the area, the Governing Body has not seen fit to modify the applicable zoning ordinances regulating this Property, after having many years to consider doing so to reflect the increase of

residential use in that area. Part of the reason for such inaction to modify the permitted uses to include residential use is the fact, as abovementioned, that this zone allows for a multitude of non-traditional industrial uses. Moreover, the Governing Body observes that the planning objectives of conserving open space, reducing energy and overall sprawl on a state and regional level, as the Applicant's Planner testified is accomplished by the Project, can also be accomplished by a multitude of the permitted uses in the I-2 Zone.

19. The Applicant's Architect testified that retail use was inappropriate at the site because its 12,900 square feet was too small an area to support retail use. While that conclusion may be accurate, there was no basis set forth in the record to support the same. Similarly, the Applicant's Planner testified that utilizing the Property for commercial purposes would create more traffic problems than if the Property were utilized for residential, but failed to reconcile that the typical egress of vehicles and traffic during rush hour from the proposed residential structure with the similar ingress of traffic to an office structure during the same rush hour and, of course, the ingress of vehicles to the residential site during the evening rush hour as compared to the egress of vehicles at that same time by a permitted office structure. Furthermore, there was no testimony that retail use would aggravate any existing traffic deficiencies.

20. The Applicant's qualified architectural expert, Dean Marchetto described an attractive residential structure with a variety of "steps back" from front

to back and side to side, simulating a wedding cake step back in three directions to minimize the perceived bulk of the building. The building also contains an arcade to create a pedestrian friendly atmosphere. Further, the proposed structure has a variety of sustainable design features including solar panels on the roof plan and a "green roof" which keeps the building cool by insulating it while generating oxygen into the air.

21. The Governing Body finds that the proposed structure is an aesthetically pleasing and attractive one, with a number of features that are innovative and advance the pedestrian friendly objectives that the Master Plan promotes. However, all of the features mentioned above are not limited to structures for residential use and could just as easily be part of an attractive structure or structures on that site whose uses are consistent with the I-2 zoning ordinance in effect. There is nothing unique or special about a residential building that could not be similarly integrated into a non-residential structure as otherwise permitted under the I-2 zoning ordinance.

22. The Applicant's Architect testified that the F.A.R., while having been reduced from 6.60 to 6.27, continues to substantially exceed the F.A.R. of 1.25 in this zone. However, the 6.27 is 5 times greater than the F.A.R. permitted in the zone. No testimony was proffered by the Architect or any witness of the Applicant that a structure, even a residential one, could not be constructed on that site with either a conforming F.A.R. or, a less non-conforming F.A.R. This same reasoning and deficiency is evident with regard to the height variance and "story" variance.

There was no testimony or other information in the record that explained why a building of 40 feet could not be appropriately constructed, nor a building with 2 stories. Further, there was no testimony or other information in the record to justify that a 12 story, 125 foot high structure, with a 6.27 F.A.R. was the **minimum** that could be developed on that site which was economically feasible. While those issues are not relevant if the proposed development conformed to all zoning restrictions, when an Applicant seeks to deviate from these use requirements, it must demonstrate why a less drastic deviation could not be requested. No testimony or other information in the record justified the particular parameters of this building, as opposed to a building with less drastic deviations.

23. Although the Governing Body finds that certain of the testimony of the Appellant's Planner vacillated, it is worthy to note that the burden of proof in the proceeding before the ZBA and the proceeding *de novo* before this Governing Body is on the Applicant, not on the Appellant. There is no presumption of validity of the ZBA determination and the Applicant must demonstrate that they have met the criteria to justify the granting of the "d" variances sought. The Governing Body acknowledges, as stated earlier, that there are a number of residential structures of a similar size in proximity to this particular Property, but that alone is no basis to justify similar deviations for other projects, particularly where the Governing Body has elected to not modify the zoning on the site in spite of this residential activity.

24. The Governing Body again acknowledges the existence of the Southwest District Redevelopment Study which had not been adopted and the fact that a sketch of a 12 story building similar to the Project is proposed in that plan. However, had the Governing Body wanted to modify the zoning in this district to accommodate and reflect the recommendations therein, it has certainly had the time to do so, but has elected to not do so.

NOW, THEREFORE, as a result of the above facts, the Governing Body makes the following conclusions of law and determinations in this matter:

1. In order to be entitled to a d(1) variance, the Applicant must demonstrate that there are "special reasons" to allow for a departure from the use regulations in a particular zone. Those special reasons are reflected when there is an undue hardship where the Property cannot be reasonably adapted to a conforming use or where the proposed use promotes the general welfare by the site being particularly suitable for the proposed use. Further, if the Property has been zoned into inutility, the special reasons criteria have been satisfied and thus the positive criteria for the granting of a d(1) variance will have been satisfied.

2. In addition to special reasons, the Applicant must meet the negative criteria as set forth in N.J.S.A. 40:55D-70. The negative criteria consist of the Applicant demonstrating that the relief requested for any of the "d" variances sought can be granted without substantial to the public good and without substantial impairment to the Master Plan and to the zoning ordinance.

3. The Courts in the State of New Jersey have provided guidance with regard to what constitutes "special reasons" to justify the grant of a "d" variance. In this case, there are d(1) variances involving use, a d(4) variance involving floor area ratios and d(6) variances involving height. The Courts of New Jersey have provided guidance as to the level and types of proofs needed for each of those different "d" variances.

4. With regard to the d(1) variance related to residential use which is not permitted in the I-2 zone, the Governing Body is not satisfied that the Applicant has met its burden of proof. More specifically, the Governing Body is not convinced that the Property cannot be developed for a conforming use within the I-2 Zone, particularly given the fact that there are a broad expanse of uses in the I-2 Zone that are not strictly the traditional industrial development. Retail use, office and professional use, and other activities all constitute permitted uses. While those uses may not be as economically advantageous to the Applicant, an Applicant is not entitled to be able to make the most profitable use of its property.

5. Further, despite that this site is a "gateway" to Hoboken, there is no justification for concluding that this site is particularly or peculiarly suitable for residential use. Although there are other residential uses in the area, the record reflects that half of the parcels in the I-2 Zone have conforming uses. There was no testimony or other information in the record to demonstrate any uniqueness to this parcel which would make it more suitable for residential use than other parcels of

property in the I-2 Zone. With regard to the F.A.R. variance where the Applicant seeks a 6.27 F.A.R., whereas a 1.25 F.A.R. is permitted in the zone, the special reasons that the Applicant must show to be entitled to a variance involves the fact that the site will accommodate the problems that are associated with a proposed use with a larger F.A.R. than permitted. This in turn involves an analysis of the purpose of the F.A.R. requirements and the land use problems that could be caused were the variance granted. The Governing Body recognizes that the F.A.R. requirement was established based upon the permitted uses in the I-2 Zone and therefore, was not established as a residential standard. However, the record is devoid of any comparison of residential F.A.R. to the F.A.R. permitted in this zone. F.A.R. affects the intensity of use of a particular property, the higher the F.A.R. demonstrating, in most cases, a greater intensity of use. The Governing Body accepts the fact that one of the problems of a higher F.A.R. and greater intensity of use in a residential context is a greater number of vehicles and the need for a greater number of parking spaces. These needs were accommodated by the Applicant in its design and proposal to the ZBA. However, they were accommodated by partially creating the need for the greater F.A.R. being sought and further, they were accommodated by partially creating the need for the height and story variances. In short, the problems created by a greater F.A.R. could not be accommodated absent the granting of the very F.A.R. sought. Stated differently, the need for more parking (greater F.A.R.) necessitated a greater intensity of use of the site to accommodate more

parking and a greater height to the structure to accommodate the parking within the structure. Thus, there is a cascading effect such that the granting of one variance begets the need to grant other variances as well as affecting the magnitude of the variance being sought.

6. Just as important, the record is devoid of any testimony that a less deviant F.A.R. request or a less deviant height proposal (height and/or stories) could not be reasonably accommodated on the Property. There was no testimony that this proposal is the **minimum** intensity for an economically feasible development.

7. The above analysis and determinations with regard to the F.A.R. variance are equally applicable to the height variances. The same cascading effect and the lack of proofs that this proposal represented the **minimum** magnitude of deviation from the zoning requirements to be economically feasible resulted in a lack of justification and level of proofs adequate to grant the variances requested.

8. As abovementioned, an Applicant for "d" variances must also satisfy the negative criteria in N.J.S.A. 40:55D-70, i.e. that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the Master Plan and zoning ordinance. Again, the case law in the State of New Jersey has provided guidance to the Governing Body with regard to the factors to be considered when evaluating whether an Applicant has met the negative criteria. Substantial detriment to the public good typically relates to the effect of the variance on surrounding properties.

The cases also remind the Governing Body that there is an enhanced quality of proof that the requested variance is not inconsistent with the intent and purpose of the Master Plan. One of the important factors that affects this evaluation is the Governing Body's reaction to similar variances granted by the ZBA in proximity to the property and whether the Governing Body has modified its ordinances to legitimize those types of variances and/or has changed the ordinance to reflect those variances, making the zoning ordinance compatible with them. Since the Governing Body receives an Annual Report from the ZBA as to variances granted and recommendations for changes to the zoning ordinance, a Governing Body's determination to not change ordinances to reflect variances granted demonstrates a clear and strong implication that those variances are not condoned and that granting them will result in an arrogation by the ZBA of the zoning power which is exclusively in the hands and purview of the Governing Body.

9. Similarly, the Governing Body's reaction to other physical changes in the zone from the time that the zoning ordinance was enacted is indicative of whether the Governing Body desires to change the direction of its zoning plan or its zoning ordinance. In this case, despite the increase of residential uses in this zone of a height and intensity not dissimilar to the Applicant's proposal, the determination of the Governing Body to not modify the ordinances has been intentional and reflects support for the uses, F.A.R., and height and story requirements currently contained in the ordinance. The Governing Body concludes that the granting of the use

variance, the F.A.R. variance, the height variance and the story variance sought by the Applicant will be substantially detrimental to the public good and will substantially impair the intent and purpose of the zoning ordinance. The Governing Body has deliberately decided to not amend the ordinance to allow residential use, a greater F.A.R., a greater height or a greater story within this zone. The granting of this type of variance will impair that intention and result in an arrogation or an appropriation by the ZBA of the Governing Body's zoning power.

NOW, THEREFORE, BE IT RESOLVED BY the Governing Body of the City of Hoboken, County of Hudson, State of New Jersey as follows:

1. The Governing Body reverses the granting of the d(1) residential use variance, the d(4) F.A.R. variance, the d(6) height variance and the d(6) "story" variance as granted by the Zoning Board of Adjustment of the City of Hoboken in their memorializing resolution adopted December 15, 2009 for the reasons as set forth herein.

2. The granting of the d(1) variance for the nursery school/child care facility, while perhaps superfluous, is hereby affirmed by the Governing Body for the reasons set forth in this resolution.

3. This is a memorializing resolution memorializing action taken at a meeting of the Governing Body held on March 24, 2010.

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a memorializing resolution adopted by the Governing Body of the City of Hoboken at a duly convened meeting held on April , 2010.

James J. Farina, City Clerk

Members Eligible to Vote as to the Reversal of the d(1), d(4) and d(6) variances:

Council President Peter Cunningham
Councilwoman Carol Marsh
Councilman Ravinder S. Bhalla
Councilman Michael Lentz
Councilman David Mello

Members Eligible to Vote as to the Affirmance of the d(1) variance (nursery school/child care):

Council President Peter Cunningham
Councilwoman Carol Marsh
Councilman Ravinder S. Bhalla
Councilman Michael Lentz
Councilman David Mello
Councilman Angelo Giacchi
Councilman Michael Russo
Councilwoman Theresa Castellano

DRAFT

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION RATIFIES THE ACTION OF THE ADMINISTRATION IN THE PUBLIC AUCTION OF SEVEN (7) ABANDONED BICYCLES AND THIRTEEN (13) ITEMS OF A SURPLUS NATURE HELD ON 9 APRIL 2010.

WHEREAS, pursuant to the resolution of the Council of the City of Hoboken, a car auction was held 9 April 2010 in the Court Room in City Hall, and,

WHEREAS, three (3) firms bid for the bulk sale of the seven (7) abandoned vehicles, and

WHEREAS, said high bidder, Jersey One Auto Sales tendered a check in full payment, for the bulk sale, in the amount of Twenty-Eight Hundred Thirty-Nine Dollars (\$2,839.00). Said payment was received by the Purchasing Agent, and

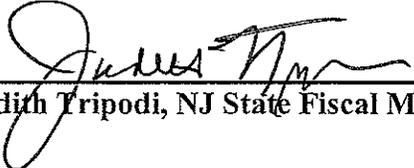
WHEREAS, Four (4) vendors purchased the surplus equipment on an individual basis, this being:

<u>Vendor</u>	<u>Number of Items</u>	<u>Total Paid</u>
A. DeVino, Inc. Newark, NJ	1	\$ 2,000.00
Apache Auto Ridgefield Park, NJ	5	\$ 660.00
Westside Auto Wreckers Jersey City, NJ	5	\$ 860.00
Jersey One Auto Jersey City, NJ	2	\$ 570.00

Now, THEREFORE BE IT
RESOLVED, that the City Council of Hoboken hereby ratifies and approves said transaction.

