



CITY HALL
HOBOKEN, NEW JERSEY

MEMORANDUM

Date: May 14, 2010

To: Hoboken City Council
From: Dawn Zimmer, Mayor
Subject: Western Edge Redevelopment Plan

In order to clarify the City's proper role in redevelopment projects, I have asked Community Development Director Brandy Forbes to outline the process and, specifically, the status of the Western Edge Redevelopment Plan.

Too often in the past redevelopment has been based on what developers wanted rather than what was best for our community. Last summer the City Council took an important step to correct these practices by passing an ordinance confirming its role as the redevelopment agency.

Moving forward, we will make redevelopment a very open and public process that ensures we are following the letter of the law. This will enhance the City's negotiating advantage, make transparency and public input a priority, and give us greater control over the redevelopment process.

I look forward to working with the Council to ensure that redevelopment in Hoboken is based on what is right for our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Zimmer".

Dawn Zimmer

CITY OF HOBOKEN
Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

MEMORANDUM

Date: May 11, 2010
To: Hoboken City Council
Cc: Dawn Zimmer, Mayor
Michael Kates, Corporation Counsel
Planning Board Members
Zoning Board Members
From: Brandy Forbes, Community Development Director *BF*
Subject: Western Edge Redevelopment Plan

This memo is to update the City Council on how the City is proceeding with the Western Edge Redevelopment. We are moving forward with the preparation of the Redevelopment Plan, but I wanted to bring everyone up to speed on the process, where this project is in the process, and what are the next steps for the Western Edge Redevelopment.

Since the City Council is the Redevelopment Entity for Hoboken, I encourage Council Members to play an active role in this process. I am including the City Council's Zoning and Economic Development Committee in this process by requesting that the Committee review the revised draft of the Redevelopment Plan prior to holding the public input session, in addition to the subsequent steps going forward.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:2A-1 et seq. (LRHL), establishes a framework for municipalities to undertake a direct role in the redevelopment and revitalization of their communities through land use planning, financing tools and negotiated development agreements. There is an established progression of these processes, as some are required before others can occur.

The redevelopment process generally has four main steps. A more detailed explanation of the process related to the Western Edge Redevelopment, especially moving forward after the Redevelopment Plan is completed, was prepared by our redevelopment counsel Maraziti Falcon & Healey and is attached. However, below is a summary of the four steps and an update as to how we have progressed through with the Western Edge Redevelopment.

Step 1: Designation of Area in Need of Redevelopment. This is the starting point of the redevelopment process—to study the area, determine if it meets the criteria of “an area in need of redevelopment,” and to designate the area if so. The technical steps are as follows:

1. City Council is to direct the Planning Board by resolution to investigate the area.
 - October 5, 2005 – City Council adopted a resolution requesting the Planning Board to study western edge properties for designation as “an area in need of redevelopment.”
2. Planning Board is to have the investigation done and a report prepared on the area. The Board then holds a public hearing on the study and makes a recommendation to the City Council on whether the study area is “an area in need of redevelopment.”
 - November 2006 – The consultant Phillips Preiss Shapiro completed the Western Edge Area Designation Study.
 - November 20, 2006 – 1st Planning Board hearing was held on the Western Edge Area Designation Study.
 - January 11, 2007 – 2nd Planning Board hearing was held on the Western Edge Area Designation Study.
 - March 6, 2007 – The Planning Board voted to recommend that eight blocks (11 acres) of property on the west side be designated “an area in need of redevelopment.”
 - April 3, 2007 – The Planning Board adopted the memorializing resolution recommending Western Edge Area be designated as “an area in need of redevelopment” per the Local Redevelopment and Housing Law.
3. City Council designates the area in need of redevelopment.
 - July 18, 2007 – The City Council voted to designate eight blocks (11 acres) of property on the west side as a redevelopment area (“Western Edge Redevelopment Area”).

Step 2: Preparation of a Redevelopment Plan. Once a redevelopment area has been designated, the plan for the redevelopment of that area must be prepared and adopted. The Redevelopment Plan establishes the zoning for the designated area. The Redevelopment Plan is the primary document in the redeveloper selection process, as it defines the project and what the Council is seeking from a redeveloper. If an issue or desired vision is not addressed in the adopted Redevelopment Plan, the redeveloper will not account for it in their pro forma response, affecting the Council’s redevelopment agreement negotiations later. Therefore, the Redevelopment Plan is a critical document for establishing Council control and setting the tone for later redeveloper negotiations. The technical steps are as follows:

1. The City Council can either prepare a Redevelopment Plan and submit it to the Planning Board for review, or the City Council can direct the Planning Board to prepare the Redevelopment Plan. This is done by City Council resolution.
 - February 13, 2008 – Phillips Preiss Shapiro held a meeting on the City’s behalf, open to the public, to discuss the process and elements of the future redevelopment plan for the Western Edge.

- March 8, 2008 -- A second public meeting was led by Phillips Preiss Shapiro regarding the Western Edge Redevelopment Plan.
 - June 25, 2008 -- A third public meeting was led by Phillips Preiss Shapiro regarding the Western Edge Redevelopment Plan.
 - August 13, 2008 -- City Council adopted a resolution requesting the Planning Board to review the Western Edge Redevelopment Plan drafted by Phillips Preiss Shapiro.
2. The Governing Body is the final arbiter of the Redevelopment Plan. The City Council adopts the Redevelopment Plan by ordinance.
- February 18, 2009 -- City Council introduced an ordinance to approve a Western Edge Redevelopment Plan. This draft plan was tabled, due to concern that the plan was flawed in that it did not adequately address the issues raised by the public and the interests of the City.
 - THIS IS WHERE THE WESTERN EDGE REDEVELOPMENT PROCESS IS

Step 3: Selection of Redeveloper and Preparation of Redevelopment Agreement.

Once a Redevelopment Plan is in place, the City can implement the development of the Redevelopment Area through a negotiated Redevelopment Agreement with a redeveloper. The redeveloper selection process can vary. As mentioned in the attached memo from Maraziti, Falcon & Healey, property owners do not have the automatic right to be designated as the redeveloper of the property they own, although there are cases where that choice makes sense. Redevelopers may be chosen as a result of unsolicited proposals, informal invitations issued by the City, or through a more formal, open, competitive process.

The LRHL does not specify the manner for redeveloper selection. However, it is clear that the municipality may only engage in negotiations with potential developers **after** a Redevelopment Plan is adopted. Therefore, regarding the Western Edge Redevelopment Area, we are not at a point of discussing potential redevelopers until we have a Redevelopment Plan in place.

Step 4: Implementation. The Redevelopment Agreement should be very specific about how the City will oversee the project from approvals through issuance of certificate of completion. This is the opportunity for the Council to maintain control over the project as it is built. Oversight also keeps the Council informed of the status of the project so they are better able to answer questions of the public.

In redevelopment, the City is able to offer attention to a redeveloper that is not allowed under the Municipal Land Use Law. The redevelopment agreement should require regular project status meetings between the redeveloper project team and the City's team. This is an opportunity for the City to make sure the project is on schedule and to learn about any delays or problems.

Regarding the Western Edge Redevelopment Area, although a draft plan was prepared in 2008, the interests of the City were not adequately represented in that document.

Without an adopted vision for this area, property owners may pursue other project approvals outside of the redevelopment process. To hinder that and ensure that the

project is developed as a comprehensive plan for the area, a Redevelopment Plan should be adopted.

To continue the preparation of the plan for the Western Edge Redevelopment Area, the City intends to use the in-house planner to draft a plan. The plan will be structured on the prior plan, but will consider the concerns presented at the various public meetings held throughout the process to date. The revised plan will also address the redeveloper selection process, and define the project and what the Council is seeking from a redeveloper.

We propose to present a draft of the revised plan at a public meeting to provide the public with an opportunity to comment on the revisions. The City Council may then direct the Planning Board to review the draft plan and determine consistency with the Master Plan. Once the Council receives the Planning Board's recommendations, the Council may introduce and then subsequently hold a public hearing and adopt the plan.

As noted earlier, once a plan is adopted, the municipality is allowed to engage in discussions with potential redevelopers. To make this a competitive process for potential developers to present various plans, the City can solicit Requests for Proposals (RFP). This allows the City to see a range of possible designs for the area.

The adopted plan can be attached to the RFP so the City's criteria for the redevelopment are clearly established. Proposals would be expected to reflect those criteria. The RFP would also spell out what the process will be for public presentations of the developer proposals, the review process of proposals, the process for selecting the favored proposal and entering into interim discussions with that developer, the public input process during that interim period, and the option of the City if the results of the interim period are not satisfactory to relieve that developer and enter into interim discussions with any other developer who submitted a proposal. Once a satisfactory revised proposal is determined, the City Council may designate the redeveloper.

The purpose of proceeding in this manner is as follows:

- Professional service costs to devise a refined redevelopment plan paid by developer.
- Not just one design to consider.
- Public input a priority.

Any applicants who have submitted applications for properties within the redevelopment area to the planning board or zoning board in the mean time will be made aware that this is a designated redevelopment area, the process the City is pursuing, and that a redeveloper has yet to be selected. Those applicants would certainly be welcome to submit an RFP as part of the redevelopment process. Any such conversation should include the statement that the developer is free to proceed with a development application but the City may ultimately be looking to incorporate the property into a redevelopment plan.

I will continue to keep all of you informed of the progress as we move forward with this process.

JOSEPH J. MARAZITI, JR.
CHRISTOPHER H. FALCON
DIANE ALEXANDER†
ALBERT I. TELSEY†
ANDREW M. BREWER
BRENT T. CARNEY
ANTON L. LENDOR
CHRISTOPHER D. MILLER
HEATHER A. PIERCE
†ALSO MEMBER NY BAR



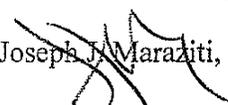
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MEMORANDUM

TO: Brandy Forbes, AICP, PP, Community Development Director
Michael Kates, Esq, Corporation Counsel

FROM:  Joseph J. Maraziti, Jr., Esq.

DATE: April 21, 2010

RE: Western Edge Redevelopment Plan

REDEVELOPMENT PLAN ADOPTION

Municipalities are authorized by the Local Redevelopment and Housing Law (“LRHL” or “Redevelopment Law”) to designate redevelopment areas, formulate redevelopment plans, select redevelopers, negotiate and execute redevelopment agreements and otherwise implement redevelopment plans. N.J.S.A. 40A:12A-1 et seq. It is important to note that the redevelopment process is governed by the Redevelopment Law and not the Municipal Land Use Law (“MLUL”). Understandable confusion on this issue often leads to both missed opportunities for the public sector and potentially fatal legal flaws. There are very particular and substantive differences between the powers of local government under the Redevelopment Law on the one hand and the Municipal Land Use Law on the other.

It is my understanding that the City Council of the City of Hoboken (“Council” or “Governing Body”) has been designated as the Redevelopment Entity for the City. In July 2007, the Council designated the area in the western section of the City of Hoboken as the Western Edge Redevelopment Area (“Redevelopment Area”). Although a redevelopment plan had been drafted, it has not been adopted. Therefore, in order to be able to employ all the powers of the Redevelopment Law, the next step is the preparation and adoption of the Redevelopment Plan for the Western Edge Redevelopment Area. Outlined below are the statutory procedures for the adoption of the Plan.

Under the Redevelopment Law, the Council may choose to either retain the responsibility for the preparation of the Plan or it may designate that responsibility to the Planning Board. N.J.S.A. 40A:12A-7. The more typical procedure is for the governing body to take the lead and prepare the Plan. Even if the Council chooses to prepare the Plan, it must be transmitted to the Planning Board for the Planning Board’s review and opportunity to recommend any changes. Upon completion of its review and/or recommendation of any changes, the Planning Board submits its report to the Council so that the Council will have the benefit of the views of the Planning Board before it considers the Plan for adoption. The Planning Board can submit its recommendations back to the Council as soon as it completes its review. However, it must do so within 45 days after the adoption of a resolution by the Council to send the proposed Plan to the Planning Board, and the actual referral of the plan to the Board Secretary. After 45 days, if the Planning Board does not submit its review, then the Council may act to consider the passage of an ordinance to adopt the Plan without the Planning Board’s input.

If the Planning Board recommends changes and transmits its report to the Council within the 45 day requirement, then Council may approve the Planning Board's proposed changes, disapprove the changes, or modify the changes by a vote of a majority of the full membership of the Council. If the Council does not accept the Planning Board's recommendations, then the Governing Body must record the reasons for not following those recommendations in the meeting minutes.

The Redevelopment Law requires that the Plan be adopted by ordinance and all the usual ordinance adoption procedures apply. Notice of the public hearing must follow the typical ordinance procedure pursuant to N.J.S.A. 40:49-2. However, there are no additional procedures specified in the LRHL for the adoption of an ordinance regarding adopting a redevelopment plan. (In particular, it is noted neither individual notice to property owners or others is required and that no other notice requirements apply to the consideration of an ordinance to adopt a redevelopment plan.) Of course, the Council or staff may choose to provide interested party with courtesy notices as the process proceeds.

A visual representation of this process is attached.