MEETING: 21 April 2010

APPROVED:


Judith Tripodi, NJ State Fiscal Monitor

APPROVED AS TO FORM:


Michael Kates, Corp. Counsel

4/12/2010

(These vehicles have been sold to the Company shown)

<u>Company</u>	<u>Vehicle</u>	<u>Sale Price</u>
Devino Trucks & Auto Parts Newark, NJ 07105	1999 Street Sweeper Vin: 1J9V9M4H36XC172045	\$ 2,000.00
Apache Auto Wreckers Ridgefield Park, NJ	2000 Ford Crown Victoria Vin: 2FAFP71W3YX1012168	\$ 220.00
	1997 Cushman Scooter Vin: 1CUMH327UL001808	\$ 110.00
	1998 Cushman Scooter Vin: 1CHMH3276WL002368	\$ 110.00
	1999 Cushman Scooter Vin: 1CHMH3271XL002579	\$ 110.00
	2001 Cushman Scooter Vin: 1CHMH66691L000392	\$ 110.00
West Side Auto Wreckers North Bergen, NJ 07047	1995 Ford Crown Victoria Vin: 2FALP71W6SX196296	\$ 200.00
	1998 Ford Crown Victoria Vin: 2FAFP71W1WX134338	\$ 220.00
	2001 Ford Crown Victoria Vin: 2FAFP71W81X182508	\$ 220.00
	1996 Cushman Scooter Vin: 1CUMH3278TL001521	\$ 110.00
	1997 Cushman Scooter Vin: 1CHMH32720L001807	\$ 110.00
Jersey One Auto Jersey City, NJ	1986 Dodge Van Vin: 2B4HB21T7GK596635	\$ 170.00
	GMC SNOWPLOW Model # AKP120-10X36 Serial # AKPR-4249	\$ 400.00

ANYONE WHO COMES FOR THESE VEHICLES SHOULD HAVE A CITY OF HOBOKEN RECEIPT FOR THE VEHICLES.

INTRODUCED BY: _____
SECONDED BY: _____
CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE LANDSCAPING AND PARK MAINTENANCE AS SPECIFIED IN BID NUMBER 10-09.

WHEREAS, the City of Hoboken sought competitive proposals for the service of landscaping and park maintenance, and

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

WHEREAS, the Administration has reconsidered the need for this service being outsourced and has decided to perform the work internally, and

WHEREAS, the below listed vendors must be notified:

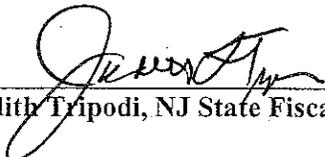
<u>Vendor</u>	<u>Proposal Year #1</u>	<u>Proposal Year #2</u>
Ascape Landscape New City, NY	\$ 70,000.00	\$ 70,000.00
LTI, Inc. Roseland, NJ	\$ 87,613.56	\$ 87,613.56
Hufnagel Landscape North Bergen, NJ	\$167,660.00	\$172,930.00
Andy-Matt, Inc. Mine Hill, NJ	\$ 99,999.00	\$ 99,999.00
Donofrio & Son Maplewood, NJ	\$ 49,021.00	\$ 49,021.00
Greenleaf Landscape Eatontown, NJ	\$ 74,787.00	\$ 74,787.00
Pat Scanlan Landscape New City, NY	\$100,810.00	\$100,810.00

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

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby rejects the proposals of the above vendors.

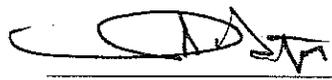
Meeting of: 21 April 2010

APPROVED:



Judith Tripodi, NJ State Fiscal Monitor

APPROVED AS TO FORM:



Michael Kates, Corporation Counsel

INTRODUCED BY: _____
SECONDED BY: _____
CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE POLICE DEPARTMENT FRONT DESK AND HOLDING CELL IMPROVEMENTS AS SPECIFIED IN BID NUMBER 10-21.

WHEREAS, the City of Hoboken sought competitive proposals for the Police Department Front Desk and Holding Cell Improvements, and

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

WHEREAS, bid results came in at higher costs than available funding and should, therefore, be rejected, and

WHEREAS, the below listed vendors must be notified:

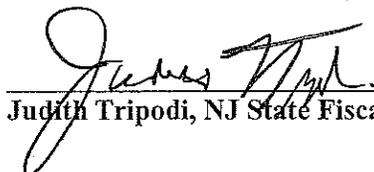
<u>Vendor</u>	<u>Base Proposal</u>
Manhattan Contracting 32 Avenue of the Americas New York, NY 10013	\$ 114,825.00
Donnelly Construction 557 Route 23 South Wayne, NJ 07470	\$ 80,769.47
T & M Contracting 107 Willow Avenue Hoboken, NJ 07030	\$ 97,500.00
Procomm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	\$ 78,500.00

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

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

Meeting of: 21 April 2010

APPROVED:


Judith Tripodi, NJ State Fiscal Monitor

APPROVED AS TO FORM:


Michael Kates, Corporation Counsel

M E M O R A N D U M

TO: A. Alicia, Director, Public Safety

FROM: D. England, Purchasing

DATE: 26 January 2010

SUBJECT: PROPOSED IMPROVEMENTS AT POLICE HEADQUARTERS

Director, I have been contacted by Mike Higgins of Dean Marchetto Architects about an improvement project at Police Headquarters. I have attached a copy of the public notice that should run in the Jersey Journal on Monday, 1 February 2010 and should be added to the City website on the same date.

Our plan is to accept proposals on Friday, 26 February 2010, have them reviewed by the Architect, and upon receiving the Architect's recommendation place a resolution before the City Council during the month of March 2010.

I have been led to believe that this project might be funded by a residual amount of funds from a previous Capital fund dealing with Police Headquarters improvements. This account is C-04-55-801-804 with a current balance of \$54,250.00.

Dick

Attachment:

Cc: Mayor D. Zimmer
J. Tripodi, NJ State Fiscal Monitor
A. Falco, Chief, HPD
N. Trasente, Finance Director
G. DeStefano, CFO

PUBLIC NOTICE
CITY OF HOBOKEN
HUDSON COUNTY, N.J
NOTICE TO BIDDERS

Sealed proposals will be received by the City Clerk of the City of Hoboken on or before:

Friday, 26 February 2010 at 11:00 A.M. by United States Mail addressed to the City Clerk, or by presenting to the City Clerk at the Office of the City Clerk, City Hall, 94 Washington Street, Hoboken, New Jersey, at the above time and date for the:

BID NO. 10-21: HPD Front Desk & Holding Cell Improvements

in accordance with the specifications heretofore adopted by the Council of the City of Hoboken. Copies of plans, specifications, and contract documents will be on file after February 1, 2010 for public inspection and may be obtained upon proper notice and upon payment of One Hundred Twenty-Five Dollars (\$125.00), said sum not refundable, at the Architect's office, Dean Marchetto Architects PC, 1225 Willow Avenue, Hoboken, NJ 07030 ((201) 795-1505) between the hours of 9:00 A.M. and 4:00 P.M. prevailing time, Monday through Thursday and between the hours of 9:00 A.M. and 12:30 P.M. prevailing time, Friday, excluding legal holidays.

A Mandatory Pre-bid meeting will be held on Tuesday, 9 February 2010 at 11 A.M. at the Hoboken Police Headquarters, 106 Hudson Street, Hoboken, New Jersey. All potential bidders are directed to attend.

Proposals are to be submitted according to the requirements of the aforesaid specifications and, must be accompanied by a certified check, bank check or bid bond payable to the order of the City of Hoboken in the sum of ten percent (10%) of the bid, but not in excess of \$20,000.00. The successful bidder shall furnish and deliver to the City a bond in the amount of 100 percent of the accepted bid amount as security for the faithful performance of the contract. In the case of corporations not chartered in the State of New Jersey, bids must be accompanied by proper certificate that such corporation is authorized to do business in the State of New Jersey.

The right is reserved to reject any and all proposals submitted to said Council, and for the waiver by said Council of any informality in the proposals received.

Bidders are required to comply with N.J.S.A. 34:11-56.25 regulating wages on public works, and with the Equal Employment Opportunities Act. Bidders are required to comply with the requirements of P.L. 1975, c.127 (NJAC 17:27)(Affirmative Action) and of P.O. 1963.c.150 (Prevailing Wage) and Americans with Disabilities Act of 1990 (42 U.S.C. 12161, et seq.).

Proposals shall be addressed to the Counsel of the Mayor and Council of the City of Hoboken, enclosed in a plain, sealed, envelope addressed to said Council and endorsed:

BID NO. 10-21: HPD Front Desk & Holding Cell Improvements

Bidders must comply with the Nuclear Free Hoboken Ordinance.

By order of the Counsel of the Mayor and Council of the City of Hoboken.

JAMES J. FARINA, City Clerk

CITY OF HOBOKEN

Bid No. 10-21: Hoboken Police Headquarters Front Desk and Holding Cell Improvements

MANDATORY FORMS TO BE SUBMITTED WITH BIDS

Each bidder is required to complete this checklist of all mandatory items that are required for this bid. The absence of any of these mandatory forms from the sealed bid package will be sufficient for the rejection of the entire bid.

- | | | |
|-----|---|--------------------------|
| 1. | Affirmative Action Data Form | <u> X </u> |
| 2. | Affirmative Action Affidavit | <u> X </u> |
| 3. | Prevailing Wage Affidavit | <u> X </u> |
| 4. | Stockholder Disclosure Form | <u> X </u> |
| 5. | Non-Collusion Form | <u> X </u> |
| 6. | Nuclear-Free Hoboken Ordinance Statement | <u> X </u> |
| 7. | Statement of Understanding | <u> X </u> |
| 8. | Proposal Form | <u> X </u> |
| 9. | Proof of Business Registration
(Copy of Business Registration Certificate) | <u> X </u> |
| 10. | Evidence of Public Works Contractor Registration | <u> X </u> |
| 11. | List of Subcontractors | <u> X </u> |
| 12. | Subcontractor Certificate | <u> X </u> |

I. SUBMISSION OF BIDS

A. The City of Hoboken in Hudson County, New Jersey (hereinafter referred to as "City") invites sealed bids pursuant to the Notice of Bidders.

B. Sealed bids will be received by the designated representative at the time and place stated in the Notice of Bidders, and at such time and place will be publicly opened and read aloud.

C. The bid proposal form shall be submitted, in a sealed envelope: (1) addressed to the City, (2) bearing the name and address of the bidder written on the face of the envelope, and (3) clearly marked "Bid" with the contract title and/or bid# being bid.

D. It is the bidder's responsibility to see that bids are presented to the City on the hour and at the place designated. Bids may be hand delivered or mailed; however, the City disclaims any responsibility for bids forwarded by regular or overnight mail. If the bid is sent by overnight mail, the designation in section C, above, must also appear on the outside of the delivery company envelope. Bids received after the designated time and date will be returned unopened.

E. Sealed bids forwarded to the City before the time of opening of bids may be withdrawn upon written application of the bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the bid. Once bids have been opened, they must remain firm for a period of sixty (60) calendar days.

F. All prices and amounts must be written in ink or preferably typewritten. Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind, may be rejected by the City. Any changes, white-outs, strike-outs, etc. on the proposal page must be initialed in ink by the person responsible for signing the bid.

G. Each bid proposal form must give the full business address of the bidder and be signed by an authorized representative. Bids by partnerships must furnish the full name of all partners and must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person(s) signing. Bids by corporations must be signed in the legal name of the corporation, followed by the name of the State in which incorporated and must contain the signature and designation of the president, secretary or other person authorized to bind the corporation in the matter. When requested, satisfactory evidence of the authority of the officer signing shall be furnished.

H. Bidders must insert prices for furnishing all of the materials and/or labor required by these specifications. Prices shall be net, including any charges for packing, crating, containers, etc. *All transportation charges shall be fully prepaid by the contractor*

FOB destination and placement at locations specified by the City. As specified, placement may require inside deliveries. No additional charges will be allowed for any transportation cost resulting from partial shipments made at the contractor's convenience.

I. The vendor shall guarantee any or all materials and services supplied under these specifications. Defective or inferior items shall be replaced at the expense of the vendor. In case of rejected materials, the vendor will be responsible for return freight charges.

II. BID SECURITY

The following provisions if indicated by an (X), shall be applicable to this bid and be made a part of the bidding documents:

A. BID GUARANTEE

Bidder shall submit with the bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the total price bid, but not in excess of \$20,000, payable unconditionally to the City. When submitting a Bid Bond, it shall contain Power of Attorney for full amount of Bid Bond from a surety company authorized to do business in the State of New Jersey and acceptable to the City. The check or bond of the unsuccessful bidder(s) shall be returned as prescribed by law. The check or bond of the bidders to whom the contract is awarded shall be retained until a contract is executed and the required performance bond or other security is submitted. The check or bond of the successful bidder shall be forfeited if the bidder fails to enter into a contract pursuant to N.J.S.A. 40A:11-21.

If this section is applicable, then, failure to submit this shall be cause for rejection of the bid.

B. CONSENT OF SURETY

Bidder shall submit with the bid a Certificate (Consent of Surety) with Power of Attorney for full amount of bid price from a Surety Company authorized to do business in the State of New Jersey and acceptable to the City stating that it will provide said bidder with a Performance Bond in the full amount of the bid. This certificate shall be obtained in order to confirm that the bidder to whom the contract is awarded will furnish Performance and Payment Bonds from an acceptable surety company on behalf of said bidder, any or all subcontractors or by each respective subcontractor or by any combination thereof which results in performance security equal to the total amount of the contract, pursuant to N.J.S.A. 40A:11-22.

If required, then, failure to submit this shall be cause for rejection of the bid.

C. PERFORMANCE BOND

Successful bidder shall simultaneously with the delivery of the executed contract, submit an

executed bond in the amount of one hundred percent (100%) of the acceptable bid as security for the faithful performance of this contract.

If required, then, failure to submit this shall be cause for rejection of the bid.

D. LABOR AND MATERIAL (PAYMENT) BOND

Successful bidder shall with the delivery of the performance bond submit an executed payment bond to guarantee payment to laborers and suppliers for the labor and material used in the work performed under the contract.

If required, then, failure deliver this with the performance bond shall be cause for declaring the contract null and void.

E. MAINTENANCE BOND

Successful bidder shall upon acceptance of the work submit a maintenance bond in the amount of 100% guaranteeing against defective quality of work or materials for the period of:

- One (1) year
- Two (2) years

The performance bond provided shall not be released until final acceptance of the whole work and then only if any liens or claims have been satisfied and any maintenance bonds required have been executed and approved by the City.

If required, then, the surety of such bond or bonds shall be a duly authorized surety company authorized to do business in the State of New Jersey N.J.S.A. 17:31-5.

III. INTERPRETATION AND ADDENDA

A. The bidder understands and agrees that its bid is submitted on the basis of the specifications prepared by the City. The bidder accepts the obligation to become familiar with these specifications.

B. Bidders are expected to examine the specifications and related documents with care and observe all their requirements. Ambiguities, errors or omissions noted by bidders should be promptly reported in writing to the appropriate official. In the event the bidder fails to notify the City of such ambiguities, errors or omissions, the bidder shall be bound by the bid.

C. No oral interpretation of the meaning of the specifications will be made to any bidder. Every request for an interpretation shall be in writing, addressed to the City's representative stipulated in the bid. In order to be given consideration, written requests for interpretation must be received at least five (5) days prior to the date fixed for the opening of the bids. Any and all such interpretations and any supplemental instructions

will be in the form of written addenda to the specifications, and will be distributed to all prospective bidders, in accordance with N.J.S.A. 40A:11-23. All addenda so issued shall become part of the contract documents, and shall be acknowledged by the bidder in the bid. The City's interpretations or corrections thereof shall be final.

D. Discrepancies in Bids

1. If the amount shown in words and its equivalent in figures do not agree, the written words shall be binding. Ditto marks are not considered writing or printing and shall not be used.

2. In the event that there is a discrepancy between the unit prices and the extended totals, the unit prices shall prevail. In the event there is an error of the summations of the extended totals, the computation by the City of the extended totals shall govern.

IV. BRAND NAMES, PATENTS & STANDARDS OF QUALITY

A. Brand names and/or descriptions used in this bid are to acquaint bidders with the type of commodity desired and will be used as a standard by which alternate or competitive materials offered will be judged. Competitive items must be equal to the standard described and be of the same quality of work. Variations between materials described and the materials offered are to be fully identified and described by the bidder on a separate sheet and submitted with the bid proposal form. Vendor's literature WILL NOT suffice in explaining exceptions to these specifications. In the absence of any changes by the bidder, it will be presumed and required that materials as described in the proposal be delivered.

B. It is the responsibility of the bidder to demonstrate the equivalency of item(s) offered. The City reserves the right to evaluate the equivalency of an item(s) which, in its deliberations, meets its requirements.

C. In submitting its bid, the bidder certifies that the merchandise to be furnished will not infringe upon any valid patent or trademark and that the successful bidder shall, at its own expense, defend any and all actions or suits charging such infringement, and will save the City harmless from any damages resulting from such infringement.

D. Only manufactured and farm products of the United States, wherever available, shall be used on this contract pursuant to N.J.S.A. 40A:11-18.

E. Wherever practical and economical to the City, it is desired that recycled or recyclable products be provided. Please indicate when recycled products are being offered.

V. INSURANCE & INDEMNIFICATION

A. Insurance Requirements

1. Worker's Compensation and Employer's Liability Insurance

This insurance shall be maintained in force during the life of this contract by the bidder covering all employees engaged in performance of this contract in accordance with the applicable statute. Minimum Employer's Liability \$1,000,000

2. General Liability Insurance

This insurance shall have limits of not less than \$ 1,000,000 any one person and \$ 1,000,000 for any one accident for bodily injury and \$1,000,000 aggregate for property damage, and shall be maintained in force during the life of this contract by the bidder. The policy shall include Bidder's Protective Liability Insurance (also known as Contingent Liability Insurance) with the same limits.

3. Automobile Liability Insurance

This insurance covering bidder for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 any one person and \$1,000,000 any one accident for bodily injury and \$ 1,000,000 each accident for property damage, shall be maintained in force during the life of this contract by the bidder.

B. Certificates of the Required Insurance

Certificates as listed above shall be submitted along with the contract as evidence covering Comprehensive General Liability, Comprehensive Automobile Liability, and where applicable, necessary Worker's Compensation and Employer's Liability Insurance. Such coverage shall be with acceptable insurance companies operating on an admitted basis in the State of New Jersey and shall name the City as an additional insured.

C. Indemnification

Successful bidder will indemnify and hold harmless the City from all claims, suits or actions and damages or cost of every name and description to which the City may be subjected or put by reason of injury to the person or property of another, or the property of the City, resulting from negligent acts or omissions on the part of the bidder, the bidder's agents, servants or subcontractors in the delivery of materials and supplies, or in the performance of the work under this agreement.

VI. PREPARATION OF BIDS

A. The City is exempt from any local, state or federal sales, use or excise tax.

B. Estimated Quantities (Open-End Contracts)

The City has attempted to identify the item(s) and the estimated amounts of each item bid to cover its requirements; however, past experience shows that the amount ordered may be

different than that submitted for bidding. the right is reserved to decrease or increase the quantities specified in the specifications pursuant to N.J.A.C. 5:34-4.9. NO MINIMUM PURCHASE IS IMPLIED OR GUARANTEED.

C. Successful bidder shall be responsible for obtaining any applicable permits or licenses from any government entity that has jurisdiction to require the same. All bids submitted shall include this cost in the bid price agreement.

VII. STATUTORY AND OTHER REQUIREMENTS

A. Mandatory Equal Employment Opportunity Certification

No firm may be issued a contract unless it complies with the equal employment opportunity regulations of N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27.

1. Procurement, Professional and Service Contracts

All successful vendors must submit, within seven (7) days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following:

i. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter, or

ii. A photocopy of an approved Certificate of Employee Information Report, or

iii. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report (AA-302).

Public Works Contractor License number.

2. Construction Contracts

All s Successful contractors must submit within three (3) days of the signing of the contract an Initial Project Manning Report (AA201-available upon request from the State's Division of Public Contracts Equal Employment Opportunity Compliance) for any contract award that meets or exceeds the bidding threshold.

B. Americans with Disabilities Act of 1990

Discrimination on the basis of disability in contracting for the purchase of bids and services is prohibited. The successful bidder is required to read Americans with Disabilities language that is part of this specification and agrees that the provisions of Title II of the Act are made a part of the contract. The successful bidder is obligated to comply with the Act and to hold the City harmless.

C. Prevailing Wage Act (When Applicable)

Pursuant to N.J.S.A. 34:11-56.25 et seq., successful bidders on projects for public work shall adhere to all requirements of the New Jersey Prevailing Wage Act. The contractor shall be required to submit a certified payroll record to the City within ten (10) days of the payment of the wages. The contractor is also responsible for obtaining and submitting all subcontractors' certified payroll records within the aforementioned time period. The contractor shall submit said certified payrolls in the form set forth in N.J.A.C. 12:60-6.1(c). It will be the contractor's responsibility to obtain any additional copies of the certified payroll form to be submitted by contacting the Office of Administrative Law, CN 049, Trenton, New Jersey 08625 or the New Jersey Department of Labor, Division of Workplace Standards.

D. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the bid or accompanying the bid of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten (10%) percent or greater interest therein. Form of Statement shall be completed and attached to the bid proposal.

E. The New Jersey Worker and Community Right to Know Act

The manufacturer or supplier of a substance or mixture shall supply the Chemical Abstracts Service number of all the components of the mixture or substance and the chemical name. The manufacturer and supplier must properly label each container. Further, all applicable Material Safety Data Sheets (MSDS) - HAZARDOUS SUBSTANCE FACT SHEET - must be furnished.

F. Non-Collusion Affidavit

The Non-Collusion Affidavit, which is part of these specifications, shall be properly executed and submitted with the bid proposal.

G. Nuclear-Free Hoboken Ordinance Statement

The Nuclear-Free Hoboken Ordinance Statement, which is part of these specifications, shall be properly executed and submitted with the bid proposal.

H. Statement of Understanding

The Statement of Understanding, which is part of these specifications, shall be properly executed and submitted with the bid proposal.

VIII. METHODS OF AWARD

A. All contracts shall be for 12 consecutive months unless otherwise noted in technical or supplemental specifications.

B. The City may award the work on the basis of the Base Bid, combined with such Alternates as selected, until a net amount is reached which is within the funds available.

C. If the award is to be made on the basis of Base Bids only, it will be made to that responsible bidder whose Base Bid, therefore, is the lowest. If the award is to be made on the basis of a combination of a Base Bid with Options, it will be made to that responsible bidder whose net bid on such combination is the lowest.

D. The City may also elect to award the work on the basis of line items or unit prices, whichever results in the lowest total amount.

E. The successful bidder will not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.

IX. REJECTION OF BIDS

A. Availability of Funds

Pursuant to statutory requirements, any contract resulting from this bid shall be subject to the availability and appropriation of sufficient funds annually.

B. Multiple Bids Not Allowed

More than one bid from an individual, a firm or partnership, a corporation or association under the same or different names shall not be considered.

C. Unbalanced Bids

Bids which are obviously unbalanced may be rejected.

D. Unsatisfactory Past Performance

Bids received from bidders who have previously failed to complete contracts within the time scheduled therefore, or who have performed prior work for the City in an unacceptable manner, may be rejected.

E. Failure to Enter Contract

Should the bidder, to whom the contract is awarded, fail to enter into a contract within 21 days, Sundays and holidays excepted, the City may then, at its option, accept the bid of the

next lowest responsible bidder.

X. TERMINATION OF CONTRACT

A. If, through any cause, the successful bidder shall fail to fulfill in a timely and proper manner obligations under this contract or if the contractor shall violate any of the requirements of this contract, the City shall thereupon have the right to terminate this contract by giving written notice to the contractor of such termination and specifying the effective date of termination. Such termination shall relieve the City of any obligation for balances to the contractor of any sum or sums set forth in the contract.

B. Notwithstanding the above, the contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the contract by the contractor and the City may withhold any payments to the contractor for the purpose of compensation until such time as the exact amount of the damage due the City from the contractor is determined.

C. The contractor agrees to indemnify and hold the City harmless from any liability to subcontractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the contract by the City under this provision.

D. In case of default by the successful bidder, the City may procure the articles or services from other sources and hold the successful bidder responsible for any excess cost occasioned thereby.

E. Continuation of the terms of this contract beyond the fiscal year is contingent on availability of funds in the following year's budget. In the event of unavailability of such funds, the City reserves the right to cancel this contract.

I Hereby Certify That _____
Name of Bidder

Has Submitted a Bid For _____
Project Name

On This _____ Day of _____, 20 _____, And

In Compliance with N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27, As
Described in Supplement to the Bid Specifications. (Exhibit A and/or B)

Authorized Signature

Title

Subscribed and Sworn Before Me

On _____, 20 _____.

Notary Public

(Please note: The Bidder must fill in and execute this page and submit it as part of the sealed bid.)

**CITY OF HOBOKEN
HUDSON COUNTY**

PREVAILING WAGE AFFIDAVIT

The successful bidder agrees to comply with the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 (P.L. 1963, Chapter 150) for contracts entered into with the City of Hoboken, except those contracts which are not within the scope of the Act.