REDEVELOPER SELECTION PROCESS

The Redevelopment Law grants the redevelopment entity the power to select the redeveloper or redevelopers to implement the plan. Property owners do not have the automatic right to be designated as the redeveloper of the property they own, although in a number of cases that choice may make sense. As to the method of choosing the redeveloper, the Redevelopment Law does not codify the manner for redeveloper selection, leaving that decision in the hands of

the local authorities. The law is clear however regarding the timing of redeveloper selection. The Appellate Division of the New Jersey Superior Court has recently ruled that negotiations with redevelopers should not occur prior to the adoption of the Redevelopment Plan. Monroe Properties v. City of Hoboken, 2008 wl 2219890 NJ Super (App. Div. 2008). In that case, after years of effort and significant expenditures, the court invalidated all the actions that had been taken to designate the area as one in need of redevelopment, adopt a plan, select a redeveloper and enter into a redevelopment agreement.

Only after the Plan is adopted, may the municipality engage in negotiations with potential redevelopers.

Redevelopers may be chosen as a result of an unsolicited proposal, informal invitations issued by the City or by way of a formal, open, and competitive process. Thus the City may choose to issue a Request for Proposals ("RFP") from potential interested parties to implement the redevelopment Plan by utilizing various methods of advertisement and solicitations to the redevelopment community. This competitive process allows the City to review a range of possible proposals and designs by redevelopers for the Redevelopment Area. Occasionally, a Request for Qualifications ("RFQ") is issued first to narrow the field of potential recipients of the RFP. Some of the benefits of proceeding with a competitive process by utilizing the RFP and entering into an Interim Redevelopment Agreement include the following:

- (1) The City may obtain more creative options and varying implementation strategies for the implementation of the Plan within the Redevelopment Area.

- (2) The competitive process is often the most effective way to obtain a redevelopment project that most fully reflects the interests of the community, not only with regard to the design and scope of the project, but also with respect to the public amenities that accompany it.
- (3) The City has a clear negotiating advantage if multiple parties are competing to be chosen as the redeveloper.
- (4) The relative transparency of the process minimizes public skepticism and promotes public confidence in the integrity of the process.
- (5) A heightened level of public awareness and a requirement for greater opportunities for public input are customarily features of the competitive process.

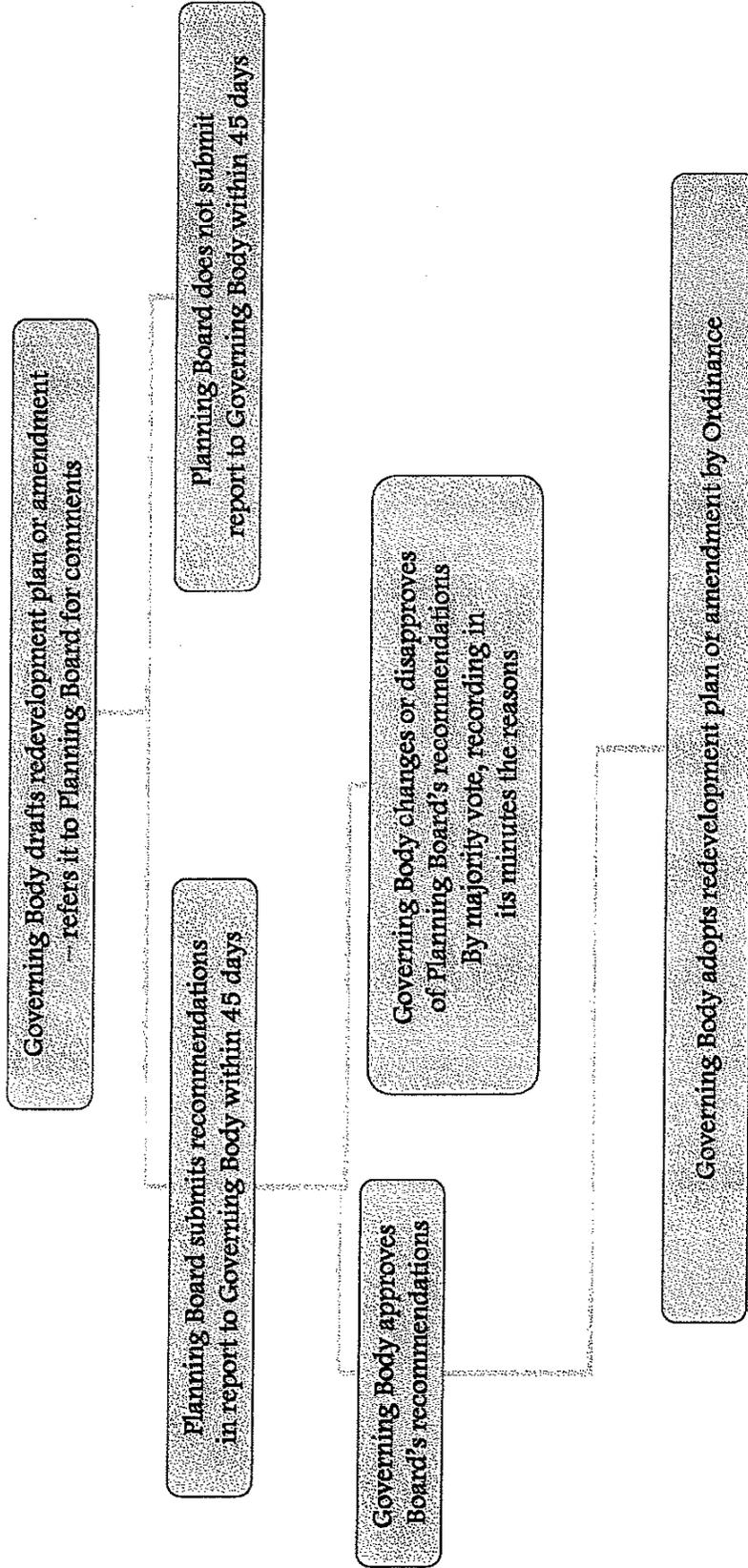
The RFP may outline a wide variety of requirements to be satisfied by the potential redevelopers. Examples of such requirements as part of the RFP approach may include the following:

- (1) public presentations of the redeveloper's proposal;
- (2) an openness to maximizing opportunities for public input;
- (3) execution of an Interim Redevelopment Agreement, which requires the conditional redeveloper to post a sufficient escrow to fully defray the costs of the City for the necessary services of consultants and attorneys during the negotiation phase.
- (4) an understanding that if interim negotiations fail, the City reserves the right to terminate the negotiations under the Interim Redevelopment Agreement; and

(5) an understanding that if interim negotiations fail, the City may continue negotiations with another Redeveloper that submitted a proposal.

After the interim period, if the parties can agree on the description of the project, the project schedule and all the many other issues that should be a component of a successful redevelopment agreement, then the Council may designate the interim redeveloper as the redeveloper for the Redevelopment Area, execute the redevelopment agreement and begin the redevelopment implementation.

Plan Created by the Governing Body (N.J.S.A. 40A:12A-7(e))



SPONSORED BY: _____

SECONDED BY: _____

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

MAY 19, 2010

RAFFLES

1 ITEM @ \$20.00

ST. FRANCIS CHURCH
308 JEFFERSON ST.
HOBOKEN, NJ

RA1340: 1 DRAWING
50/50 RAFFLE
10/04/2010

Introduced by: David Mello

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. : _____

RESOLUTION PERMITTING THE ESTABLISHMENT OF NINETY (90) DAY TEMPORARY CAR SHARING PARKING ZONES AT VARIOUS ON-STREET LOCATIONS THROUGHOUT THE CITY OF HOBOKEN FOR THE PURPOSE OF INITIATING THE CITY-WIDE CAR SHARING PROGRAM ENTITLED "HOBOKEN CORNER CARS"

WHEREAS, the location of car sharing vehicles in Hoboken has been demonstrated to reduce the number of vehicles parked on-street; and

WHEREAS, the City Council recently awarded a contract to a vendor to manage a city-wide car sharing program; and,

WHEREAS, preliminary placement of car-sharing vehicles on-street in temporary car-sharing parking zones would allow the Department of Transportation and Parking to identify the ideal locations for car sharing vehicles; and,

WHEREAS, the Department of Transportation and Parking would coordinate and seek approval from individual ward council persons where car sharing parking zones are planned prior to placement of car-sharing vehicles; and,

WHEREAS, upon demonstration that temporary car-sharing zones are functioning effectively the Department of Transportation and Parking would seek City Council approval for an ordinance permanently establishing car-sharing zones upon the City's streets.

NOW THEREFORE, BE IT RESOLVED, that:

1. A maximum of fifty (50) temporary car-sharing parking zones be established at various on-street locations throughout the City of Hoboken.
2. The temporary car-sharing zones shall be established for a maximum of ninety (90) days, after which time the Department of Transportation and Parking shall provide the City Council with the identified ideal permanent locations for the car-sharing vehicles and seek approval of the City Council to establish those cities permanently by ordinance.
3. The purpose of this resolution shall be to initiate the city-wide car sharing program, which

shall, from this point forward, be entitled "Hoboken Corner Cars."

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer to take any actions necessary to complete and realize the intent and purpose of this resolution.

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

Meeting Date: May 19, 2010

Reviewed by:



Arthur Liston
Business Administrator

Approved as to Form:



Michael B. Kates
Corporation Counsel

Introduced by: _____

Seconded by: _____

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

**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

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 presented at the March 24, 2010 hearing by Arnold K. Mytelka, Esq., Counsel for the Applicant; W. Mark O'Brien, Esq., Counsel for the Appellant; and Douglas M. Bern, Esq., Counsel for 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. From approximately 1992 through 2001 when the wholesale meat distribution business was abandoned, 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. In and around 2001, after approximately ten years of complaints from adjacent residents (Skyline Condominiums) and a variety of enforcement actions undertaken by the City, none of which were demonstrated to have occurred in close proximity to the abandonment 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 "undertaken by the City".

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. He further testified that 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 owner testified that 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 Governing Body 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.

25. A minority of the Council expressed the view that the I-2 Zone has become or is becoming obsolete for this area of the City and that the appropriate use for this area is residential. They found support for that position in the owner's testimony regarding the current non-use of the Property and his inability to rent or sell the Property for any of the permitted uses in the I-2 Zone. They felt that traffic in this area of Hoboken

was problematic and would be aggravated by the use of the Property for any of the permitted uses in the I-2 Zone. Similar uses to those that were carried out by the owner create in their view specific traffic problems related to backing vehicles into the truck bays. They felt that the very complaints that were raised by Skyline Condominiums residents to the use of the Property as permitted in the I-2 Zone would be resurrected if the Property were used in that fashion. In the view of the minority, this provided further

support for the proposition that the use of the Property in an I-2 manner would be inconsistent with the well-being and general welfare of the residents.

It was the further position of the minority that the suitability of the site for residential use is apparent because of the several residential buildings in the surrounding area, both in Hoboken and Jersey City and that various goals of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. would be advanced by such residential use, including those set forth in N.J.S.A. 40:55D-2a, d, and e. The minority was of the view that the proposed project location was a "gateway to Hoboken" and that looking at the project in a common sense way justified the determinations of the Zoning Board of Adjustment and thus supported the granting of the variances requested. It was noted by the minority that once the proposed use changed to residential, the F.A.R. and the height regulations otherwise acceptable for non-residential use would be inappropriate for residential use and thus, that it was inappropriate to consider the requested variances from the F.A.R. and height in

isolation from the primary use variance sought. Finally, the minority would defer to the well-reasoned 31 page resolution adopted by the Zoning Board of Adjustment granting the variances.

The majority, after fully considering each of these arguments and giving each full consideration elected to take the action below:

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.

10. The minority would find justification for the granting of the variances requested and the satisfaction of the positive and negative criteria by the Applicant for the reasons

as set forth in Paragraph 25 of the Findings of Fact and for the reasons given by the minority of the Council Meeting, March 24, 2010.

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.

Approved: 

Michael B. Kates, Corporation Counsel

Meeting: May 19, 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 May 5, 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

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION NO. : _____

RESOLUTION AFFIRMING GRANT OF USE VARIANCE BY ZONING
BOARD OF ADJUSTMENT ON DEVELOPMENT APPLICATION OF 226
PARK REALTY, LLC AND APPEAL OF DANIEL TUMPSON.