The successful bidder and any of its subcontractors shall be obligated to pay the prevailing wage, to submit certified payrolls as documentation of compliance, if requested, and to permit on-site monitoring, including interviews with employees and review subcontracts by City representatives. The bidder's signature on this proposal is his guarantee that neither he nor any subcontractor he might employ to perform the work covered by this bid are listed or are on record in the Office of the Commission of the New Jersey Department of Labor as one who has failed to pay prevailing wages in accordance with the provisions of this Act.

Every contractor and subcontractor shall keep an accurate payroll record, showing the name, craft or trade, job title or classification, actual hourly rate or wages paid, hours worked and total wages paid to each workman employed by him/her in connection with a public work. Payroll records shall be preserved for a period of two (2) years from the date of payment.

The successful bidder agrees to indemnify and hold harmless the City of Hoboken, the City Council of Hoboken and all of its officers, agents and employees of, and from, any and all liability for damages and attorney fees associated with a New Jersey Department of Labor investigation and/or determination that the New Jersey Prevailing Wage Act was not complied with.

Signed this _____ day of _____, 20_____

as a binding act in deed of _____
Name of Organization

Authorized signature & title

PRINT - Authorized name & title

Witness

STOCKHOLDER DISCLOSURE FORM

The names and addresses of all partners, officers and parties interested in the foregoing bid are as follows: (Please type or print)

<u>Full Name</u>	<u>Title of Office Held</u> <u>if Bidder is a Corporation</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The undersigned bidder hereby designates the address stated below as its business address and as the place to which all notices and letters may be delivered or mailed.

_____ Name of Bidder

Attest or Witness: _____

_____ By: _____

_____ Title

The Business address of the Bidder is: _____

_____ Corporation of the State of _____

The above named bidder is a (Partnership) (Individual)
(Please strike out designations which do not apply.)

(Please note: The bidder must fill in and execute this page and submit it as part of the sealed bid.)

STATEMENT OF UNDERSTANDING

I, the undersigned, as a duly authorized agent of the Contractor,

_____ Title

hereby attest to having read and understand all items, paragraphs, conditions, regulations, specifications, etc., contained within this bidding/contract document and will abide by them. Where Federal requirements cite the term "Grantee", the Contractor and the City shall be included. The Contractor and the City now known as "Grantee" shall comply with all requirements, paragraphs, conditions, regulations, specifications, etc., contained within this bidding/contract document.

Signed _____ (Seal)

Name Typed _____

Title _____

Firm _____

Date _____

(Please note: The Bidder must fill in and execute this page and submit it as part of the sealed bid.)

NON - COLLUSION AFFIDAVIT

State of New Jersey:

SS

County of Hudson

I, _____ of the City of _____ in the County
of _____ and the State of _____ being of age,
being duly sworn according to the law on my oath deposes and says: I am
_____ of the firm of

_____ the bidder making the sealed bid for the attached bid, and that I executed the said sealed bid with full authority so to do; that said bidder has not, directly or indirectly, taken any action in restraint of free, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the attached bid; and that all statements contained in said sealed bid and in this Affidavit are true and correct, and made with full knowledge that the City of Hoboken relies upon the truth of the statements contained in said sealed bid and in the statements in this Affidavit in awarding the contract for said bid.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employee(s) or bona fide established commercial or selling agencies maintained by

(N.J.S.A. 52:34-15)
(Name of person for firm submitting bid)

Sworn and Subscribed to
before me this

_____ day of _____ 200 _____
Signature of Affiant

Notary Public

(Please note: The bidder must fill in and execute this page and submit it as part of the sealed bid.)

THE NUCLEAR-FREE HOBOKEN ORDINANCE

(1) **FINDINGS:** The People of the City of Hoboken hereby find that:

(a) Nuclear weapons production, in the United States and in other countries, is draining the world's resources and presenting humanity with an ever-increasing threat of nuclear war.

(b) Any participation in the nuclear war industry, locally, federally, or otherwise, directly condones the possible annihilation of our civilization. We see this as a crime against the sacredness of our humanity.

(c) The emphatic expression of our community, along with communities throughout the world, can help initiate steps by the United States, the Soviet Union, and other nuclear weapons powers to end the arms race and the proliferation of all nuclear weapon systems.

(2) **POLICY:** Hoboken shall be established as a Nuclear Free Zone.

A Nuclear Free Zone shall be defined by these requirements:

(a) No nuclear weapons, delivery systems for such weapons, or components expressly intended to contribute to the operation, guidance or delivery of a nuclear weapon shall be produced or stored within the City of its' port.

(b) No waste from the production of nuclear weapons, their components, or commercial nuclear power shall be stored within the City of its' port.

(c) No research furthering nuclear weapons, their components, or commercial nuclear power shall be stored within the City of its' port.

(d) The Mayor and Council of the City of Hoboken shall request the United States Department of Transportation and the New Jersey Department of Transportation to provide the City with advance notification of any radioactive waste shipment through the City limits. Upon such notification, the Mayor and Council shall act to prevent transportation of radioactive waste through the City by seeking an exemption for preemption by Department of Transportation regulations or using other legal means at their disposal.

(e) The Mayor and Council of the City of Hoboken shall not do business or award any municipal contract to any person, firm, or organization engaged in the production of nuclear weapons or components.

(3) This ordinance expresses the policy of the City of Hoboken. It is not intended to make violations subject to forfeiture and nothing in this ordinance shall be construed to prohibit or regulate any activity not specifically described in Subsection (2).

(4) **SEVERABILITY:** If any portion of this Ordinance is hereafter declared invalid, all remaining portions shall remain in full force and effect, and to this extent, the provisions of this Ordinance are severable.

NUCLEAR-FREE HOBOKEN ORDINANCE STATEMENT I hereby certify that

(Name of Bidder)

does/does not engage in the production of nuclear weapons or components.

Date

Signature

Title

(Please note: The bidder must fill in and execute this page and submit it as part of their sealed bid.)

Exhibit B
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et. Seq., N.J.A.C. 17:27

CONSTRUCTION CONTRACTS

During the performance of this contract, the contractor agrees as follows:

a. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated fairly during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not limited to the following: employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

c. The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and

applicants for employment.

d. The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

e. When hiring workers in each construction trade, the contractor or subcontractor agrees to attempt in good faith to employ minority and women workers in each construction trade consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-7.3; provided, however, that the Division of Public Contract Equal Employment Opportunity Compliance may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Division of Public Contracts Equal Employment Opportunity Compliance is satisfied that the contractor is employing workers provided by a union which provided evidence, in accordance with standards prescribed by the Division of Public Contract Equal Employment Opportunity Compliance, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the applicable employment goal prescribed by N.J.A.C. 17:27-7.3, promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A) If the contractor or subcontractor has referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as supplemented and amended from time to time. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five days prior to the commencement of construction work, the contractor or subcontractor agrees directly to attempt to hire minority and women workers consistent with the applicable employment goal. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with the applicable employment goal, the contractor or subcontractor agrees to be prepared to hire minority and

women workers directly, consistent with the applicable employment goal, by complying with the hiring procedures prescribed under (B) below; and the contractor or subcontractor further agrees to immediately take said action if it determines or is so notified by the Division of Public Contracts Equal Employment Opportunity Compliance that the union is not referring minority and women workers consistent with the applicable employment goal.

(B) If the hiring of a workforce consistent with the employment goal has not or cannot be achieved for each construction trade by adhering to the procedures of (b) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions consistent with the applicable county employment goals:

(1) To notify the Public Agency Compliance Officer, Division of Public Contracts Equal Employment Opportunity Compliance, and at least one approved minority referral organization of its manpower needs, and request referral of minority and women workers;

(2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;

(3) Prior to commencement of work, to request the local construction trade union, if the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, to refer minority and women workers to fill job openings;

(4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, if the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area until such time as the workforce is consistent with the employment goal;

(5) If it is necessary to lay off some of the workers in a given trade on the construction site, to assure, consistent with the applicable State and Federal statutes and court decisions, that sufficient minority and women employees remain on the site consistent with the employment goal; and to employ any minority and women workers so laid off by the contractor on any other construction site in the area on which its workforce composition is not

consistent with an employment goal established pursuant to rules implementing P.L. 1975, c. 127;

(6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(a) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required, the contractor or subcontractor shall determine the qualifications of such individuals and if the contractor's or subcontractor's workforce in each construction trade is not consistent with the applicable employment goal, it shall employ such persons which satisfy appropriate qualification standards; provided however, that a contractor or subcontractor shall determine that the individual at least possesses the skills and experience recognized by any worker's skills and experience classification determination which may have been made by a Public Agency Compliance Officer, union, apprentice program or a referral agency, provide the referral agency is acceptable to the Division of Public Contracts Equal Employment Opportunity Compliance and provided further, that, if necessary, the contractor or subcontractor shall hire minority and women workers who qualify as trainees pursuant to these regulations. All of the requirements of this paragraph, however, are limited by the provisions of (C) below.

(ii) If the contractor's or subcontractor's workforce is consistent with the applicable employment goal, the name of said women or minority group individual shall be maintained on a waiting list for the first consideration, in the event the contractor's or subcontractor's workforce is no longer consistent with the applicable employment goal.

(iii) If, for any reason, said contractor or subcontractor determines that a minority individual or a women is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing with the reasons for the determination, maintain a copy for its files, and send a copy to the Public Agency Compliance Officer and to the Division of Public Contracts Equal Employment Opportunity Compliance.

(7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract and on forms made available by the Division of Public Contracts Equal Employment Opportunity Compliance and shall be submitted promptly to that office upon request.

(C) The contractor or subcontractor agrees that nothing contained in (B) preceding provision shall preclude the contractor or subcontractor from complying with the hiring hall or apprenticeship provisions in any applicable collective bargaining agreement or hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement: provided, however, that where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with county employment goals, the contractor or subcontractor shall consider for employment persons referred pursuant to said provisions (B) without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the totals workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of the preceding provisions (B) it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

(D) The contractor agrees to complete an Initial Project Manning Report on forms provided by the Division of Public Contracts Equal Employment Opportunity Compliance or in the form prescribed by the Division of Public Contracts Equal Employment Opportunity Compliance and submit a copy of said form no later than 3 days after signing a construction contract; provided, however, that the public agency may extend in a particular case the allowable time for submitting the form to no more than 14 days; and to submit a copy of the Monthly Project Manning Report once a month (by the seventh work day of each month) thereafter for the duration of this contract to the Division of Public Contracts Equal Employment Opportunity Compliance and to the Public Agency Compliance Officer. The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on the job and off the job programs for outreach and training of minority and women trainees employed on the construction projects.

(E) The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27)

MEMORANDUM

TO: A. Alicia, Director of Public Safety
J. Farina, City Clerk
FROM: R. England, Purchasing Agent
DATE: 2 March 2010

SUBJECT: BID RESULTS – TUESDAY, 2 MARCH 2010 – BID # 10-21

Gentlemen, the City received proposal today, Tuesday, 2 March 2010, at 11 A.M., in the office of the City Clerk in City Hall. These proposals were for our bid 10-21: HPD Front Desk & Holding Cell Improvements. This bid was originally scheduled for Friday, 26 February 2010 but was postponed due to the snow storm. Three (3) proposals were received in good stead. These bids were:

<u>Vendor</u>	<u>Base Proposal</u>	<u>Alt.1 Less</u>	<u>Alt. 2 Less</u>	<u>Alt. 3 Less</u>	<u>Opt. 4 Plus</u>
Manhattan Contracting Corp. 32 Avenue of the Americas New York, NY 10013	\$ 114,825	(\$9,000)	(\$8,000)	(\$ 5,000)	\$4,750
Donnelly Construction 557 Route 23 South Wayne, NJ 07470	\$ 80,769.47	(\$19,300)	(\$8,528)	(\$7,800)	\$16,153
T & M Contracting Co. 107 Willow Avenue Hoboken, NJ 07030	\$ 97,500	(\$ 6,000)	(\$1,100)	(\$6,750)	No Bid
Procomm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	\$ 78,500	(\$2,000)	(\$8,500)	(\$2,500)	\$ 7,000

The original documents were removed by Michael Higgins of the Marchetto Architects firm. That firm will review the documents for their compliance with the total specifications of the job and will submit a recommendation within the next week.

Dick

Cc: Mayor Dawn Zimmer
J. Tripodi, State Fiscal Monitor

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO _____

RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO ISSUE DUPLICATE CERTIFICATE OF TAX SALE

WHEREAS, pursuant to N.J.S.A. 54:5-52.1, the Tax Collector may, if duly authorized by resolution of the governing body, issue and execute a new certificate of tax sale in place of one which has been misplaced or lost;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Tax Collector be and is hereby authorized pursuant to N.J.S.A. 54:5-52.1 to issue a duplicate certificate of tax sale for Lot No. 33 in Block 78, commonly described as 602 Grand Street, predicated upon and including the following information:

1. A statement that is a duplicate of the original one which was misplaced or lost;
2. The date of the tax sale upon which it was issued; and
3. The name and title of the officer who issued same; and, be it further –

RESOLVED, that the Tax Collector shall collect a \$100.00 fee on behalf of the City as payment for the duplicate certificate.

MEETING: April 21, 2010

APPROVED AS TO FORM: _____

Corporation Counsel

Sharon Curran, Tax Collector

CERTIFICATE OF SALE

FOR UNPAID MUNICIPAL LIENS

DUPLICATE CERTIFICATE
 CERTIFICATE
 No. 98-80

I, Sharon Curran, COLLECTOR OF TAXES of the taxing district of the
 City of Hoboken in
 the COUNTY of Hudson and State of New Jersey, do hereby certify that on
 the 24th day of June, 1998 at a public sale of lands for
 delinquent municipal liens, pursuant to the Revised Statutes of New Jersey, 1937, Title 54, Chapter 5, and the amendments and supplements
 thereto I sold to Ast Investment Co., LLC

whose address is 65 Livingston Avenue
 Roseland, NJ 07068
 for \$5,363 dollars and .87 cents, the land
 in said taxing district described as Block No. 78 Lot No. 33,
 and known as 602 Grand Street, Hoboken, NJ, on the tax
 duplicate thereof and assessed thereon to Joseph A. Caporrino

THE AMOUNT OF THE SALE WAS MADE UP OF THE FOLLOWING ITEMS:

	AMOUNT	INTEREST	TOTAL
Taxes For: 1997	4,127.94	1,135.93	5,263.87
DUPLICATE CERTIFICATE			
Assessments For Improvements			
TOTAL COSTS OF SALE			100.00
TOTAL AMOUNT OF SALE			5,363.87

Said sale is subject to redemption on repayment of the amount of sale, together with interest at the rate of
 -0- per centum per annum from the date of sale, and the costs incurred by the purchaser as defined by
 statute. The sale is subject to municipal charges accruing after 6/30, 1997 ;
 municipal authority charges accruing after June 30, 1997 and assessment
 installments not yet due, amounting to .00 dollars and interest thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of April, 2010
 STATE OF NEW JERSEY
 COUNTY OF: Hudson
 Sharon Curran, COLLECTOR OF TAXES

BE IT REMEMBERED, that on this 9th day of April, 2010 before me a
 of New Jersey, personally appeared
 the Collector of Taxes of the taxing district of Hoboken in the County of Hudson,
 who, I am satisfied, is the individual described herein, and who executed the above Certificate of Sale; and I having made known to him the
 contents thereof, he thereupon acknowledged to me that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and
 purposes therein expressed.

Prepared By: Sharon Curran, PREPARER
 Jo Ann Barron, NOTARY PUBLIC
 My Commission Expires 11/3/2014

NOTE: NJSA 46:15-3 requires that all signatures appearing on the certificate, those of the collector, the preparer and the notary public, take this
 acknowledgement, and the preparer shall be printed, typed or stamped underneath such signature the name of the person that signed.

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 \$ 14,458.47

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
OCEAN FIRST BANK 975 HOOPER AVENUE TOMS RIVER, NJ 08754	2/5/CLL03	415 NEWARK ST	1/09, 2/09, 4/09 & 1/10	\$ 630.16
BOCHICCHIO, VINCENZO 551 OBSERVER HWY #10D HOBOKEN, NJ 07030	8/1/C010D	550-564 NEWARK ST	1/10	\$ 1,798.30
EDELMAN, JESS & LAUREN MARKOWITZ 501 ADAMS ST #5G HOBOKEN, NJ 07030	70/1/C005G	501-515 ADAMS ST	1/10	\$ 1,831.43
HOTHEM, HUGH H 531 NORTH MARKET ST WOOSTER, OH 44691	85/4/C0005	707 ADAMS ST	4/09	\$ 1,407.30
HOTHEM, HUGH H 531 NORTH MARKET ST WOOSTER, OH 44691	85/4/C0006	707 ADAMS ST	4/09	\$ 1,407.30
KOREN, RAZ & YAEL BARTAL 501 NINTH ST #411 HOBOKEN, NJ 07030	89/12/C0411	501 NINTH ST	1/10	\$ 277.90
EPSTEIN, DARON 1115 WILLOW AVE #3-06 HOBOKEN, NJ 07030	173/6/C3-06	1109-21 WILLOW AVE	1/10	\$ 193.33

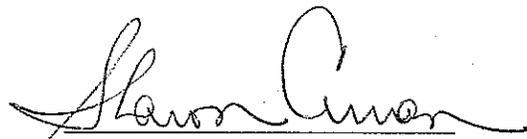
<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
FIRST AMERICAN TITLE INSURANCE CO. 2605 ENTERPRISE ROAD EAST SUITE 300 CLEARWATER, FL 33759	183/29	814 GARDEN ST	1/10	\$ 2,524.93
BURKE, MOLLY & JEREMY FRYER 953 BLOOMFIELD ST #3 HOBOKEN, NJ 07030	208/20/C0003	953 BLOOMFIELD ST	1/10	\$ 241.69
WELLS FARGO REAL ESTATE TAX SERVICES, LLC ATT: FINANCIAL SUPPORT UNIT - REGION 1 L HOME CAMPUS, MAC X2302-04D DES MOINES, IA 50328-0001	261.03/1/C0405	1125 MAXWELL LANE	1/10	\$1,894.27
WELLS FARGO REAL ESTATE TAX SERVICES, LLC ATT: FINANCIAL SUPPORT UNIT - REGION 1 L HOME CAMPUS, MAC X2302-04D DES MOINES, IA 50328-0001	261.03/1/CP222	1125 MAXWELL LANE	1/10	\$ 114.24
BATCHA, LEE H 1025 MAXWELL LANE #208 HOBOKEN, NJ 07030	261.04/1/CP073	1025 MAXWELL LANE	1/10	\$ 138.24
BONASTIA, PETER 1-FOURTEENTH ST APT 914 HOBOKEN, NJ 07030	262.3/1/C0306	2 CONSTITUTION CT	1/10	\$ 1,999.38

Meeting: APRIL 21, 2010

Approved as to Form:



CORPORATION COUNSEL



Sharon Curran

Introduced by: _____

Second by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

Resolved, by the Council of the city of Hoboken, that whereas Victor Molina applied for 100% Disabled Veterans Property Tax Deduction against 2010 taxes, effective January 1, 2010 and whereas his taxes for 2010 have been revised for the 1st quarter; and whereas the Property is a two family home and Victor Molina occupies 50% and therefore entitled to a 50% exemption of his taxes; therefore, be it

Resolved: that a warrant be drawn to the order of the following:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount of Revised Bill</u>
184	43	Victor Molina	<u>\$1,465.49 credit</u> Victor Molina 208 Ninth Street Hoboken, NJ 07030

Pro-rated as follows:

2010 Second Quarter Property Taxes: \$2,930.98

Credit: \$1,465.49

Revised amount due: \$1,465.49

AND, ALSO BE IT

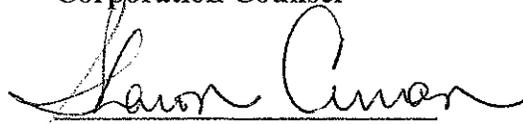
**RESOLVED: THAT THE ABOVE AMOUNT BE CANCELLED FROM THE
2010 TAX DUPLICATE**

Meeting: April 21, 2010

Approved as to Form:



Corporation Counsel



Sharon Curran

Bloor 184 Lot. 43

233,000

208 Ninth St.

old

new

238,600 x 44.89

238,600

119,300

10,710.75

Tot Rate 44.89 - 2009

mun. 19.37

non mun. 25.52

119,300 x ^{mun.} 19.37 = 2,310.84

119,300 x 25.52 = ~~3,044.36~~ 3,044.54

TOTAL

5,355.38

238,600.

TR 44.89 - 2009

mun. 19.37

non 25.52

238,600 x ^{mun.} 19.37

4,621.68 x ²⁰ 58.99 = 2,587.68

238,600 x 25.52 =

10,089.07 x 58.40 = 3,068.89

10,710.75

5,656.57

5,656.57 / 2 = ~~2,828.29~~

11/29/2010

5,656.57 / 2 = 2,828.29

= 1,363.01 - Payment A.

1,465.28

Bill only 1,465.49 2 months
2010

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. ____**

**RESOLUTION AUTHORIZING ST. ANN'S CHURCH TO CONDUCT ITS 100th
ANNUAL FESTIVAL**

WHEREAS, St. Ann's Church has requested permission to conduct its annual Feast in Honor of St. Ann from Wednesday, July 21st through Monday, July 26th 2010; and

WHEREAS, St. Ann's Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken.
2. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard.
3. To have electrical illumination and decorations in the Church area.
4. To erect concession stands for vendors of food, novelties, games and rides in the Church area.
5. To have music and entertainment on the bandstands.
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Wednesday, July 21st through Friday, July 23rd from 6:00 p.m. through
11:00 p.m.

Saturday, July 24th and Sunday, July 25th from 2:00 p.m. through 11:00 p.m.

Monday, July 26th from 12:00 p.m. through 12:00 a.m.

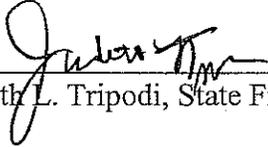
7. To have rides on Madison Street – between 7th and 8th Streets.
8. To have the streets cleared of all vehicles, per enclosed diagram, from Tuesday, July 20th at 8:00 a.m. through Tuesday, July 27th at 8:00 p.m. so that they may do the following:

Put trailers into place
Erect rides
Set up vendor booths
Clean up after Festival

9. To place festival banners on city poles along Washington Street.
10. To clear street in the alcove in front of the Citadel condominiums at the corner of 7th & Jefferson Streets on Tuesday, July 20th at 6:00 a.m. so that the bandstand may be erected.

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann's Church permission to conduct its annual Feast in honor of Saint Ann.

Approved:



Judith L. Tripodi, State Fiscal Monitor

Approved to form:



Michael B. Kates, Corporation Counsel

MEETING: April 21, 2010

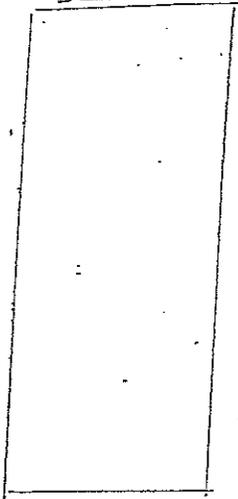
CLOSING OF STREETS FOR ST. ANN'S ITALIAN STREET FESTIVAL—JULY 27 -26

5th Street

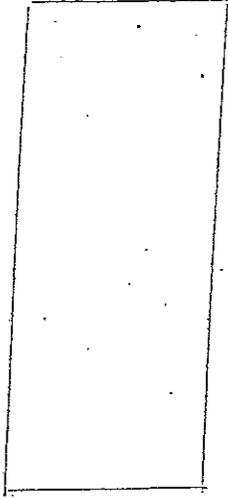
5th Street

5th Street

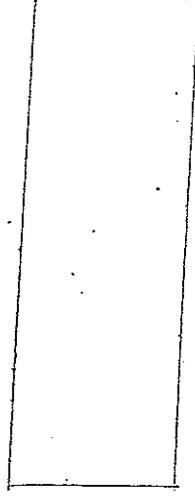
5th Street



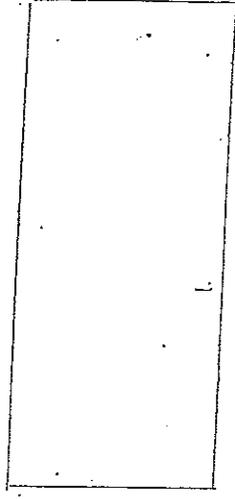
ADAMS STREET



JEFFERSON STREET



MADISON STREET



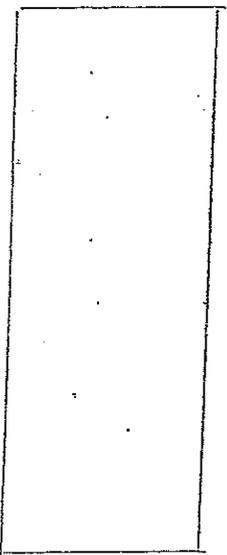
MONROE STREET

6th Street

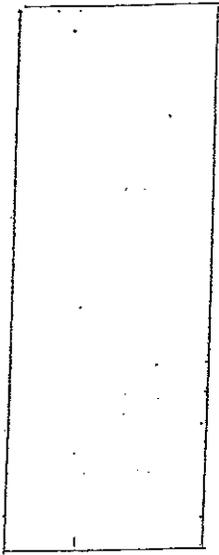
6th Street

6th Street

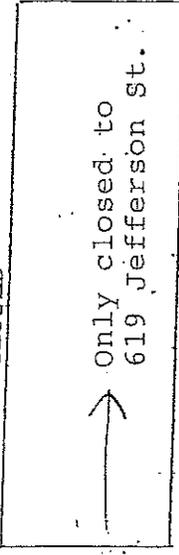
6th Street



ADAMS STREET
CLOSED

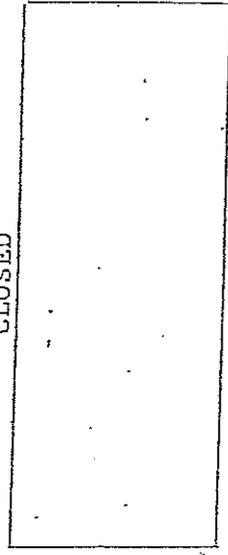


JEFFERSON STREET
CLOSED



Only closed to
619 Jefferson St.