WHEREAS, an application variance relief incidental to Minor Site Plan approval was granted to 226 Park Realty, LLC ("Applicant") on October 20, 2009 (memorialized December 15, 2009) by the Hoboken Zoning Board of Adjustment, in connection with proposed improvements to property commonly known as 226 Park Avenue, more particularly described as Block 165, Lot 23, on the tax map of the City of Hoboken, County of Hudson, State of New Jersey (the "Property"); and

WHEREAS, Daniel Tumpson filed a timely appeal to the City Council pursuant to N.J.S.A. 40:55D-17 and Hoboken Code Section 44-34, of the grant of the (d)(5) and (d)(6) "use" variances [N.J.S.A. 40:55D-70(d)(5) and N.J.S.A. 40:55D-70 (d)(6)],; and

WHEREAS, a *de novo* review by the City Council was conducted on April 20, 2010, based upon the record established before the Zoning Board in public hearings on August 18, 2009 and October 20, 2009, and,

WHEREAS, for purposes of this appeal to the City Council, the appellate authority of the City Council was limited to:

1. Relief from **Section 196-14E(6)(a)** of the Zoning Ordinance, where the maximum number of stories is three (3) stories, and the Applicant proposed four (4) stories; and

2. Relief from **Section 196-14E(8)** of the Zoning Ordinance, where the maximum dwelling units are 3.8 dwelling units, and the Applicant proposed four dwelling units; and

3. Relief from **Section 196-14E(6)(a)** of the Zoning Ordinance, where, if both adjacent buildings are lower than the maximum permitted, then the building may match the higher of lower building (which is 34 feet above base flood elevation), and the Applicant proposed a building of 40 feet above base flood elevation (the Applicant originally requesting height of 43 feet above base flood elevation but amending its request to 40 at the hearing on October 20th); and

WHEREAS, at the *de novo* review on April 20, 2010 oral argument was presented by Applicant's attorney, Douglas F. Doyle, Esq., of DeCotiis, Fitzpatrick & Cole, LLP, Daniel Tumpson, pro se, and Douglas M. Bern, Esq., of Kaufman, Bern, Deutsch & Liebman, LLP, the Zoning Board attorney; and

WHEREAS, the record included the following documents in evidence:

- Exhibit A-1 - Board-mounted photographs of aerial view of neighborhood and each adjacent building;
- Exhibit A-2 - Survey elevation of Caulfield & Associates;
- Exhibit A-3 - Schematic drawing;
- Exhibit A-5 - Photographs of adjacent properties;
- Exhibit O-1 - Nine photographs of existing conditions;
- Exhibit O-2 - Four photographs of the site; and

WHEREAS, on April 20, 2010 the City Council approved the development application of 226 Park Realty, LLC and intends by this Resolution to memorialize its findings, conclusions and conditions with respect to the application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the following facts and conclusions of law are hereby made and determined:

1. Applicant is the developer of property commonly known as 226 Park Avenue, Hoboken, New Jersey, and more particularly described as Block 165, Lot 23 on the Tax Map of the City of Hoboken (the "Property"). The Property is located within the "R-1" Residential Zone District pursuant to the Zoning Ordinance of the City of Hoboken. Applicant intends to construct a four-story, four-unit residential structure with rear balconies (the "Project") on an existing vacant site, which previously accommodated a dilapidated two-story residential structure and shed at the rear of the Property.

2. The Property is located on the western side of Park Avenue between Second and Third Streets, on a lot of 2,500 square feet. The adjacent building to the north is improved with a

three-story mixed-use building, with a commercial unit on the first floor and residences on the upper floors. The property to the south is improved with a three-story residential structure.

3. The subject application is supported by the following documents:

- Application for Minor Site Plan Approval dated March 3, 2009.
- Site Plan and Architectural Drawings prepared by James Mc Neight dated September 9, 2008, last revised June 8, 2009.
- Survey of the Property prepared by Caulfield Associates, dated June 2, 2008.
- Planning and Zoning Analysis prepared by Community Housing & Planning Associates, dated August 14, 2008, last revised March 3, 2009.

4. At the hearings before the Hoboken Zoning Board of Adjustment on August 18, 2009 and October 20, 2009, Applicant through counsel, Stephen R. Spector, Esq., presented testimony by: architect James Mc Neight, Applicant's Planner, David Spatz, and Anthony Sabia, a general contractor, and principal of the Applicant. At the hearing on October 20, 2009, objectors Paul Pizzuti, Jodie Fink, and Cassie Warrington, through their counsel, George Pappas, Esq., and testimony was also provided by objectors' planner, Richard Lapinski. Objectors Cassie Warrington and Jodie Fink also testified on October 20, 2009.

August 18, 2009 Hearing

5. At the hearing on August 18, 2009, Mr. Mc Neight testified that the proposed building is a common building type for a 2,500 square foot piece of land. He stated that the second through fourth floors are the same layout, and there is an interior stairway providing for a three-bedroom layout. There is also a ten-foot balcony in the back of each unit (floors one through four) containing the exterior stairs.

6. Mr. Mc Neight further testified that the rear yard would contain a ten foot deck, with 30 feet having a planted area and a six-foot wooden fence and three sides demarcating the lot and landscaped grass. He stated that the construction would not cause any increase in flow of stormwater.

7. Mr. Mc Neight offered the opinion that the building is in character with the rest of the block, emphasizing that the two adjacent buildings would have a zero front yard setback.

8. Anthony Sabia, the contractor and a principal of the Applicant, testified that he measured the adjoining building at 228 Park Avenue, which was 32 feet, 1 inch in height measured from sidewalk to roof, and 33 feet, 9 inches in height measured from sidewalk to cornice. He also measured the building to the stoop instead of to the sidewalk. He stated that with respect to adjoining 224 Park Avenue, from the sidewalk to the roofline, the

proposed building is 30 feet, 8 inches, and, measured to the cornice, it is 31 feet, 4 inches. The Board discussed that measuring to the sidewalk would have added another six inches to the permitted height, so the Applicant actually used a measurement that was not as favorable to him.

October 20, 2009 Hearing

9. At the October 20th hearing, David Spatz, Applicant's planner, described the variances requested. He stated that in connection with the "d(6)" variance for height, Applicant could rely upon *Grasso v. Borough of Spring Lake Heights*, 375 N.J. Super. 41 (App. Div. 2004), as "special reasons" are satisfied if a taller structure than what is permitted is still consistent with the surrounding neighborhood.

10. Mr. Spatz opined that the proposed building is compatible with the residential uses in the vicinity. He testified that the western side of Park Avenue between Second and Third Streets is developed with three-family, four-family and five-family homes. He added that there are five-story buildings located further north, and several buildings to the south are four stories, even though the adjacent buildings are three stories in height.

11. Mr. Spatz testified that with respect to the "d(5)" density variance, the proposed building is also consistent with

the surrounding buildings. He added that to the south, the three-unit buildings would provide densities of 55 units per acre, while the proposed site would have a density of 69 units per acre. He stated that to the north, on Lots 21, 20 and 19, there are densities of 103 units per acres, 165 units per acre and 348 units per acres, which are significantly lower than the densities of the buildings closest to the site.

12. Mr. Spatz stated that no parking is required, so there is no effect on the existing curb cut or the neighborhood, and drainage can be handled at the site. He opined that the site can support four units.

13. Mr. Spatz offered several purposes of zoning to justify the "use" variances, more particularly: (i) N.J.S.A. 40:55D-2(e), as there is an establishment of appropriate population densities and concentrations that contribute to the well-being of persons, neighborhoods, communities and regions, and (ii) N.J.S.A. 40:55D-2(i), as the Project promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

14. Mr. Spatz added that pursuant to *Burbridge v. Mine Hill Township*, 117 N.J. 376 (1990), special reasons are met through the promotion of the general welfare and the provision of desirable visual environment, as the building that was on the site was removed, and was in poor condition. Mr. Spatz also

stated that pursuant to *Home Builders of South Jersey, Inc. v. Township of Berlin*, 81 N.J. 127, 145 (1979), special reasons are met through the preservation of neighborhood character and conservation of neighborhood values. He stated that the four-unit building is in character with the existing neighborhood, which is residentially developed.

15. Mr. Spatz opined that there are no substantial detriments to the public good or substantial impairments to the Hoboken Master plan or zoning ordinance, which is a required finding by this body under N.J.S.A. 40:55D-70(d).

16. In response to cross-examination by Mr. Pappas, Mr. Spatz explained the method of determining height which was based upon heights of the adjacent buildings, as the new building did not occupy more than 50 feet of frontage, and the heights of the adjacent buildings were lower than the maximum permitted.

17. In its determination, the Zoning Board noted that the judgment of Hon. Maurice J. Gallipoli, J.S.C. dated January 2, 2009, with respect to 259 Second Street, precludes rounding up in calculating density (so a d(5) density was required for 3.8 units when 4 units is permitted).

18. In response to a question from a Zoning Board member, Mr. Mc Neight replied that the cornice could be removed so that the height of the building would be 40 feet instead of 43 feet.

19. Cassie Warrington, who resides in Apartment 3L, 230 Park Avenue, expressed concern that her sunlight would be blocked. On cross-examination, Ms. Warrington stated that the windows are now partially obstructed by the building at 228 Park Avenue, including the building's chimney at 228 Park Avenue. Jodie Fink, who resides in 230 Park Avenue #4L, testified that a main feature which attracted her to the apartment was its three windows, and with the proposed four stories at 226 Park Avenue, she would be losing her view and the light and air would be diminished. She also acknowledged that the chimney of 228 Park Avenue blocks some sun and light.

20. Objectors' expert planning witness, Richard Lapinski, offered the opinion that the site would not be able to accommodate the fourth unit. He concluded that there is no justification for increasing either the number of stories or the height of the building. He noted that while the amount of interference would be subjective, a four-story building at the site would have some impact on adjoining property. He acknowledged that the amount of light restricted was not measured and he had no study confirming blocking views from the adjoining properties.

21. Additional testimony was taken from Daniel Tumpson, appellant herein, of 230 Park Avenue. He stated that if the subject height variance were granted, a proposed building at 228

Park Avenue would be able to match the lower of the two buildings next to it pursuant to Section 196-14E(6)(a), and one would be the new height of the building at 226 Park Avenue. He noted that if that were to happen, the owner of 228 Park Avenue would then be able to block the third floor windows in 230 Park Avenue, creating harm to the inhabitants.

22. The City Council disagrees on this fundamental point. The subject ordinance (hereinafter "Infill Ordinance"), reads as follows:

§ 196-14E(6) Building height.

(a) R-1 District: Principal buildings, a maximum of three (3) stories but in no event more than forty (40) feet above base flood elevation, whichever is less.

[1] ...

[2] Where a new building occupies no more than fifty (50) feet of frontage between two (2) existing adjacent principal buildings whose height (as measured in feet) is lower than the maximum permitted for the district, the new structure may match the height of the higher of the two (2) buildings. Where the adjacent buildings are higher than the maximum permitted for the district, the new structure may match the lower of the two (2) buildings. Final height in such a case includes any front parapet.

Accordingly, a new, infill construction on 228 Park Avenue could be as high as forty (40) feet as of right, which would have the same effect of blocking in whole or in part the window views from 230 Park Avenue. And, the addition of a fourth floor or story at 228 Park Avenue would still require a "d(6)" use variance from the Zoning Board.

23. The City Council approaches its *de novo* review of the record established before the Zoning Board fully cognizant that it is reaching its own conclusions based on the record created

before the Board. It is not evaluating the decision-making of the Board or reviewing that decision based upon any presumption favoring the Board's decision.

24. Further, the City Council is aware that the burden of proof remains with the Applicant and not with appellant Tumpson.

25. Thus, the City Council is focused on categorical "use" variances in the subject development application, as follows:

- Relief from **Section 196-14E(6)(a)** of the Zoning Ordinance, where the maximum number of stories is three (3) stories, and the Applicant proposed four (4) stories; and
- Relief from **Section 196-14E(8)** of the Zoning Ordinance, where the maximum dwelling units are 3.8 dwelling units, and the Applicant proposed four dwelling units; and
- Relief from **Section 196-14E(6)(a)** of the Zoning Ordinance, where, if both adjacent buildings are lower than the maximum permitted, then the building may match the higher of lower building (which is 34 feet above base flood elevation), and the Applicant proposed a building of 40 feet above base flood elevation (the Applicant originally requesting height of 43 feet above base flood elevation but amending its request to 40 at the hearing on October 20th);

26. Predicated upon the report and the testimony of the Applicant's planner, Mr. Spath, the City Council concludes that:

a. The Project promotes the general welfare and provides a desirable visual environment. The proposal provides for the replacement of a building in poor condition (now demolished) with new construction that continues the very positive trend of upgrading housing in the neighborhood while preserving the "streetscape". New construction during these very difficult economic times is a testament to the vitality of Hoboken and is to be encouraged, so long as it is compatible with the existing neighborhood development.

b. The proposed four unit residential use is permitted in the "R-1" zone. Multi-family buildings are located on either side of the subject site. The proposed development is compatible with the residential uses in the vicinity. It does not overwhelm adjoining properties. The Project will not result in any loss of parking or any additional curb cuts.

c. The Infill Ordinance is intended to preserve three-story residential construction where there is a consistency of three-story structures. That is not the case here.

27. With regard to the height "d(6)" variance the Superior Court has held in *Grasso v. Spring Lake Heights*, that the benefit of harmonious, consistent styles of houses could outweigh any aesthetic detriment arising out of an "excessive" height structure. Thus, "special reasons" could exist if it is demonstrated that a taller structure other than that permitted by ordinance would be consistent with the surrounding neighborhood. Here, the western side of Park Avenue, between Second and Third

Streets is developed with a mixture of three, four and five-story buildings. While the buildings on either side of the site are three stories, three buildings to the north are five stories high and several buildings to the south are four stories in height, in addition to a six story multi-family building. Therefore, the proposed four-floor building, with height of 40 feet above grade, is characteristic of the neighborhood.

28. The historical "down-zoning" to three stories in the R-1 Zone was to preserve the integrity of three-story residential blocks. This block does not possess that integrity of design and thus the height variances are justified. Further, as stated by one Council member, the Infill Ordinance was also intended to preserve older buildings, acknowledging the aesthetics and architectural value of brownstones of a certain height and scale. The subject block has lost, to a certain extent, that opportunity because of new construction.

29. In connection with the "d(5)" variance for density, *Grubbs v. Slothower*, 389 N.J. Super. 377, 389-390 (App. Div. 2007), held that a successful applicant must show that despite the proposed increase in density the project would promote one or more purposes of zoning or is consistent with the overall goals of the Municipal Land Use Law. An applicant can demonstrate that the site will accommodate the problems associated with a proposed use with a greater density than permitted by ordinance. In this

matter, the similar residential building to the south has a density of 55 units per acre and the proposed four-unit Project would provide a density of 69 units per acre. The building directly to the north contains two units and a commercial space in a mixed use building. Further to the north are multi-family buildings up to the corner of Third Street, with buildings providing densities of 183 dwelling units per acre (Lot 21), 165 dwelling unit per acre (Lot 20), and 348 dwelling unit pr acre (Lot 19). Accordingly, the Project's four dwelling units would be characteristic of densities in the surrounding neighborhood. In sum, the Council finds that additional "special reasons" do exist for the "d(5)" and "d(6)" variance relief requested by the Applicant; specifically that the height and densities of the proposed building will be in keeping with neighboring structures.

30. With regard to the negative criteria for "d" variances, generally they are not granted unless they can be granted (1) without **substantial** detriment to the public good, and (2) without **substantially** impairing the intent and purpose of the zone plan and ordinance. *Medici v. BPR Co.*, 107 N.J. 1, 1, 3, 23-24 (1987). The detriment or impairment must truly be "substantial", as the granting of any variance will have an impact to some degree. *Medici*, 107 N.J. 1, 23-4 (1987).

31. Based upon the reports and testimony of the Applicant's planner, the Board finds that the variances may be granted without substantial detriment to the public good because:

a. The Project will not have a substantial detriment to the public good by permitting a building that is slightly taller and of greater density than permitted, because other neighboring buildings on Park Avenue have similar housing and densities that are consistent with the proposed development.

b. The Project is in character with the surrounding residential land uses and is compatible with the existing neighborhood development.

c. The Applicant is only seeking two bulk variances: one in connection with the lot coverage for the deck and the other for minimum front yard, which is similar to existing residential development in the neighborhood.

d. The Applicant is not proposing any parking at the site (nor is it required), so the curb cut will not be affected.

e. The proposed multi-family residential use is permitted in the R-1 Residential Zone, and the proposed development is compatible with the residential uses in the vicinity and continues the trend toward new multi-family residential development in the city, including the adaptive reuse of existing structures.

f. The Project implements recommendations of the Hoboken Master Plan, Recommendation No. "1" because it promotes compatibility in design and orientation between new and existing development.

32. In sum, the Applicant has demonstrated, and the City Council finds, that the negative criteria are satisfied in that granting the "d(5)" and "d(6)" variances will not cause substantial detriment to the public good and will not

substantially impair the intent and purpose of the zone plan and zoning ordinance. The Council finds that the deviations from the provisions of the zoning ordinance are not individually or cumulatively so substantial as to substantially impair the intent and purpose of the zone plan or zoning ordinance. The Council further finds that benefits of the Project substantially outweigh any possible detriment which might result from the deviations, and the granting of the variances pursuant to N.J.S.A. 40-55D-70(d) are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the within development application be granted subject to the conditions imposed by the Zoning Board of Adjustment in its memorializing resolution of December 15, 2009, and with the following additional conditions:

- The parapet/cornice shall be removed, resulting in a height of 40 feet above base flood elevation.
- The rear balcony shall be reduced to a depth of seven feet and a width reduced by two feet on either side (which results in lot coverage of 5.88% for the balcony).

This Application was approved by the City Council at a special meeting on April 20, 2010, upon motion of Council President Cunningham and seconded by Councilman Giacchi and upon the roll call as follows:

IN FAVOR: CUNNINGHAM, MARSH, LENZ, CASTELLANO, MELLO,
BHALLA AND GIACCHI

OPPOSED: NONE

ABSENT: RUSSO

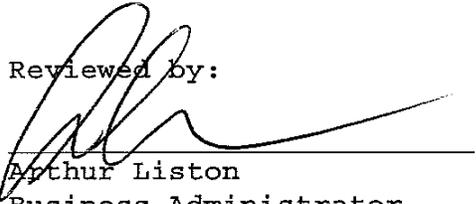
RECUSED: MASON

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Applicant, Appellant, City Clerk, Construction Code Official and Zoning Officer of the City of Hoboken.

This resolution was adopted on the 19th day of May, 2010 upon the motion of _____ and seconded by _____ by a vote of _____ yeas and _____ nays.

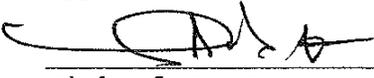
Peter Cunnigham
Council President

Reviewed by:



Arthur Liston
Business Administrator

Approved as to Form:



Michael B. Kates
Corporation Counsel

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

**A RESOLUTION APPROVING PARTICIPATION WITH THE NEW
JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY for the
Click it or Ticket Mobilization of May 24 through June 6 2010**

WHEREAS, the City of Hoboken is interested in participating with the N.J. Division of Highway Traffic Safety and supporting their **Click It or Ticket Seat Belt Campaign**, and

WHEREAS, there were 586 motor vehicle fatalities in New Jersey in 2009, and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt, and

WHEREAS, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash, and

WHEREAS, the Division of Highway Traffic Safety estimates that 135,000 lives have been saved by safety belt usage nationally between 1975-2000, and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket Safety Belt Mobilization from May 24 - June 6 2010 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education, and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 92.67% to 100%, and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways;

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

- 1) The Mayor or his designee is authorized to execute the above reference program , and all other documents to fulfill the intent of the program.
- 2) As a matter of public policy, the City of Hoboken wishes to participate to the fullest extent possible with the **Click It or Ticket Safety Belt Mobilization** both locally and nationally from May 24 - June 6 2010 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Reviewed by:



Arthur Liston, Business Administrator

Approved as to Form:



Michael Kates , Corporation Counsel

Dated: May 19, 2010



City of Hoboken Resolution
Resolution No: _____

CALENDAR FOR July 2010 through June 2011

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for July 2010 through June 2011, and be it further

RESOLVED, that in accordance with N.J.S.A. 10:4-8(d) and 10:4-18 (Open Public Meetings Act), within seven (7) days of passage of this Resolution, the City Clerk shall (a) prominently post this Resolution in at least one location at City Hall reserved for similar announcements; (b) mail, telephone, telegram or hand deliver this Resolution to all of the official newspapers of the City of Hoboken; and (c) maintain a copy of this Resolution in the Office of the City Clerk; and, be it further

RESOLVED, that this Resolution be advertised in two of the City's official newspapers within (7) days of passage.

CITY COUNCIL MEETINGS, COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NJ

NOTICE OF DATES AND TIMES FOR JULY 2010 THROUGH JUNE 2011

Wednesday, July 7, 2010	7 PM	Wednesday, January 5, 2011	7PM
		Wednesday, January 19, 2011	7PM
Wednesday, August 11, 2010	7 PM	Wednesday, February 2, 2011	7PM
		Wednesday, February 16, 2011	7PM
Wednesday, September 1, 2010	7 PM	Wednesday, March 2, 2011	7PM
Wednesday, September 15, 2010	7 PM	Wednesday, March 16, 2011	7PM
Wednesday, October 6, 2010	7 PM	Wednesday, April 6, 2011	7PM
Wednesday, October 20, 2010	7 PM	Wednesday, April 20, 2011	7PM
Wednesday, November 3, 2010	7 PM	Wednesday, May 4, 2011	7PM
Monday, November 15, 2010*	7 PM	Wednesday, May 18, 2011	7PM
Wednesday, December 1, 2010	7 PM	Wednesday, June 1, 2011	7PM
Wednesday, December 15, 2010	7 PM	Wednesday, June 15, 2011	7PM

* Moved due to N.J. League of Municipalities Convention

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City's website – <http://www.hobokennj.org>.

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE LOCATION OF THE UPTOWN FARMERS' MARKET ON THURSDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER

WHEREAS, the Quality of Life Coalition of Hoboken and the City of Hoboken is sponsoring a farmers' market along the east side of Hudson Street between 13th and 14th Streets; and

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Uptown Farmers' Market will take place every Thursday, beginning June 3, 2010 and every Thursday thereafter ending no earlier than Thursday October 28, 2010; and

WHEREAS, the City of Hoboken request that the Council of the City of Hoboken suspend parking rules on that section of the east side of Hudson Street between 13th and 14th Streets so that the farmers can park their trucks to unload and sell their goods.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The Police Division shall enforce this regulation.
4. A certified copy of this resolution is provided to Mayor Dawn Zimmer, Director Jennifer Maier, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Ian Sacs, P.E., Director, Parking Utility.

This Resolution is effective immediately.

Department of Environmental Services Approved as to form:

Jennifer W. Maier, Director

Michael B. Kates, Corporation Counsel

Meeting Date: May 19, 2010

2010 UPTOWN HOBOKEN FARMERS' MARKET REGULATIONS

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

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

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

LOCATION/TIME: The market will operate on Hudson St. between 13th and 14th Sts. Arrive at least one-half hour before to set up. No sales will occur before 4:00 PM and breakdowns should be completed no later than 8:00 PM

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

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

SPACES: Spaces (of a specified size and location) will be assigned by the market manager. Spaces assigned to vendors are to be used only by that vendor. No leasing or lending of market stalls will be allowed. **When unable to attend, vendors must notify the Market Manager in advance (24 hours, if possible). Each vendor will be allowed parking for one vehicle on Hudson St. between 13th and 14th Sts. The Uptown Hoboken Farmers' Market will not be held responsible for parking violations of a second vehicle.**

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

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

not be permitted. Each producer is responsible for cleaning the area around his or her stall and providing at least one trash receptacle. Grower generated waste should be disposed back at the farm.

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

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

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

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

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

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

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

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

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

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

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

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

A listing of all purchased product approvals will be made available to all authorized farmers upon request. **Purchased items**

must be identified as such at the market by indicating the farm name and location where they were bought.

Full partnerships of two individual farmers sharing in the production of crops can participate in the Farmers Markets only with **written preapproval from the Market Manager** and supported with a partnership agreement filed in the county the farm is located. A full partnership is defined as two individual farmers actually sharing in the production (planting, cultivation, pest control, and harvest) of crops. This cannot be a brokerage arrangement. It is the grower participants responsibility to submit a legal partnership agreement to the Market Manager and the NJCFC before bringing the partnership's products to market.

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

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

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

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

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

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

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

Market Contact:

Uptown Hoboken Farmers' Market
John Branchiforte
10th and Garden Street
Hoboken, NJ 07030
201-993-6768

Introduced By: _____

Seconded By: _____

**CITY OF HOBOKEN
RESOLUTION No. _____**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year SFY 2009 has been filed by a Registered Municipal Accountant with the Hoboken City Clerk, James Farina pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Hoboken City Council of the City of Hoboken, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON May 19, 2010.

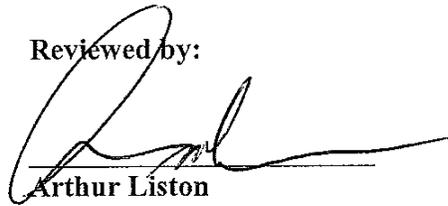
James Farina
City Clerk

APPROVED AS TO FORM:



Michael B. Kates
Corporation Counsel

Reviewed by:



Arthur Liston
Business Administrator

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTOCOPIES OF SIGNATURES**

STATE OF NEW JERSEY
CITY OF HOBOKEN
COUNTY OF HUDSON

We, members of the governing body of the City of Hoboken, in the County of Hudson, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Hoboken City Council of the City of Hoboken in the County of Hudson;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year SFY 2009;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Peter Cunningham, Council President

Ravi Bhalla

Theresa Castellano

Nino Giacchi

Michael Lenz

Carol Marsh

Beth Mason

David Mello

Michael Russo

Sworn to and subscribed before me this

_____ day of _____

Notary Public of New Jersey

Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**City of Hoboken
Hudson County, New Jersey**

Corrective Action Plan for 2009
Audit Report Year: June 30, 2009

**Including Comments on Findings and
Recommendations**



City of Hoboken
Comments on Findings and Recommendations
June 30, 2009

Prior Year

2008-3 Recommendation

All transactions should be approved and encumbered in the accounting system prior to purchase

Explanation and Corrective Action

The City is upgrading its purchasing system, establishing improved internal controls on purchase approvals and providing additional monitoring on the encumbrance accounting system.

City of Hoboken Contract Person

Arch Liston, Business Administrator; Richard England, Purchasing Agent

2009 Findings and Recommendations

City Clerk

Finding

Fee ordinance for the Police Department does not agree to fees charged

Recommendation

That an updated fee ordinance be approved by City Council to support the current fees charged

Explanation and Corrective Action

All City fees are currently being compared to fee ordinances to ensure compliance. Fee ordinances will be amended, as necessary, to reflect current charges.