MADISON STREET
CLOSED



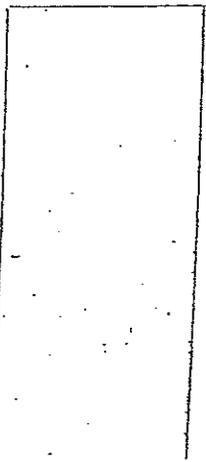
MONROE STREET

7th Street
CLOSED

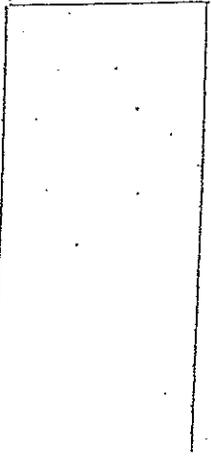
7th Street
CLOSED

7th Street
CLOSED

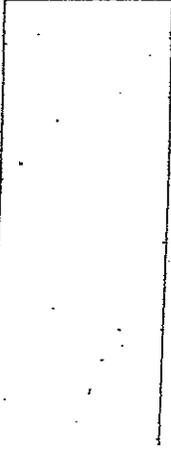
7th Street
CLOSED



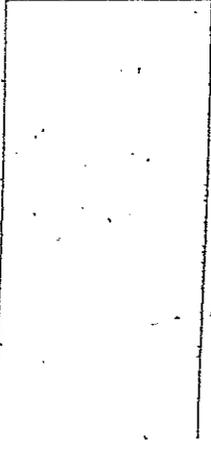
ADAMS STREET
CLOSED



JEFFERSON STREET
CLOSED



MADISON STREET
CLOSED



MONROE STREET

Sponsored By: _____

Seconded By: _____

CITY OF HOBOKEN RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC.
TO CONDUCT ITS 84th ANNUAL FEAST IN HONOR OF MADONNA DE
MARTIRI**

WHEREAS, The Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday, September 9, 2010 through and inclusive to Sunday, September 12, 2010 on Sinatra Drive and Sinatra Park, and

WHEREAS, Hoboken Italian Festival, Inc. has indicated its agenda and requirement to successfully conduct the feast;

- (1) To solicit contributions from the general public, to be used solely to pay part of the expenses and religious contributions.
- (2) To have a procession with the statue of "Madonna Dei Martiri" – "Mother of Martyrs" through the streets of Hoboken.
- (3) To install electric lights on Sinatra Drive from the corner of Fourth Street and River Street up to the Union Dry Dock Property.
- (4) To erect a bandstand in Sinatra Park to hold nightly concerts between Thursday, September 9, 2010 through Sunday, September 12, 2010. The hours of live music will be limited to the following schedule: Thursday, September 9th from 5:00 pm to 10:00 pm, Friday, September 10th from 5:00 pm to 11:00 pm, Saturday, September 11th from 12:00 noon to 11:00 pm and Sunday, September 12th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and speakers positioned not to disturb area residents and will be discontinued at 11:00 pm. The bandstand will be directed in a northern direction in an effort to minimize the noise levels in the southern waterfront residential areas.
- (5) To erect concession stands and trucks on Sinatra Drive, for vendors of food, novelties, games and rides.
- (6) To hold a raffle to be drawn on Sunday, September 12th, 2010.
- (7) To have a procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotes on Saturday, September 11th, 2010 to begin at 10:00 am.
- (8) On Saturday, September 12th, 2010 at about 9:00 pm to shoot a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and local Fire Permits.
- (9) To have the streets cleared of all vehicles and traffic, and
- (10) To maintain two lanes of traffic with a minimum of 12 feet for each lane of travel when streets are to be open to traffic.

WHEREAS, That the Signal & Traffic Division prepare the necessary Traffic regulations.

WHEREAS, The City Council of the City of Hoboken endorses this program provided the Hoboken Italian Festival, Inc. secure all the necessary permits, licenses and insurance in a form to be approved by Corporation Counsel;

NOW THEREFORE, BE IT RESOLVED, The City Council hereby grants permission to the Hoboken Italian Festival, Inc. to conduct its feast and fireworks display on the above dates and wishes them success for a happy event subject to the applicant's compliance with all requirements regarding permits, licenses and insurance and further subject to the approval of the U.S. Coast Guard.

Approved As to Form:



Michael B. Kates
Corporation Counsel

James J. Farina
City Clerk

Meeting Date: April 21, 2010

Sponsored By: _____

Seconded By: _____

CITY OF HOBOKEN RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC.
TO CONDUCT ITS 84th ANNUAL FEAST IN HONOR OF MADONNA DE
MARTIRI**

WHEREAS, The Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday, September 9, 2010 through and inclusive to Sunday, September 12, 2010 on Sinatra Drive and Sinatra Park, and

WHEREAS, Hoboken Italian Festival, Inc. has indicated its agenda and requirement to successfully conduct the feast;

- (1) To solicit contributions from the general public, to be used solely to pay part of the expenses and religious contributions.
- (2) To have a procession with the statue of "Madonna Dei Martiri" – "Mother of Martyrs" through the streets of Hoboken.
- (3) To install electric lights on Sinatra Drive from the corner of Fourth Street and River Street up to the Union Dry Dock Property.
- (4) To erect a bandstand in Sinatra Park to hold nightly concerts between Thursday, September 9, 2010 through Sunday, September 12, 2010. The hours of live music will be limited to the following schedule: Thursday, September 9th from 5:00 pm to 10:00 pm, Friday, September 10th from 5:00 pm to 11:00 pm, Saturday, September 11th from 12:00 noon to 11:00 pm and Sunday, September 12th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and speakers positioned not to disturb area residents and will be discontinued at 11:00 pm. The bandstand will be directed in a northern direction in an effort to minimize the noise levels in the southern waterfront residential areas.
- (5) To erect concession stands and trucks on Sinatra Drive, for vendors of food, novelties, games and rides.
- (6) To hold a raffle to be drawn on Sunday, September 12th, 2010.
- (7) To have a procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotes on Saturday, September 11th, 2010 to begin at 10:00 am.
- (8) On Saturday, September 12th, 2010 at about 9:00 pm to shoot a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and local Fire Permits.
- (9) To have the streets cleared of all vehicles and traffic, and
- (10) To maintain two lanes of traffic with a minimum of 12 feet for each lane of travel when streets are to be open to traffic.

WHEREAS, That the Signal & Traffic Division prepare the necessary Traffic regulations.

WHEREAS, The City Council of the City of Hoboken endorses this program provided the Hoboken Italian Festival, Inc. secure all the necessary permits, licenses and insurance in a form to be approved by Corporation Counsel;

NOW THEREFORE, BE IT RESOLVED, The City Council hereby grants permission to the Hoboken Italian Festival, Inc. to conduct its feast and fireworks display on the above dates and wishes them success for a happy event subject to the applicant's compliance with all requirements regarding permits, licenses and insurance and further subject to the approval of the U.S. Coast Guard.

Approved As to Form:



Michael B. Kates
Corporation Counsel

James J. Farina
City Clerk

Meeting Date: April 21, 2010

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of December 2, and December 16, 2009 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: April 21, 2010

Sponsored by: _____

Secoded by: _____

CITY OF HOBOKEN

ORDINANCE NO. 2-34

see attached

AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS ALL
RELATING TO LICENSE AND USER FEES

WHEREAS, the State Fiscal Monitor and the Mayor have indicated there are a number of license and user fees set forth in the City Code which are either inconsistent with fees being charged or are insufficient to justify the administrative expenses of the City in monitoring the various businesses and professions to which these fees relate;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the following fees and licenses be amended as follows.

SECTION ONE:

1. Chapter 86 entitled "Construction Code, Uniform", Section 86-3, entitled "Schedule of fees; surcharge" is hereby amended as follows:

BUILDING SUB-CODE FEES	FROM	TO
New construction	\$.10/cu. ft. \$75 min	\$.20/cu. ft. \$75 min
Renovations, alterations and repairs	\$8/\$1000 of est. Cost - \$25 min. \$.10/ cu. ft. of bldg for added portion \$40 min	\$16/\$1000 of est. Cost - \$50 min. \$.20/cu. ft. of bldg for added portion \$50 min.
Demolition permit	\$100 or \$.005 of cu. content, whichever is greater	\$\$100 or \$.008 of cu. content, whichever is greater
Signs	\$25 to 20 sq. ft. \$50 to 100 sq. ft. \$75 over 100 sq. ft.	\$2.50/sq. ft. first 100 \$1.90 sq. ft. next 400 \$1.25 sq. ft. thereafter
Certificate of Occupancy, continued occupancy, change of use or new CO	\$50 or \$.005 of cu. content, whichever is greater	\$75 or 15% of cu. content, whichever is greater

5:23-4.17 Municipal enforcing agency fees

(a) Ordinance: The municipality shall set enforcing agency fees by ordinance for the following activities: plan review, construction permit, certificate of occupancy, certificates of continued occupancy, demolition permit, elevator permit and sign permit.

1. The municipality shall include in any such ordinance all fees pertaining to the operations of the enforcing agency, including those for which the department has not set standards, such as fees for reinstatement of lapsed permit. All minimum fees shall be stipulated. Fees may be rounded to nearest dollar amount if the municipality's ordinance so provides.

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 to December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 to June 30), the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his recommendations for a fee schedule, based on the operating expense of the agency.

1. The report shall be structured in accordance with (c) below and with such guidelines as shall be issued from time-to-time by the Commissioner so as to accurately portray true enforcing agency expenses in general and for structures of different use groups. This report shall serve as the basis for the ordinance to be enacted by the municipality, as it may deem appropriate, establishing the fee schedule.

2. A copy of the construction official's report recommending a fee schedule and setting forth enforcing agency revenues and expenses shall be filed with the Department when prepared and a copy of the ordinance, together with the fee schedule, shall be filed with the Department when enacted or amended.

3. The appropriation and expenditure of construction code fee revenues generated from the fee schedule established pursuant to (b)1 above shall be audited annually by an independent auditor acceptable to the Department and a copy of the auditor's report shall be provided to the Department when it is issued to the municipality. Submission of a copy of the annual municipal audit required to be submitted to the Division of Local Government Services at the time that it is required to be submitted to that Division shall constitute compliance with this requirement provided, however, that the annual municipal audit tests and contains an opinion that all expenditures of construction code fees have been made for purposes herein permitted.

(c) Costs: The fee schedule shall be calculated to reasonably cover the municipal costs of enforcing the regulations.

1. It is the purpose and intent of this subsection to facilitate the accumulation by municipalities of the funds necessary to offset future construction code enforcement expenses, to ensure that construction code revenue is used only for construction code enforcement purposes, and to provide a means of making such revenue readily available for such purposes from year to year.

2. All fees collected pursuant to the fee schedule established in accordance with (b)1 above shall be appropriated in accordance with the requirements of the Uniform Construction Code Act and the Local Budget Law to be applied solely to meet the municipal costs of enforcing the regulations, which costs shall be defined as including only the following:

i. Salaries and employee benefits for licensed code enforcement officials and inspectors and clerical personnel assigned to the enforcing agency, in an amount proportionate to the time spent in performing work for the enforcing agency provided, however, that detailed time records are kept where employees divide their time between Uniform Construction Code and Non-Uniform Construction Code duties;

ii. Cost of motor vehicles in an amount proportionate to their use by or for the enforcing agency. Payments for this purpose may be in the form of mileage reimbursement paid to employees for use of their own motor vehicles, cost of purchase of motor vehicles by the municipality for the exclusive use of the enforcing agency (which cost may not be amortized), depreciation and operating expenses of motor vehicles made available to the enforcing agency by another municipal agency, and cost of rental of motor vehicles for use by the enforcing agency;

iii. Direct costs in support of the agency such as equipment, supplies, furniture, office equipment maintenance, standardized forms, printing, and safety equipment that are supplied directly to the enforcing agency for its sole use;

iv. Professional expenses of enforcing agency personnel that are directly related to the enforcement of the regulations, including publications, membership dues, license fees, and authorized travel to conferences, meetings and seminars;

v. Fees for services performed under contract by private on-site inspection agencies;

vi. Documented charges for legal services required in connection with construction code enforcement litigation;

vii. Fees for the annual audit of the dedicated fund by an independent auditor; and

viii. Subject to the limitations set forth in (c)3 below, indirect, overhead, and other expenses of the municipality in support of the enforcing agency, including:

nent civil service status or tenure on the effective date of this act or within one year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within four years of the effective date thereof; provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health and Senior Services pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utilities pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after consultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall, after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials, subcode officials, and technical assistants to these officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall also consult with the Public Health Council and Commissioner of Health and Senior Services.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official, subcode official, and technical assistant demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

L. 1975, c. 217, § 8; amended 1979, c. 394; 1981, c. 469, § 1; 1982, c. 210; 2000, c. 126, § 29; 2008, c. 29, § 112; 2009, c. 119, § 1.