City of Hoboken Contact Person

James Farina, City Clerk (Primary); Arch Liston, Business Administrator; Nick Trasente, Finance Director

Finance

Finding # 1

Not all financial transactions are being recorded in the general ledger as required by Technical Accounting Directive #3 for the following funds:

- Net Payroll
- Payroll Agency
- Housing Rehab-Upper Park Trust
- CDBG Trust
- Other Trust

Recommendation

That general ledger entries be recorded in a timely manner in order to maintain accurate records for the following funds:

- Net Payroll
- Payroll Agency
- Housing Rehab-Upper Park Trust
- CDBG Trust
- Other Trust

Explanation and Corrective Action

General Ledger accounts have been established for the Net Payroll, Payroll agency, Housing Rehab-Upper Park Trust, CDBG Trust and Other Trust Accounts

City of Hoboken Contact Person

Nick Trasente, Finance Director

Finding # 2

The following bank accounts had a deficit reconciled balance at year end (N.J.S.A. 40A:5-5)

- Net payroll
- Payroll Agency

Recommendation

The following accounts should be examined and the deficit in the reconciled balance be corrected.

Explanation and Corrective Action

The Net Payroll and Payroll Agency accounts have been examined. It was determined that the Net Payroll account did not have a deficit balance after reconciliation. The deficit in the Payroll Agency was resolved by adoption of a resolution by Council. The payroll supervisor has been instructed to ensure that each account is reconciled on a monthly basis and any discrepancies are resolved immediately.

City of Hoboken Contact Person

Nick Trasente, Finance Director (Primary); Maria Corcoran, Payroll Supervisor (Secondary)

Finding #3

Technical Accounting Directive #2, codified as N.J.A.C. 5:30-5.6, requires the City to place a value of all fixed assets put into service. The City had hired an appraisal company to prepare a listing of the City's assets as well as appraise each asset's value. The report prepared was for the fiscal year ended June 30, 2004 and has not been maintained to report new assets.

Recommendation

That the appraisal company should be contacted to update the report yearly.

Explanation and Corrective Action

The City's financial operations, which were under the jurisdiction of an outside consulting firm until January, 2009, were not managed in an accurate and efficient manner. Many requirements of law were not undertaken. As a result, the City was placed under State supervision in September 2008 and in January 2009 an experienced Finance Director was hired. Given the monumental task of implementing internal controls, accounting, budgeting and reporting systems, and given the City's level of fiscal distress, the physical inventory of assets and implementation of a fixed asset accounting system did not occur in FY 2009. In planning its FY 2011 budget, consideration will be given to contracting for inventory and appraisal services.

City of Hoboken Contact Person

Nick Trasente, Finance Director; George DeStefano, Chief Financial Officer

Finding # 4

Petty cash disbursed to various departments does not agree to State approved petty cash application.

Recommendation

That an updated application be submitted to the State to approve various appointments of petty cash.

Explanation and Corrective Action

The City only maintains two petty cash funds, granted to the Fire Department and Environmental Services, both of which have been approved by the DLGS.

City of Hoboken Contract Person

Nick Trasente, Finance Director

Finding #5

Change fund amount disbursed to Tax Office does not agree to approved amount.

Recommendation

That the amount disbursed to the Tax Office is approved through resolution in the minutes.

Explanation and Corrective Action

Under the former Tax Collector, the change fund was not reconciled and the fund was depleted without explanation. Under the new administration, change funds have been re-established and monitored as required. The fund will be approved by resolution of the governing body.

City of Hoboken Contact Person

Sharon Curran, Tax Collector

Finding #6

Withdrawals are being made prior to maturity on CD

Recommendation

Withdrawals should occur once CD has completely matured in order to avoid early withdrawal fees/penalties.

Explanation and Corrective Action

There was a lack of monitoring of cash flow requirements causing an early withdrawal of an investment. The City's cash flow is constantly monitored and has improved significantly. The need for early withdrawal of investments is no longer an issue.

City of Hoboken Contact Person

Nick Trasente, Finance Director, George DeStefano, CFO

Finding #7

Deposits are not made within 48 hours of receipt as required by 40A:5-15 for the following accounts:

- Other Trust
- Community Development

Recommendation

That all receipts are deposited with 48 hours.

Explanation and Corrective Action

Revenues for the Community Development Account are generated at a site other than City Hall. As a result, funds were not brought to City Hall for deposit timely. An improved system has been developed to ensure that the funds are transported to City Hall on a daily basis. Revenues for the Other Trust generated from outside vendors for City festivals and events. The funds were deposited after an application for the event was processed. The system has been changed and checks will be deposited immediately upon receipt.

City of Hoboken Contact

Nick Trasente, Finance Director, Leo Pellegrini, Director of Community Development
Finding #8

Electronic wire transfers are not being processed through the Purchase order procedures. Instead, they are wired and a manual entry to record the payment is made through the General Ledger.

Recommendation

That controls are put into place for items that are paid through Bank wire. All expenditures should go through the Purchase Order process to ensure proper approval.

Explanation and Corrective Action

There were problems with full utilization of the purchase order system under the prior administration. The CFO and the purchasing agent have been advised that purchase orders must be utilized to record wire transfers. Action corrected.

City of Hoboken Contact Person

Nick Trasente, Finance Director, George DeStefano, CFO, Richard England, Purchasing Agent

Purchasing

Finding #1

Goods/services are being ordered prior to being encumbered as prescribed by Technical Directive #1.

Recommendation

That all goods/services be encumbered prior to being ordered.

Explanation and Corrective Action

Under the prior administration, there were several instances of under budgeting, shorting appropriations in departments and, in able to acquire the goods and services necessary for municipal operations, goods and services were ordered without encumbering funds. This practice has been eliminated as monitoring has improved and requisitions are denied if adequate funds are not available for encumbrance.

City of Hoboken Contract

Richard England, Purchasing Agent

Finding #2

Vendor documents were not always available to support expenditures as required by DLGS' Requirements of Audit.

Recommendation

That supporting documentation for all purchases be made available for audit review.

Explanation and Corrective Action

Requisitions and purchases orders are monitored and audited for completeness prior to processing for payment, which was not accomplished in the past.

City of Hoboken Contract Person

Richard England, Purchasing Agent

Finding #3

Not all authorizing signatures are present of all purchase order as required by DLGS.

Recommendation

That all authorizing signatures are present on all purchase orders.

Explanation and Corrective Action

In an effort to expedite orders, purchase orders were processed without all appropriate signatures. The purchasing agent has been advised that no orders may be placed until all required signatures are obtained. Also, purchase orders are now audited for completeness.

City of Hoboken Contact Person

Richard England, Purchasing Agent

Finding #4

Instances where the budget account was not being charged correctly as required by DLGS.

Recommendation

That all invoices be charged to the correct budget account to which the services are rendered

Explanation and Corrective Action

Because of continual budget under funding, it was the practice of the Administration and Purchasing Agent to charge expenditures to any appropriation with unexpended funds. This practice has been eliminated and all budget line items are monitored regularly.

City of Hoboken Contact Person

Richard England, Purchasing Agent, Nick Trasente, Finance Director

Finding # 5

Purchasing Agent is overriding the receiving and vendor certification as required per the City purchasing policy to expedite payment.

Recommendation

That all required signatures are received prior to releasing funds to vendors.

Explanation and Corrective Action

This was an on-going practice of the prior administration and has been halted. The purchase orders are now audited prior to payment.

City of Hoboken Contact Person

Richard England, Purchasing Agent

Payroll

Finding #1

There is no approved salary ordinance for the fiscal year as required by DLGS.

Recommendation

That the salary ordinance be created and approved by Mayor and Council

Explanation and Corrective Action

There is a duly adopted salary ordinance which reflects City positions and wages through 1/1/08, the date of the last union contracts. An amendment to the ordinance will be adopted upon ratification of union contracts.

City of Hoboken Contact Person

Arch Liston, Business Administrator

Finding #2

A report of accrued liability for sick and vacation time payable is not maintained as prescribed in the detailed walkthrough of the payroll cycle.

Recommendation

That a report of accrued liability for sick and vacation time payable be updated and maintained by the payroll department.

Explanation and Corrective Action

A report of accrued liability is recorded manually; however, the City is upgrading its ADP payroll program which has the capability of recording all accrued leave time liability.

City of Hoboken Contact Person

Nick Trasente, Finance Director, Arch Liston, Business Administrator

Finding #3

Lack of documentation to support some employee retirement/termination

Recommendation

That proper records are kept for retired/terminated employees documenting termination date and termination payouts.

Explanation and Corrective Action

The City has implemented improved controls to record attendance and leave time. This information is maintained centrally in the personnel and payroll offices.

City of Hoboken Contact Person

Arch Liston, Business Administrator

Finding #4

Instance where penalties/fees were assessed to the City of Hoboken for late enrollment of eligible employees to the pension system

Recommendation

That more care be taken to ensure all pension program enrollments are made in a timely manner to negate any additional penalties or fees.

Explanation and Corrective Action

There was a breakdown in communication between the departments, personnel and the payroll office. The process of enrolling new employees in the pension system was not specifically delegated to one City employee. New procedures have been established whereby all new employees are processed through the personnel office and pension enrollment is part of orientation.

City of Hoboken Contact Person

Arch Liston, Business Administrator

Departments

Finding #1

The following departments do not maintain supporting documentation for receipts as required by DLGS.

Police Department
Planning and Zoning

Recommendation

That the Police Department and Planning and Zoning maintain a receipt journal to support receipts.

Explanation and Corrective Action

Effective immediately, the office of Planning and Zoning Office will maintain a receipts journal for all revenue collected. The Police Department maintains a ledger of the checks and money orders which are delivered to the Finance Department and, in addition, the Finance Department signs and retains a copy of said ledgers. The ledgers were made available to the auditor in November 2009.

City of Hoboken Contact Person

Arch Liston, Business Administrator

Finding #2

The following departments do not make deposits within 48 hours of receipt as required by NJSA 40A:5-15.

Board of health
Fire Prevention
Board of Construction
Recreation

Recommendation

That the Board of Health, Fire Prevention, Board of Construction and Cultural Affairs make deposits within 48 hours of receipt.

Explanation and Corrective Action

The above named departments are in remote locations outside of City Hall and receipts were made to the Finance Department, located in City Hall, on an irregular basis. The City has taken steps to ensure that receipts are delivered for deposit within the statutory deadline.

City of Hoboken Contact person

Nick Trasente, Finance Director

Finding #3

The Municipal Court does not distribute monies collected to the proper agencies prior to the fifteenth of the following month.

Recommendation

That monies collected in the prior month be disbursed to the proper agencies prior to the fifteenth of the following month.

Explanation and Corrective Action

The Municipal Court does distribute monies collected to the proper agencies prior to the fifteenth of the following month; however, the computer system is not updated by the fifteenth of the month to reflect that payment has been made. Court employees have been advised to update computer records upon payment.

City of Hoboken Contact Person

RoseAnn Gohde, Court Administrator

Finding #4

The Municipal Court has one authorizing signature on disbursement checks.

Recommendation

That disbursement checks have at least two authorizing signatures.

Explanation and Corrective Action

It is the practice and procedure to have the Court Administrator and one of two deputies sign every check. Unfortunately, one check for the year was missed.

City of Hoboken Contact Person

RoseAnn Gohde

Finding #5

Instances where fees charged by the police Department are not consistent with approved fee ordinance.

Recommendation

That more care be taken to ensure the proper fees are collected.

Explanation and Corrective Action

All fees charged by the Police Department are being reviewed and compared with the current fee ordinance. Amendments to the ordinance will be undertaken to reflect actual amounts charged, if necessary.

City of Hoboken Contact Person

Arch Liston, Business Administrator

Finding #6

Some errors were identified with the allocation and labeling of individual Rent Control receipts.

Recommendation

That rent control property allocates receipts to maintain accurate record keeping.

Explanation and Corrective Action

The Rent Control Office maintains an adequate receipting, reporting and control system for all revenue sources. If an error is detected in the allocation of a receipt, a correction is made during the month end reconciliation process.

City of Hoboken Contact person

Suzanne Hetman, Rent Control

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 \$33,600.65

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
PASCAL, SUSAN 700 FIRST ST UNIT 2B HOBOKEN, NJ 07030	25/1/C002B	700 FIRST ST	1/10	\$ 1,504.67
JERZ, MICHAEL L 904 JEFFERSON ST #2F HOBOKEN, NJ 07030	95/25/C002F	900-912 JEFFERSON ST	1/10	\$ 2,632.92
LEE, STEVEN & ALLISON 619 WILLOW AVE #2L HOBOKEN, NJ 07030	168/8.1/C1-2L	619-621 WILLOW AVE	1/10	\$ 1,028.25
SCHWARTZ, MATTHEW & TONYA 1119 GARDEN ST HOBOKEN, NJ 07030	249/12/	89-91 WILLOW AVE	1/10	\$ 358.12
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	22/1/C0400	89-91 WILLOW AVE	2/10	\$ 3,593.09
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	37/18/CF2FN	232 MONROE ST	2/10	\$ 1,136.28

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	59/12/C004C	418-422 JEFFERSON ST	2/10	\$1,686.60
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	74/31/C0003	604-606 MONROE ST	2/10	\$ 1,658.34
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	82/11/C0208	721-733 MONROE ST	2/10	\$ 1,389.32
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	86/1/C0P01	800-830 JACKSON ST	2/10	\$ 12.28
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	89/12/C0P14	501 NINTH ST	2/10	\$ 122.84
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	91/1.2/CP061	812 GRAND ST	2/10	\$ 122.84
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	95/1/C0P34	901-909 MADISON ST	2/10	\$ 170.74
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	114/1/C0506	1300 GRAND ST	2/10	\$ 122.84

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	156/5/CC-4C	1118 CLINTON/ 1117 GRAND	2/10	\$ 1,676.77
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	156/5/CCP22	1118 CLINTON/	2/10	\$ 190.39
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	162/10.1/C0007	1030-1032 WILLOW AVE	2/10	\$ 1,315.62
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	170/21	838 PARK AVE	2/10	\$ 2,895.12
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	176/7.1/C02-A	209-215 FIRST ST/ 99 PARK	2/10	\$ 2,849.22
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	207/1.2/	110 EIGHTH ST	2/10	\$ 2,456.81
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	245/14/C00B1	1300 HUDSON ST	2/10	\$ 1,486.37
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	261.03/1/C0405	1125 MAXWELL LANE	2/10	\$ 2,036.69

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	261.03/1/C0823	1125 MAXWELL LANE	2/10	\$ 132.65
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	261.03/1/CP222	1125 MAXWELL LANE	2/10	\$ 122.84
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	261.03/1/CP323	1125 MAXWELL LANE	2/10	\$ 122.84
WELLS FARGO BANK, NA WELLS FARGO HOME MTGE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328	261.04/1/C0315	1125 MAXWELL LANE	2/10	\$ 2,776.20

Meeting: MAY 19, 2010

Approved as to Form:


CORPORATION COUNSEL


Sharon Curran

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of January 6th and 20th, and February 3rd and 17th, 2010 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: May 19, 2010

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

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

CLEAN COMMUNITY GRANT 2010

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$58,198.35 from State of New Jersey Department of Environmental Protection wishes to amend its SFY 2010 Budget to include this amount as 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.....\$58,198.35 This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Clean Community Grant

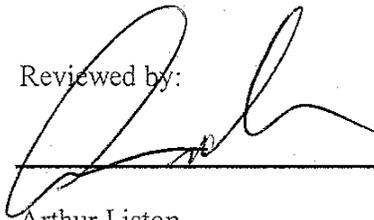
NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$58,198.35 Be and the same is hereby appropriated under the caption of: General Appropriations:

- (a) Operations Excluded from CAPS
 - State and Federal Programs Off-Set by
 - Revenues:
 - Clean Community Grant
 - Other Expenses

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.

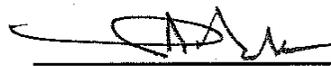
MEETING DATE: May 19, 2010

Reviewed by:



Arthur Liston
Business Administrator

Approved as to Form:



Michael B Kates
Corporation Counsel

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

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

ENERGY EFFICIENT & CONSERVATION BLOCK GRANT

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$161,000.00 from U S Department of Energy wishes to amend its SFY 2010 Budget to include this amount as 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.....\$161,000.00 This is now available as revenue from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- With Prior Written Consent of the Director of the
- Division of Local Government Services:
- State and Federal Revenues Off-set with
- Appropriations:
- Energy Efficient Block Grant O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$161,000.00 Be and the same is hereby appropriated under the caption of:

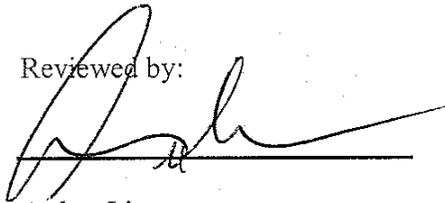
General Appropriations:

- (a) Operations Excluded from CAPS
- State and Federal Programs Off-Set by
- Revenues:
- Energy Efficient Block Grant
- Other Expenses

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.

MEETING DATE: May 19, 2010

Reviewed by:

A handwritten signature in black ink, appearing to be 'A. Liston', written over a horizontal line.

Arthur Liston
Business Administrator

Approved as to Form:

A handwritten signature in black ink, appearing to be 'M. B. Kates', written over a horizontal line.

Michael B Kates
Corporation Counsel

Sponsored By: Ed Mason

Seconded By: Theresa Casella

RESOLUTION #: 09-556

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

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

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

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

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

RESOLVED BY THE Council of the City of Hoboken:

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

Meeting Date: June 17, 2009

Department of Environmental Services

James Ronga
James Ronga, Director

Approved as to form:

Steven W. Kleinman
Steven W. Kleinman, Corporate Counsel

6/17/09



George DeStefano
Working For 1140329

Home | Enrollments | Payment Requests | Agency Functions | Reports | Inquiries

FO Adds Banking Information

*EECBG
ENERGY EFFICIENCY
CONSERVATION BLOCK
GRANT
\$161,000.00*

Step 1 of 3
Enter Banking Information

Recipient Name : <u>HOBOKEN CITY OF</u>
Organization Type : <u>Local Government</u>
DUNS : <u>091858563</u>
EIN : <u>22-6001993</u>
View Officials

ASAP.Gov allows you to define up to four bank accounts for ACH and four bank accounts for Fed
Enter the following:

*ABA/RTN:	021201503	
*Bank Account Number:	3982549628	
*Account Title:	Federal & State Grant	
*Account Type:	Checking	
*Payment Method:	FEDWIRE	
Further Credit ABA:	021201503	
*Financial Institution Official First Name:	TD	Last N
*Financial Institution Official Telephone Number:	201 . 236 . 2668	Ext:

*Make this bank account available for payments drawn from (Click all that apply):

DEPT. OF ENERGY - GERMANTOWN ALC 89000001



George DeStefano
Working For 1140329

- Home
- Enrollment
- Payment Requests
- Agency Functions
- Reports
- Inquiries

FO Adds Banking Information

Step 2 of 3
Review Banking Information

Recipient Name : HOBOKEN CITY OF
 Organization Type : Local Government
 DUNS : 091858563
 EIN : 22-6001993
[View Officials](#)

Review the Banking Information for the above recipient organization. ASAP.Gov allows you to define up to four bank accounts for ACH and four bank accounts for Fedwire.

Remove Row	ABA/RTN	Bank Account Number	Account Title	Account Type	Payment Method	Further Credit ABA	Edit Details
<input checked="" type="checkbox"/>	021201503	3982549628	Federal & State Grant	Checking	FEDWIRE	021201503	

- Submit
- Add Another
- Cancel
- Help for this Step



George DeStefano
Working For 1140329

- Home
- Enrollments
- Payment Requests
- Agency Functions
- Reports
- Inquiries

FO Adds Banking Information

Step 3 of 3
Banking Information Confirmation

Recipient Name : HOBOKEN CITY OF
 Organization Type : Local Government
 DUNS : 091858563
 EIN : 22-6001993

You have certified that the correct routing and transit number(ABA/RTN) and bank account number have been entered. The grantor Federal Agency and the United States Treasury are not responsible for a misdirected payment in the event you entered incorrect ABA/RTN or bank account number information.

Please be aware that the bank account(s) used for Fedwire payments will not be available until at least 04/19/2010.

Confirmation Number: 89000001-1140329-01222010-093740/152538

ABA/RTN :	021201503
Bank Account Number :	3982549628
Account Title :	Federal & State Grant
Financial Institution Name :	TD BANKNORTH NA
Account Type :	Checking
Payment Method :	FEDWIRE

Further Credit ABA :	021201503		
Financial Institution Official Name :	TD NORTH		
Financial Institution Official Telephone Number :	201- 236- 2668	Ext :	
Available for payments drawn from :	DEPT. OF ENERGY - GERMANTOWN ALC 89000001		

Printer
Friendly

Help for this
Step

Banking Information Confirmation

Recipient Name:	HOBOKEN CITY OF
Recipient Type:	Organization
Organization Type:	Local Government
DUNS:	091858563
EIN:	22-6001993

You have certified that the correct routing and transit number (ABA/RTN) and bank account number have been entered. The grantor Federal Agency and the United States Treasury are not responsible for a misdirected payment in the event you entered incorrect ABA/RTN or bank account number information.

Please be aware that the bank account(s) used for Fedwire payments will not be available until at least 04/19/2010.

Confirmation Number: 89000001-1140329-01222010-093740/152538

ABA/RTN:	021201503
Bank Account Number:	3982549628
Account Title :	Federal & State Grant
Financial Institution Name:	TD BANKNORTH NA
Account Type :	Checking
Payment Method:	FEDWIRE
Further Credit ABA:	021201503
Financial Institution Official Name:	TD NORTH
Financial Institution Official Telephone Number:	201-236-2668 Ext
Available for payments drawn from:	DEPT. OF ENERGY - GERMANTOWN ALC 89000001

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AUTHORIZES THE ADMINISTRATION TO REIMBURSE RETIRED CITY EMPLOYEES FOR THEIR MEDICARE PART B EXPENSES.

WHEREAS, the existing labor agreements with the six (6) bargaining units of the City require the reimbursement of Medicare Part B expenses for retired prior employees, and

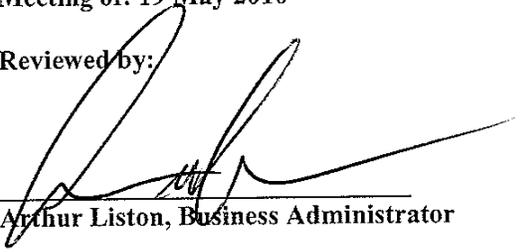
WHEREAS, the attached list(s) of 190 prior employees have submitted their Medicare Part B expenses to the City,

NOW THEREFORE BE IT RESOLVED that;

- A. The Administration is herewith authorized to refund \$232,362.70 in Medicare Part B expenses to the individuals as shown on the attached list(s)
- B. This resolution shall take effect immediately upon passage.

Meeting of: 19 May 2010

Reviewed by:



Arthur Liston, Business Administrator

APPROVED AS TO FORM:



Michael Kates, Corporation Counsel

CHIEF FINANCIAL OFFICER'S CERTIFICATION
OF AVAILABILITY OF FUNDS
FOR CONTRACT AWARDS

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$232,362.70 is available in the following appropriation:

Group Health Care Other Expense (10-01-30-400-030). These funds, the amount within the approved SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

Medicare Part "B" Reimbursements

and awarded to the following vendor:

Multiple Retired City Employees

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

_____ Chief Financial Officer

Date: _____

CHIEF FINANCIAL OFFICER'S CERTIFICATION
OF AVAILABILITY OF FUNDS
FOR CONTRACT AWARDS

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$232,362.70 is available in the following appropriation:

Group Health Care Other Expense (10-01-30-400-030). These funds, the amount within the approved SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

Medicare Part "B" Reimbursements

and awarded to the following vendor:

Multiple Retired City Employees

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

_____ Chief Financial Officer

Date: _____

First	Last Name	Street Address	Apt #1	City/Town	ST.	ZIP Code	Total Req.	Prior Yrs. Paid
	Medicare Part "B" Reimbursement SSA-1099 (Year 2009) Account No.:							
Adriane	Wladich	822 Washington Street		Hoboken	NJ	07030	1,156.80	
Jeanette	Weber	22 Ontario Avenue Hilton Pk.		Atlantic Highlands	NJ	07716	1,156.80	
Richard	Werner	798 Willow Grove Street	123	Hackettstown	NJ	07840-1718	1,156.80	
Veronica	Walsh	10 Church Towers	5M	Hoboken	NJ	07030	1,156.80	
Veronica R. Walsh Adm for	Joseph J. Walsh	10 Church Towers	5M	Hoboken	NJ	07030	984.00	
Michael	Wladich, Jr.	93 Barabados Drive South		Toms River	NJ	08757-4027	1,156.80	
Peter	Vukas	127 River Street		Moosup	CT	06354-1322	1,156.80	
Darlan	Uva, Sr.	8306 Harcourt Road		Clifton	NJ	07013	1,156.80	
Thomas	Vecchione	65 Avenue A		Lodi	NJ	07644-1801	1,156.80	
Anna	Vitolo	300 Adams Street	305	Hoboken	NJ	07030	1,156.80	
Joseph	Vitolo	300 Adams Street	305	Hoboken	NJ	07030	1,156.80	
Richard	Trentifiedl	2 Constitution Court	509	Hoboken	NJ	07030-6727	2,312.40	
Frank	Turso	300 Adams Street	104	Hoboken	NJ	07030-2632	1,156.80	
Paul	Tewes	8624 North Sarazen Drive		Citrus Springs	FL	34434-5849	1,199.10	
Michael	Simo	1659 Tunkhannock Trail		Long Pond	PA	18334-9714	1,156.80	
Charles	Smith	RR 7 Bx 7741D Windsor Drive		Stroudsburg	PA	18360	1,156.80	
							19,513.90	