¹ N.J.S.A. § 52:27D-123.

52:27D-126a. Enforcing agency fees

Where the appointing authority of any municipality shall appoint an enforcing agency and construction board of appeals pursuant to section 8 of P.L.1975, c. 217,¹ the municipal governing body by ordinance, in accordance with standards established by the commissioner, shall set enforcing agency fees for plan review, construction permit, certificate of occupancy,

demolition permit, moving of building permit, elevator permit and sign permit, provided, however, that such fees shall not exceed the annual costs for the operation of the enforcing agency.

L. 1979, c. 121, § 3, eff. June 30, 1979.

¹ N.J.S.A. § 52:27D-126.

52:27D-126b. Municipality; waiver of enforcing agency fees; ordinance

Notwithstanding the provisions of section 3 of P.L.1979, c. 121 (C. 52:27D-126a), or any standard adopted pursuant thereto, to the contrary, a municipal governing body may provide in its ordinance for a waiver of enforcing agency fees for construction contracted for or conducted by the municipality within its boundaries.

L. 1982, c. 73, § 2, eff. July 21, 1982.

52:27D-126c. Public building fee exemptions

No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located. No erection or alteration of any public building or part thereof by a county, municipality, school board, or any agency or instrumentality thereof shall be subject to any fee, including any surcharge or training fee, imposed by any department or agency of State government pursuant to any law, or rule or regulation, except that nothing contained in this section shall be interpreted as preventing the imposition of a fee upon a board of education by either the Department of Education for plan review or by a municipality for the review of plans submitted to it pursuant to the provisions of section 12 of P.L.1975, c.217 (C.52:27D-130).

L. 1985, c. 409, § 1; amended 1989, c. 43, § 2; 1990, c. 23, § 4.

52:27D-126d. Waiver of enforcing agency fees

Notwithstanding the provisions of section 3 of P.L.1979, c.121 (C.52:27D-126a), any municipality may, by ordinance, provide for a waiver of enforcing agency fees for any corporation which is (1) organized pursuant to the "New Jersey Non-profit Corporation Act," N.J.S. 15A:1-1 et seq. and (2) actively engaged in constructing or rehabilitating housing units for occupancy by low or moderate income households.

For the purposes of this act, "low income household" means a household in which the gross household income is equal to 50% or less of the median gross household income for households of the same size within the region in which the housing is located. "Moderate income household" means a household in which the gross household income is equal to more than 50% but less than 80% of the median gross household income for households of the same size within the region in which the housing is located.

L. 1989, c. 68, § 1.

OFFICE OF THE CONSTRUCTION OFFICIAL

	FY 2010 Anticipated	FY 2009	FY 2008
Revenues	\$577,781	\$551,244	\$551,244
Expended	\$886,219	\$809,194	\$1,197,832
Cost to City	\$308,438	\$257,950	\$646,588

CITY OF HOBOKEN

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN
GRANTING AN EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN
THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY
LOCATED AT 47 NEWARK STREET, HOBOKEN, NEW JERSEY, MORE
PARTICULARLY KNOWN AS BLOCK 26, LOT'S 1, 2 & 3, ON THE TAX MAP
OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW
JERSEY**

WHEREAS, the applicant, Kevin Renaghan, Project Architect, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 47 Newark Street, Hoboken, New Jersey, ("the premises") which premises is more particularly described as Block 26, Lot's 1, 2 & 3, on the Tax Map of the City of Hoboken, New Jersey, in order to install a bay window on the building located at 47 Newark Street as outlined in the attached drawing. The easements are described as follows:

METES AND BOUNDS

(Proposed Ramp Easement for TD Bank)

ALL that certain lot, parcel or tract of land, situate and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point located along the southerly line of Newark Street (675 foot wide right-of-way), said point being distant South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 49.98 Feet from the intersection of the same with the easterly line of Hudson Street (variable width right-of-way), thence crossing over, through and along the aforementioned right-of-way of Newark Street, the following ten (10) courses::

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 1.04 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.23 Feet to a point:

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 4.42 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 8.94 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 1.43 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.84 Feet to a point;

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 5.98 Feet to a point;

THENCE, South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 33.00 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.1 Feet to a point located along the aforementioned Southerly line of Newark Street;

THENCE, along the aforementioned Southerly line of Newark Street, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.99 Feet to the point and place of BEGINNING.

Known as Block 26, Lot's 1, 2 & 3, as shown on the official tax assessment map for the City of Hoboken, Hudson County, New Jersey, and more commonly known as 47 Newark Street, Hoboken, New Jersey; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 47 NEWARK STREET, THE AFREMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.
3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.
4. The applicant shall indemnify the City of Hoboken for any and all damage or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the

Mayor and Council of the City of Hoboken its officers, agents employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in an amount of \$1,000,000.00 with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council Members as an additional insured's.

5. These easements shall run with the land and insure to the benefits of the applicant's successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant's successors and assigns in the title and interest to the property served by the within easements.
6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits that may be required by local or state law.
7. This ordinance shall take effect as provided by law.

Adopted:

Approved:

City Clerk

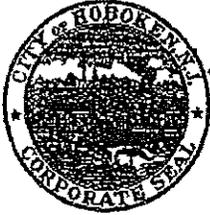
Mayor

Approved as to Form:



Michael B. Kates, Corporation Counsel

Date: April 21, 2010



**HOBOKEN
HISTORIC
PRESERVATION
COMMISSION**

94 Washington Street
Hoboken, NJ 07030-4585
(201) 420 - 2246

DAWN ZIMMER
Acting Mayor

Chairperson
Theresa Castellano
Vice Chairperson
Leonard Luizzi
Commissioners
Joyce Tyrell
Vincent Wassman
Elayn Nestor
Dennis Devino
Paul Somerville
Alternates
David Downs
Chris Caradinel

CERTIFICATE OF APPROPRIATENESS #1292009-7
December 9, 2009

ADDRESS: 47 Newark Street:

THE APPLICANT HAS APPROVAL TO:

Will be installing new ramp to the left side of the bank entrance, will be non-permanent system comprised of painted steel ramp and railings, with open steel gratings, the non-permanent system includes painted iron pipe rail the matches railing on Hudson and Newark Streets, the minimal impact on clear pathways at the corner of Hudson, will retain the original granite landing & steps. Drawing by Bergmann Architects dated on 12/8/09

NO SIGNAGE IS TO BE PLACE IN WINDOW WITHOUT APPROVAL FROM COMMISSION-NEON IS NOT PERMITTED IN HISTORIC DISTRICT .NO CHANGE TO THE FACADE WITHOUT APPROVAL FROM THE COMMISSION. CONTINUOUS DISPLAY OF THIS CARD AT ALL TIMES WHILE WORK IS IN PROGRESS IS A REQUIREMENT. IF THE WORK IS SUCH THAT THE APPROVAL OF THE BUILDING DEPARTMENT OR ZONING OFFICER IS ALSO REQUIRED, THIS CERTIFICATE MUST BE DISPLAYED IN ADDITION TO THE BUILDING PERMIT OR ZONING COMPLIANCE.

THIS CERTIFICATE OF APPROPRIATENESS PERTAINS ONLY TO APPROVAL GIVEN BY THE HISTORIC DISTRICT COMMISSION. IT IS NOT A BUILDING OR ZONING APPROVAL. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL NECESSARY PERMITS FROM THE BUILDING AND ZONING OFFICER. IF APPROVAL IS GIVEN FROM THE COMMISSION, THE APPLICANT MUST ALSO OBTAIN APPROVAL FROM THE ZONING OFFICER TO ERECT THE SIGN OR AWNING. APPROVAL FROM HISTORIC COMMISSION IS VALID ONE YEAR FROM APPROVAL DATE.

Theresa Castellano, Chairperson

cc: Zoning Office; Building Department

Theresa Castellano

January 7, 2010

Mr. Stephen Kliman
Law Department
94 Washington Street
Hoboken, NJ 07030

Dear Mr. Kliman,

I am writing you to request an easement ordinance for the construction of a handicap accessible ramp at the entrance to the TD Bank located at the corner of Newark Street and Hudson Street. TD Bank currently does not have an accessible entry to their store and wishes to provide one for the safety and convenience of the public. After review of several design options with the Historic Committee they have requested we proceed with a steel structure anchored to the existing sidewalk and stair. This design would allow future removal if ever deemed necessary by future tenants or building owner.

Metes and Bounds description with associated exhibit prepared by Control Point Associates have been enclosed with this letter for you use in preparing the requested easement ordinance for the ramp described above.

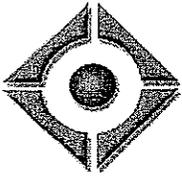
Thank you, in advance for attending to this matter. If you have any questions or require any additional information please contact me.

Sincerely,


EMK

Kevin Renaghan, RA, LEED AP
Project Architect





CONTROL POINT ASSOCIATES, INC.

35 Technology Drive
Warren NJ, 07059
Tel. 908.668.0099
Fax. 908.668.9595
www.cpasurvey.com

JANUARY 5, 2010
C09021.01

METES & BOUNDS DESCRIPTION
PROPOSED RAMP EASEMENT
FOR THE BENEFIT OF LOT 4, BLOCK 222
CITY OF HOBOKEN, HUDSON COUNTY
STATE OF NEW JERSEY

BEGINNING AT A POINT LOCATED ALONG THE SOUTHERLY LINE OF NEWARK STREET (75 FOOT WIDE RIGHT-OF-WAY), SAID POINT BEING DISTANT SOUTH 66 DEGREES - 00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 49.98 FEET FROM THE INTERSECTION OF THE SAME WITH THE EASTERLY LINE OF HUDSON STREET (VARIABLE WIDTH RIGHT-OF-WAY), THENCE CROSSING OVER, THROUGH AND ALONG THE AFOREMENTIONED RIGHT-OF-WAY OF NEWARK STREET, THE FOLLOWING TEN (10) COURSES:

1. NORTH 24 DEGREES - 00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 1.04 FEET TO POINT, THENCE;
2. NORTH 66 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 10.23 FEET TO A POINT, THENCE;
3. NORTH 24 DEGREES - 00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 4.42 FEET TO A POINT, THENCE;
4. NORTH 66 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 8.94 FEET TO A POINT, THENCE;
5. SOUTH 24 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 1.43 FEET TO POINT, THENCE;
6. NORTH 66 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 6.84 FEET TO A POINT, THENCE;
7. NORTH 24 DEGREES - 00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 5.98 FEET TO A POINT, THENCE;
8. SOUTH 66 DEGREES - 00 MINUTES - 00 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A POINT, THENCE;
9. SOUTH 24 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 10.01 FEET TO A POINT LOCATED ALONG THE AFOREMENTIONED SOUTHERLY LINE OF NEWARK STREET, THENCE;
10. ALONG THE AFOREMENTIONED SOUTHERLY LINE OF NEWARK STREET, NORTH 66 DEGREES - 00 MINUTES - 00 SECONDS WEST, A DISTANCE OF 6.99 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 243 SQUARE FEET OR 0.006 ACRE

Professional Land Surveying and Consulting Services



**CONTROL POINT
ASSOCIATES, INC.**

JANUARY 5, 2010
C09021.01
PAGE 2

THE HEREIN AND ABOVE DESCRIBED PREMISES MAY BE SUBJECT TO SUCH FACTS AND CONDITIONS, RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN AND/OR IMPLIED.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A SKETCH ENTITLED "PROPOSED RAMP EASEMENT SKETCH, TD BANK, NA, 47 NEWARK STREET, LOT 4, BLOCK 222, CITY OF HOBOKEN, HUDSON COUNTY, STATE OF NEW JERSEY", PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED JANUARY 5, 2010.

THIS DESCRIPTION IS ALSO PREPARED WITH REFERENCE TO A SURVEY ENTITLED "BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY, TD BANK, NA, 47 NEWARK STREET, LOT 4, BLOCK 222, CITY OF HOBOKEN, HUDSON COUNTY, STATE OF NEW JERSEY" PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED FEBRUARY 4, 2009.