		Medicare Part "B" Reimbursement SSA-1099 (Year 2009) Account No.:									
First	Last Name	Street Address	Apt.	City/Town	ST.	Zip Code	Total Req.	Prior Yrs. Paid			
Elaine	S	DePinto		Hoboken	NJ	07030	482.00				
Jerry	C	Caputo	3P	Bayville	NJ	08721-2607	385.60				
John	F	Carlier		Hoboken	NJ	07030	1,599.40				
Albert	J	Chirchizola		Lynhurst	NJ	07071-2117	578.40				
Phyllis	J	Capelli		Hoboken	NJ	07030-2007	1,060.40				
Elizabeth	J	Curcio		Hoboken	NJ	07030-2027	1,638.80	2009-2008			
Salvatore		Dorso		Forked River	NJ	08731	1,156.80				
Eugene	G	Drayton		Hoboken	NJ	07030-1219	1,156.80				
Linda	M	DIVincent		Whiting	NJ	08759-3248	1,156.80				
Marla	T	Clark		Hudson	FL	34669-2723	1,156.80				
Congetta		Bavaro		Boca Raton	FL	33433-8716	1,156.80				
Michael	J	Bavaro		Boca Raton	FL	33433-8716	1,156.80				
Angel	L	Alicea		Verice	FL	34293-1731	3,435.60	2009-2008-2007			
Tommy		Burgos		Little Ferry	NJ	07643-2123	1,156.80				
John	J	Cassesa		Hoboken	NJ	07030-6824	1,503.00				
Janet		Aiali		New York	NY	10035-2034	1,156.80				
Philip		DeFalco		Sunny Isles Beach	FL	33160	1,156.80				
Angelina	M	DeFalco		Sunny Isles Beach	FL	33160	1,156.80				
Pasquale		DeStefano		Hoboken	NJ	07030-1981	1,096.80				
Mary		DeStefano		Hoboken	NJ	07030-1981	808.80				
William		Dolan		Hoboken	NJ	07030	1,156.80				
Salvatore	F	Acerra		Hoboken	NJ	07030	1,156.80				
Peter	M	Calandra		Hoboken	NJ	07030-2422	1,156.80				
Richard	L	Carroll, Sr.		Point Pleasant	NJ	08742-5215	1,156.80				
Mary Ann	B	Carroll		Point Pleasant	NJ	08742-5215	1,156.80				
William	E	Deno		Macungie	PA	18062-9502	1,156.80				
Rosemary		Drew		Toms River	NJ	08753	1,156.80				
Paris	+D	Capizzi		Atlantic Highlands	NJ	07716-1114	1,156.80				
Antonia		Cassiar	2nd flr	Emerson	NJ	07630-1827	1,156.80				
Edward		Brizzolara		Stuart	FL	34997-5596	1,156.80				
Joan	E	Brannan		Lavallette	NJ	08735-2323	1,156.80				
Martha	R	Bartone	B	Dunnellen	NJ	08812-1408	1,156.80				
Sam		Bartone	B	Dunnellen	NJ	08812-1408	1,156.80				
Patricia		Avagliano		Myrtle Beach	SC	29588-7226	1,156.80				
Arthur	M	DIVincent, Sr.		Whiting	NJ	08759-3248	1,156.80				
Emma		Catalano		Hoboken	NJ	07030-5203	964.80				
Carole	A	Bitizzolara		Stuart	FL	34997-5596	1,156.80				
Clara	L	Catalano		Toms River	NJ	08753-5330	1,156.80				
Anna	M	Bach		North Wilkesboro	NC	28659-8176	1,156.80				
Jean	M	Avilabile		Paramus	NJ	07652-2317	1,156.80				
Albert		Benfari		Deerfield Beach	FL	33442	1,156.80				
							48,257.60				

		Medicare Part "B" Reimbursement SSA-1099 (Year 2009) Account No.:											
First	Last Name	Street Address	Apt.	City/Town	ST.	Zip	Total Req.						
Stephen	L. Darago	1 Marineview Plaza	191	Hoboken	NJ	07030	1,156.80						
Edward	Srith	56 Bryant Road		Waratown	NJ	08758-2310	1,156.80						
John	A Shortal	137 Washington Street		Keyport	NJ	07735-1033	1,156.80						
Patricia	A Shortal	137 Washington Street		Keyport	NJ	07735-1033	1,156.80						
Arlene	A Segura	5201 40th Street South		St. Petersburg	FL	33711-4711	1,156.80						
Joseph	M Segura	5201 40th Street South		St. Petersburg	FL	33711-4711	1,156.80						
Theresa	A Sasso	5 Church Towers	8J	Hoboken	NJ	07030-2735	1,618.80						
Raymond	T Sheehan	90 Ninth Street		Woodridge	NJ	07075-2112	1,156.80						
Elaine	H Sheehan	90 Ninth Street		Woodridge	NJ	07075-2112	1,156.80						
Donald & Catherine	J Sheehan	3 Bow Drive		Brick	NJ	08873-7130	2,313.60						
Julia	J Salerno	650 Washington Road	212	Sayreville	NJ	08873-3003	1,156.80						
Angela	Servello	%Machiarola 190 Hillcrest Rd.		Ridgewood	NJ	07450	1,156.80						
Fred	Stankiewicz	955 Hunt Drive		Toms River	NJ	08753-3932	1,156.80						
Phyllis	Stankiewicz	955 Hunt Drive		Toms River	NJ	08753-3932	1,156.80						
Lorraine	J Sutura	97 Wilson Avenue		Spotswood	NJ	08864-2166	1,156.80						
Russell	G Sweeten	1049 Washington Street		Hollywood	FL	33019-1923	1,156.80						
Julie	Sweeten	1049 Washington Street		Hollywood	FL	33019-1923	1,156.80						
Mary	Russo-	15 Church Towers	9A	Hoboken	NJ	07030-2753	1,156.80						
Patricia	Romano	254 8th Avenue		Palisades Park	NJ	07650-2029	1,156.80						
Daniel	A Repetti	409 North Star Drive		Harrisburg	PA	17112-8980	1,156.80						
Marte	A Repetti	409 North Star Drive		Harrisburg	PA	17112-8980	1,156.80						
Salvatore	P Romano	4 Pirates Lane	44C	Punter Gorda	FL	33955	1,156.80						
Virginia	Romano	4 Pirates Lane	44C	Punter Gorda	FL	33955	1,156.80						
Marfan	Rosalnd	1 Marineview Plaza	Box 20B	Hoboken	NJ	07030-0020	1,156.80						
Mary	Rinaldi	717 - 8th Street		Secaucus	NJ	07094-3019	1,156.80						
							29,382.00						

		Medicare Part "B" Reimbursement											
		SSA-1099 (Year 2009)											
		Account No.:											
First	Last Name	Street Address	Apt.	City/Town	ST.	Zip	Total						
Gladys	Hayes	259 Fencsak Avenue		Elmwood Park	NJ	07407	1,156.80						
Dolores	Marzocca	88 Barker Avenue		Eatontown	NJ	07724	2,774.70						
Dolores	Marzocca	88 Barker Avenue		Eatontown	NJ	07724	924.90						
Anna & Mario	Mfnuttillo	34 Longview Avenue		Lake Hiawatha	NJ	07034	2,313.60						
Doris	Mack	459 Brentwood Avenue		Toms River	NJ	08755-2005	1,156.80						
Judith	Metcalfe	2566 River Road		Manasquan	NJ	08736	1,156.80						
Michael	Metcalfe	2566 River Road		Manasquan	NJ	08736	1,156.80						
Irene	Madsen	14 Cottontail Drive		Brick	NJ	08724-5029	1,156.80						
Wayne	Madsen	14 Cottontail Drive		Brick	NJ	08724-5029	1,156.80						
Anna & Richard C.	Murgittroyd	5232 Palmita Court	90	New Port Richey	FL	34655-5263	2,313.60						
Eileen	Montoto	1204 Park Avenue		Hoboken	NJ	07030-4402	867.60						
Edna	Moore	41A Poplar Court		Brielle	NJ	08730-1342	1,156.80						
Ann	Meyer	49 Canterbury Gardens		No. Arlington	NJ	07031	1,156.80						
Patricia	Witten	558 3rd Street		Carlstadt	NJ	07072-1535	1,156.80						
Marie	Murtha	558 Third Street		Carlstadt	NJ	07072-1535	1,156.80						
Eugene	Mckenna	3096 Eagles Landings C-East		Clearwater	FL	33761-2811	1,156.80						
Etaine	Mckenna	3096 Eagles Landings C-East		Clearwater	FL	33761-2811	1,156.80						
Michelleina	Moracelli	54 Paradise Boulevard		Toms River	NJ	08757-6441	1,156.80						
Joan	Murphy	14 Cromman Court		Hazlet	NJ	07730-2019	1,156.80						
Patrick	Iapicca	266 Prospect Avenue	1	Bayonne,	NJ	07002-4721	1,594.40						
							26,984.00						

		Medicare Part "B"											
		Reimbursement											
		SSA-1099 (Year 2009)											
		Account No.:											
First	Last Name	Street Address	Apt.	City/Town	ST.	Code	Zip	Req.	Total				
Patricia	A Hjelm	984 Schotmann Drive	PH	Secaucus	NJ	07094		1,156.80					
Margaret	Hove	422 - 73rd Street		North Bergen	NJ	07047		1,156.80					
Michael	J Greene	1437 Wild Dunes Court		Winter Haven	FL	33881-9781		1,156.80					
James	J Giani	223 Garden Street		Hoboken	NJ	07030		1,156.80					
Thomasine	Giani	223 Garden Street		Hoboken	NJ	07030		1,156.80					
James	W Giordano	602 Madison Street		Hoboken	NJ	07030		1,156.80					
Evelyn	C Giordano	602 Madison Street		Hoboken	NJ	07030		1,156.80					
Richard Hansen Adm. for	Barbara I. Hansen	2012 So. Federal Way Bldg "F"	404	Boynton Beach	FL	33435-6968		1,156.80					
Antonia	Carlo	814 - 13th Street	1st flr.	Union City	NJ	07087-6225		1,156.80					
Rose	Gullo	1538 Jefferson Street		Hollywood	FL	33020-5525		1,156.80					
Thomas	W Fitzpatrick	303 Jefferson Street	231	Hoboken	NJ	07030-1931		1,156.80					
Sophia	F Ford	128 Westchester Drive		Little Egg Harbor	NJ	08087-3015		1,156.80					
Frank	R Garrick	2 Wick Drive		Sayreville	NJ	08872-1268		1,156.80					
Anna	Garrick	2 Wick Drive		Sayreville	NJ	08872-1268		1,156.80					
John	Huelbig	311 - 13th Street	5D	Hoboken	NJ	07030		1,503.60					
John	J Forbes	8555 Alexandra Drive	110	North Royalton	OH	44133-1034		1,156.80					
John J. Forbes Adm. for	Dorothy Forbes	8555 Alexandra Drive....	110	North Royalton	OH	44133-1034		1,156.80					
Joseph	P Florio	100 Manhattan Avenue	1811	Union City	NJ	07087		1,156.80					
Josephine	Florio	100 Manhattan Avenue		Union City	NJ	07087		1,156.80					
Josephine	Fitzgibbons	15 Church Towers	3N	Hoboken	NJ	07030		1,156.80					
Janet	Fouts	235 Bailey Road		Morris	NY	13808		1,156.80					
Helen	Falco	300 Adams Street	109	Hoboken	NJ	07030		2,312.40					
Ray	M Falco	300 Adams Street	109	Hoboken	NJ	07030		2,312.40					
Gabriel	Ferraiuolo	625 Washington Street	1	Hoboken	NJ	07030		1,156.80					
Eileen	Ferraiuolo	625 Washington Street	1	Hoboken	NJ	07030		667.60					
Eugene	R Failla	9126 Justine Drive		Weeki Wachee	FL	34613-4056		674.80					
Edward	J Huelbig	10 Church Towers	6B	Hoboken	NJ	07030-2757		1,156.80					
Carol	A Helzel	92 Mountain Way		Rutherford	NJ	07070		1,156.80					
Daniel	Gilyard	225 Palisade Avenue	2	Jersey City	NJ	07306-1110		1,156.80					
Anthony	M Gentile	1100 Lamplighter Court		Marco Island	NJ	34145-4532		1,618.80					
								37,052.80					

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION APPOINTING MARK A. TABAKIN OF WEINER & LESNIAK, LLP AS
SPECIAL LEGAL COUNSEL FOR GENERAL EMPLOYMENT MATTERS**

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle general employment matters involving the City of Hoboken; and,

WHEREAS, the City of Hoboken has reviewed the qualifications of Mark A. Tabakin of the law firm Weiner & Lesniak, LLP, and has determined that this attorney and the supporting staff at his law firm can provide these services for the City of Hoboken in an efficient manner; and,

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

WHEREAS, Mark A. Tabakin's proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires competitive negotiation for Professional Service contracts; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and Mark A. Tabakin to provide legal services on general employment matters (excluding collective bargaining negotiations) on an as-needed basis; and

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

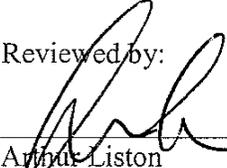
1. A contract for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

Mark A. Tabakin, Esq.
 Weiner & Lesniak, LLP
 629 Parsippany Road
 P.O. Box 438
 Parsippany, New Jersey 07054

Such individual shall be paid at an hourly rate not to exceed one hundred fifty dollars (\$150.00), with a total amount not to exceed twenty five thousand dollars (\$25,000.00).