THIS DESCRIPTION IS ALSO PREPARED WITH REFERENCE TO INFORMATION PROVIDED BY BERGMANN ASSOCIATES.

CONTROL POINT ASSOCIATES, INC.


HOWARD C. LOPSHIRE
STATE OF NEW JERSEY
PROFESSIONAL LAND SURVEYOR #26803

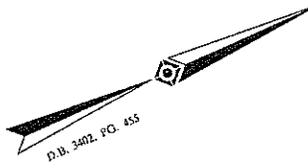
1/5/10
DATE

GE:kc\p:\surveys\2009\C09021\C09021.01\M&B\M&B-Proposed Ramp Easement-2010.1.5.doc

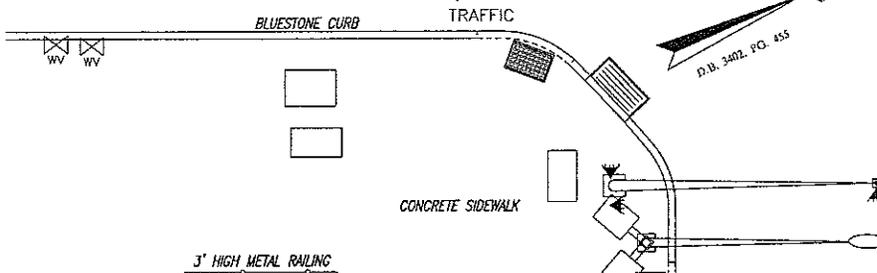
PREPARED BY: BE
REVIEWED BY: H.C.L.

HUDSON STREET

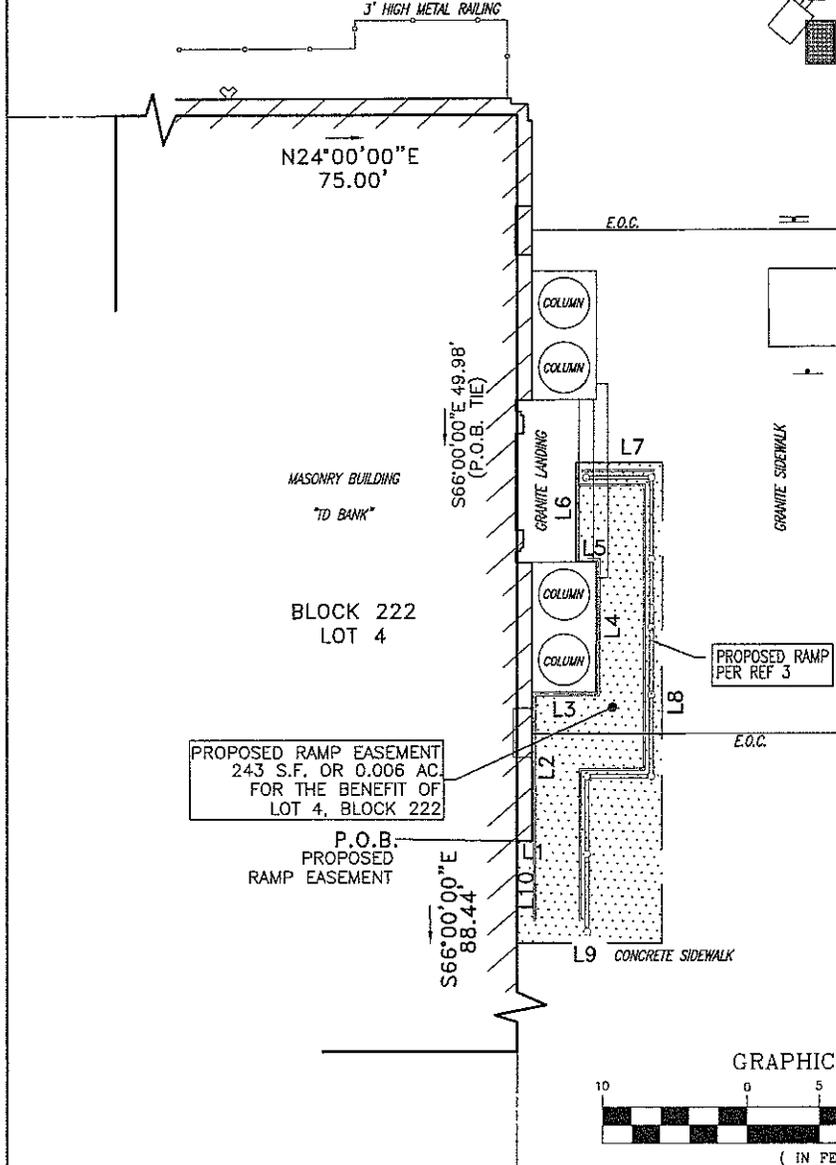
(VARIABLE WIDTH)
(ASPHALT ROADWAY)
ONE WAY
TRAFFIC



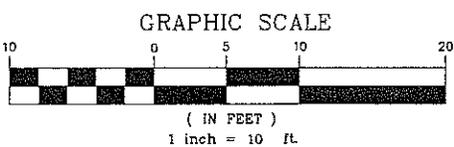
D.B. 3402, PG. 455



LINE TABLE		
LINE	BEARING & DISTANCE	
L1	N24°00'00"E	1.04
L2	N66°00'00"W	10.23
L3	N24°00'00"E	4.42
L4	N66°00'00"W	8.94
L5	S24°00'00"W	1.43
L6	N66°00'00"W	6.84
L7	N24°00'00"E	5.98
L8	S66°00'00"E	33.00
L9	S24°00'00"W	10.01
L10	N66°00'00"W	6.99



NEWARK STREET
(75' WIDE)
ONE WAY
TRAFFIC



NOTES:

1. PROPERTY KNOWN AS LOT 4 AS SHOWN ON THE TAX MAP OF THE CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY.
2. PROPOSED RAMP EASEMENT AREA = 243 S.F. OR 0.006 AC.

REFERENCES

1. THE OFFICIAL TAX MAP OF THE CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY, SHEET #39.
2. MAP ENTITLED "BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY TD BANK, NA 47 NEWARK STREET, CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY," PREPARED BY CONTROL POINT ASSOCIATES, DATED FEBRUARY 4, 2009.
3. THIS SKETCH WAS ALSO PREPARED WITH REFERENCE TO INFORMATION PROVIDED BY BERCMANN ASSOCIATES.

EXHIBIT

FIELD DATE N/A	PROPOSED RAMP EASEMENT SKETCH		
FIELD BOOK NO. N/A		Bank, NA 47 NEWARK STREET LOT 4, BLOCK 222 CITY OF HOBOKEN, HUDSON COUNTY STATE OF NEW JERSEY	
FIELD BOOK PG. N/A			
FIELD DREW N/A		CONTROL POINT ASSOCIATES, INC. 35 TECHNOLOGY DRIVE WARREN, NJ 07059 908.668.0099 - 908.668.9595 FAX	
DRAWN G.R.E.		NEW BRITAIN CORPORATE CENTER 1600 MANOR DRIVE, SUITE 120 CHALFONT, PA 18814 215.712.9000 - 215.712.9002 FAX	
REVIEWED H.C.L.	APPROVED P.J.	DATE 1-5-2010	SCALE 1"=10'
		FILE NO. C09021.01EASE	DWG. NO. 1 OF 1

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE TO
INCREASE THE NUMBER OF MUNICIPAL COURT JUDGES FROM ONE TO
TWO**

WHEREAS, the Municipal Court of the City of Hoboken processes an extraordinary number of traffic and non-traffic offenses; and

WHEREAS, to increase the number of Municipal Court Judges to give to this volume an appropriate amount of time and attention, it is necessary to increase the number of Judges from one to two:

NOW, THEREFORE BE IT ORDAINED that Chapter 21 Section 2 "Municipal Court Judge; is hereby amended by substituting the following:

§21-2. Municipal Court Judge.

There is hereby created the Office of Municipal Court Judge, which shall consist of two (2) Municipal Court Judges. Before the appointment of a second Judge, the City shall obtain the consent of the assignment Judge of Hudson County pursuant to N.J.S.A. 2B:-5.

Each Judge shall be responsible for all judicial and administrative functions of the Municipal Court. Each Municipal Court Judge shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Mayor with the advice and consent of the City Council and for the term of three (3) years from the date of appointment and until a successor is appointed and qualified. The salary of each Municipal Court Judge shall be fixed by ordinance adopted..

This ordinance shall be effective according to law.

Adopted:

Approved:

City Clerk

Mayor

Approved as to Form:



Michael B. Kates, Corporation Counsel

Date: April 21, 2010

CITY OF HOBOKEN

Office of Corporation Counsel

94 Washington Street, Hoboken, NJ 07030
(201) 420-2057 Fax (201)792-1858

DAWN ZIMMER
Mayor



MICHAEL KATES
Corporation Counsel

April 14, 2010

Hon. Maurice J. Gallipoli, A.J.S.C.
Superior Court of New Jersey
595 Newark Avenue – Chambers 906
Jersey City, New Jersey 07306

RE: *Hoboken Municipal Court Judge*

Dear Judge Gallipoli,

Pursuant to N.J.S.A. 2B:12-5, I am requesting your consent to increase the number of Judgeships of the Hoboken Municipal Court to two (2). Although, historically, there have been two (2) Municipal Court Judges, there is presently only one (1), Cataldo F. Fazio who's term expires in December of this year. In support of this request, I am appending a list generated by the Municipal Court Clerk Rosanne Gohde of added and disposed Traffic and Criminal cases from January 1, 2009 through December 31, 2009.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael B. Kates", is written over a horizontal line.

Michael B. Kates, Esq.
Corporation Counsel

MBK/ew

cc: Mayor Dawn Zimmer



Municipal Court of Hoboken City Hall

100 NEWARK STREET
Hoboken, New Jersey 07030
201-420-2120
Fax 201-420-2138



HON. CATALDO F. FAZIO
J.M.C.

ROSEANN GOHDE
Court Director

To: Mr. Michael Kates
Corporation Counsel

From: Rose Ann Gohde C.M.C.A. *RG*
Municipal Court Director

Re: Ticket and Criminal Complaint Inventory
January 2009 Through December 2009

Date: April 14, 2010

As per your request, the following information is taken from the Hoboken Municipal Courts' Monthly Management Report listing all traffic and criminal inventory from January 2009 through December 2009.

January 2009 Through December 2009

Traffic Ticket Inventory - Parking - Moving - DWI - Total

Added	130,936	8,344	91	139,371
Disposed	136,730	9,499	127	146,356

Criminal Complaint Inventory - Indictable- Disorderly Per.- Other Non Traffic- Total

Added	403	1,245	4,817	6,465
Disposed	396	1,265	5,305	6,966

If you have any questions, please contact me at 201-420-2141

Sponsored by: _____

Seconded by: _____

City of Hoboken

Ordinance No.: _____

**AN ORDINANCE AMENDING THE DIVISION HEAD TITLE AND BID
REQUIREMENTS OF CHAPTER 60 - PURCHASING**

WHEREAS, N.J.S.A. 40A:11-1 et seq. prescribes the procedure for municipal purchasing, which statute includes a definition for Purchasing Agent; and

WHEREAS, Chapter 60 of the Hoboken City Code does not define the term Purchasing Agent, but instead uses the older and legally outdated terminology of purchasing assistant; and

WHEREAS, the purchasing laws allow for Purchasing Agents to administer contracts for up to fifteen percent 15% of the statutory bid threshold without going out to bid, but Chapter 60 of the Hoboken City Code only permits contracts of one thousand dollars (\$1000.00) and less to be exempt from bidding.

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: AMENDMENT TO TITLE

Chapter 60 is hereby amended as follows: the title "Purchasing Assistant" is hereby changed to "Purchasing Agent" throughout the entire Chapter.

SECTION TWO: AMENDMENT TO SECTION 60-10

§ 60-10. Procedure for purchases under statutory limit.

- B. All requisitions shall be approved by a using agency head.

(1) All open-market purchases over fifteen percent (15%) of the current statutory bid threshold applicable to the City of Hoboken ~~one thousand dollars (\$1,000.)~~ shall, whenever possible, be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder.

The remainder of §60-10 is unchanged.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

Date of Introduction: April 24, 2010

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

**Michael B. Kates
Corporation Counsel**

Introduced by: _____

Seconded by: _____

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

**RESOLUTION AUTHORIZING CLOSED SESSION
RELATING TO ATTORNEY-CLIENT PRIVILEGE AND
THE RELEASE OF CONFIDENTIAL MEMORANDA
CONCERNING ALLEGATIONS OF CONFLICTS OF
INTEREST**

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12(7); and,

WHEREAS, one of these reasons is to receive advice from legal counsel relating to confidential communications and advisories concerning allegations of conflicts of interest; and,

WHEREAS, the Council has determined that it is necessary to go into closed executive session for the foregoing purpose;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purpose; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

MEETING: April 21, 2010

APPROVED AS TO FORM:



Michael B. Kates
Corporation Counsel