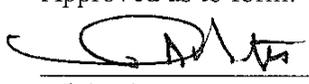
2. This agreement shall be effective 1 June 2010 and terminate 31 May 2011.
3. The Mayor is hereby authorized to execute a contract with Mark A. Tabakin, Esq. for professional legal services on behalf of the City of Hoboken and to take any other actions necessary to complete and realize the intent and purpose of this resolution.
4. The City Clerk shall publish notice of this resolution in one newspaper authorized by law to publish the City's legal advertisements as required by N.J.S.A. 40A:11-5(1)(a) and shall keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.
5. This resolution shall take effect immediately.

Reviewed by:



Arthur Liston
Business Administrator

Approved as to form:



Michael B. Kates, Esq.
Corporation Counsel

Date of Meeting: May 19, 2010

MARK A. TABAKIN, ESQ.
Weiner Lesniak LLP
629 Parsippany Road
Parsippany, New Jersey 07054
973-403-1100, Facsimile: 973-403-0010
mtabakin@weinerlesniak.com

EDUCATION:

Seton Hall School of Law, Newark, New Jersey: Juris Doctor Degree in Law 1990.

University of Massachusetts, Amherst: Bachelor of Business Administration, Cum Laude (1986).

QUALIFICATIONS:

Member of the Bar of New Jersey; Member of the Bar of the United States District Court of New Jersey; and the United States Court of Appeals for the Third Circuit.

EMPLOYMENT:

1998 - Present: Weiner Lesniak -- Partner and Chair of the Education and Labor Sections -- Representing management in all phases of education, labor and employment matters. Serve as general counsel to public entities. Provide a full range of services including, attend all regular and special meetings; prepare documents necessary for conducting Board business, such as agenda items, resolutions and policies; legal advice in connection with the annual school election, budget process, and budget appeals; review all aspects of construction contracts; handle real estate matters; handle all aspects of litigation including increment withholding, tenure appeals, special education classification, residency and placement appeals, etc. In the role of labor counsel, review and analyze all relevant collective bargaining agreements; prepare bargaining proposals; file and/or respond to petitions or proceedings before the Public Employment Relations Commission; represent our clients at all negotiating sessions through mediation and fact-finding; handle all labor-related litigation, including grievance arbitrations, NJLAD/EEOC/Civil Rights matters, wage and hour matters before the Department of Labor and all other labor-related litigation, hearings and proceedings. Represent public entities in all phases of civil service and appear before the Department of Personnel. In the role of construction counsel, review and prepare documents regarding environmental compliance, bonding, public bids, construction and contracts; monitor building code compliance; interface with construction managers and architects to assure timely and proper completion of projects; appear before local planning/zoning boards as necessary; file and/or respond to petitions or proceedings before courts or the Department of Education. In the role of special education counsel, respond to all petitions and proceedings before the Department of Education, Commissioner of Education and/or the Office of Administrative Law; attend all mediations and hearings; and review and analyze any newly enacted special education statutes and/or regulations.

1994 - 1998: Schwartz, Simon, Edelstein Celso & Kessler -- Associate -- Represented management in all phases of education, labor and employment matters, including appearances before state and federal courts and administrative bodies, such as Department of Education, PERC, Department of Labor, Department of Personnel, EEOC and the Division on Civil Rights; negotiated collective bargaining agreements; represented management in labor arbitrations; conducted all phases of public contracts from drafting specifications and overseeing the bidding process to litigation; reviewed and drafted employment policy manuals; prepared and tried special education litigation.

1990 - 1994: DeMaria, Ellis, Hunt, Salsberg & Friedman -- Associate -- Represented management in all phases of labor and employment matters, including appearances before administrative bodies, such as PERC, Department of Labor, Department of Personnel, EEOC and the Division on Civil Rights; represented management in labor arbitrations; reviewed and drafted board policies and employment policy manuals.

1986-1988: Price Waterhouse (New York City) -- Associate in the Small Business Consulting Unit providing accounting and management consulting services to start-up and "small" businesses with capitalization of at least \$5 million.

PROFESSIONAL
AFFILIATIONS:

New Jersey State Bar Association, Labor and Employment Section,
New Jersey Association of School Attorneys.

COMMUNITY
SERVICE:

Former Member Board of Directors, Morris County Urban League;
Former member Montville DARE; Montville Township Economic
Development Committee.

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION APPOINTING MATEO J. PEREZ, ESQ. SPECIAL LEGAL COUNSEL –
RENT LEVELING AND STABILIZATION BOARD**

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to serve as counsel on the Rent Leveling and Stabilization Board for the City of Hoboken, attending all meetings of the Board; and,

WHEREAS, the City of Hoboken has reviewed the qualifications of Mateo J. Perez, Esq. and has determined that this attorney can provide these services for the City of Hoboken in an efficient manner; and,

WHEREAS, this special expertise and knowledge provides a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and:

Mateo J. Perez, Esq.
4919 Bergenline Avenue
West New York, New Jersey 07093

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$150.00 per hour based on actual time and expenses; and, in the amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars for these services; and

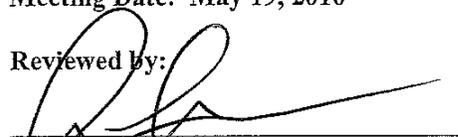
BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.

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

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

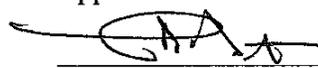
Meeting Date: May 19, 2010

Reviewed by:



Arthur Liston
Business Administrator

Approved as to Form:



Michael B. Kates
Corporation Counsel

Mateo Perez Esq.

4919 Bergenline Ave.
West New York NJ 07093
Ph. 201-864-6500
Fax. 201-864-5999
Email: mplawesq@gmail

EXPERIENCE:

2010 -

Town of West New York NJ, Dept. of Rent Control

Attorney

West New York, NJ

- Review all rent determinations made by the Board.
- Review all Rental Agreements submitted to the Rent Control office.
- Attend all Rent Control hearings and meetings

2006-

Dept. Of Welfare Hudson County

Asst. County Counsel Lead Trial Attorney

Jersey City NJ

- Represent the Dept. of Welfare in all litigation.
- Attend hearings for modification and support on behalf of the Dept. of Welfare.

2008-

Town of West New York Housing Auth.

Attorney

West New York NJ

- Represent the Housing Authority in all eviction proceedings.
- Prepare all notices to tenants as per the instruction of the board.

2004-

City of Union City Housing Auth.

Attorney

City of Union City, NJ

- Represent the Housing Authority in all eviction proceedings.
- Review all contracts and prospective bids for new projects.
- Prepare all notices to tenants as per the instruction of the board.

EDUCATION:

1997-99

J.D.

Western New England College School of Law

Springfield MA

1992

B.A.

Farleigh Dickinson Univ.

Hackensack NJ

Special Skills Fluent in Spanish

Introduced by: B. MASON

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO.: _____

**RESOLUTION ADOPTING REVISED RULES OF PROCEDURE FOR
THE CITY COUNCIL OF THE CITY OF HOBOKEN TO INCLUDE A CODE OF
ETHICS**

WHEREAS, the City Council of the City of Hoboken is granted the exclusive authority to adopt rules of procedure for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

WHEREAS, the City Council has the right to amend and re-adopt its rules of procedure as it deems necessary, such as it did in February 2009 (Resolution No. 09-437), and further amendments were recently proposed and remain under discussion; and,

WHEREAS, it is critical the City Council establish the highest internal ethical standards as a symbol to the community-at-large that City government has turned a corner from the scandals of the past; and,

WHEREAS, heightened ethical standards are especially warranted as the City emerges from nearly two years of State supervision, and has finally regained control of its own destiny; and,

WHEREAS, the current rules of procedure do not currently contain a Code of Ethics, which is a significant omission that should be immediately remedied by Council action; and,

WHEREAS, the Legislature of the State of New Jersey has adopted a Legislative Code of Ethics, which represents the strongest ethical standards currently adopted in the State, and can serve as a model for the City Council's own Code of Ethics;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, a majority of the full Council concurring, that the existing Rules of Procedure are amended to add a new section, "Code of Ethics," to read as follows:

CITY COUNCIL CODE OF ETHICS

Section One

- 1.1 No member of the Council shall undertake any employment or act in any way that impairs the objectivity or independence of judgment of the member of the Council in the exercise of his or her duties or is violative of

the public trust by an elected official or which creates a justifiable impression among the public that such trust is being violated.

- 1.2 No member of the Council shall accept from any person, directly or indirectly, whether by himself or herself or through his or her spouse or a member of his or her family or through any partner or business or professional associate, any gift, favor, service, employment or offer of employment or any other thing of value, which he or she knows or has reason to believe is made or offered to him or her with the intent to influence him or her in the performance of his or her duties as a member of the City Council; but this section shall not apply to the acceptance of political campaign contributions to his or her campaign by a member of the Council who has announced his or her candidacy for any elective public office and the member has no knowledge or reason to believe that the campaign contribution is offered or given with the intent to influence the member in the performance of his or her public duties and responsibilities.
- 1.3 No member of the Council shall use, or permit the use of, his or her official title in an endorsement or advertisement that promotes a for-profit enterprise or venture.

Section Two

- 2.1 Except as hereinafter provided, no member of the Council nor any partnership or firm of which he or she is a member or any corporation in which he or she owns or controls an "interest," as such term is defined by the New Jersey Local Government Ethics Law (N.J.S.A. 40A:9-22.1 et seq.), nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the City in connection with:

The acquisition or sale by the City or a City agency of any interest in real or tangible or intangible personal property;

The acquisition by the City or a City agency of any interest in real property by condemnation proceedings;

Any specific cause, proceeding, application or other matter before any City agency.

- 2.2 The provisions of section 2.1 above shall not prohibit or restrict a member of the Council from:

Representing himself or herself in negotiations or proceedings concerning his or her own interest in real property, or

(a) Making an inquiry for information on behalf of a constituent, which may include ascertaining the status of a matter, identifying the ordinances or resolutions involved in a matter or inquiring how to expedite a matter; (b) assisting the constituent in bringing the merits of the constituent's position to the attention of a City agency; or (c) making a recommendation on a matter or indicating support for the constituent's position to a City agency; if no fee, reward, employment, offer of employment, or other thing of value is promised to, given to or accepted by the member, whether directly or indirectly, and the member does not endeavor to use his or her official position to improperly influence any determination. As used in this paragraph, "constituent" shall mean any City resident or other person seeking legislative assistance. Nothing contained herein shall authorize contact with City agencies by members of the Council which is otherwise prohibited by the criminal law, by the Local Government Ethics Law, or this code.

The provisions listed above shall not prohibit or restrict a partnership or firm with which a member of the Council is associated or a corporation in which he or she owns or controls an interest from appearing before a City agency in any cause, proceeding or other matter on its own behalf.

Section Three

- 3.1 No member of the Council shall knowingly himself or herself, or by his or her partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his or her use or benefit or on his or her account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25 or more, made, entered into, awarded or granted by any City agency.

Section Four

- 4.1 A member of the Council shall not act as an agent of the Council in connection with the transaction of any City business with himself or herself or with a corporation, company, association or firm in which he owns or controls an interest in its profits.

Section Five

- 5.1 No member of the Council shall participate by voting or any other action during a Council meeting, in committee or elsewhere, in the enactment or defeat of legislation in which he or she has a personal interest.

The City Council is authorized to investigate the circumstances giving rise to a question of personal interest and upon a finding based upon substantial credible evidence, after a hearing thereon, that the member's participation with respect to the enactment or defeat of the legislation would constitute a violation of the public trust or create an impression among the public of a violation of the public trust, the Council shall direct the member to withdraw his or her sponsorship of, or participation in, the enactment or defeat of the legislation.

For the purpose of this section a "personal interest" means the member of the Council, or a member of his or her immediate family, believes or has reason to believe he or she will derive a direct monetary gain or suffer a direct monetary loss by the enactment or defeat of the legislation; a "personal interest" does not mean that by enactment or defeat of the legislation no benefit or detriment could be expected to accrue to him or her, or to a member of his or her immediate family, as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could be expected to accrue to any other member of such business, profession, occupation or group.

Section Six

- 6.1 No member of the Council shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift, honorarium, out-of-City travel or subsistence expense or other thing of value from any source other than the City of Hoboken, for any service, advice, assistance, appearance, speech or other matter related to the member's official duties, except as explicitly authorized by the Local Government Ethics Law and the Code of the City of Hoboken.
- 6.2 This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, except that campaign contributions may not be accepted if they are known to be given in lieu of a payment prohibited pursuant to this section.

Section Seven

- 7.1 No member of the Council shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he or she receives or acquires in the course of and by reason of his or her official duties. No member of the Council shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which he or she receives or acquires in the course of and by reason of his or her official duties.

Section Eight

- 8.1 If any person shall attempt to induce a member of the Council to violate any provision of the Local Government Ethics Law or this code, the member shall report the matter to the Corporation Counsel in writing no later than 72 hours after the attempt and shall advise concurrently in writing to the City Council President that he or she has made such a report to the Corporation Counsel.

Section Nine

- 9.1 Any member of the Council may request and obtain a formal advisory opinion of the Corporation Counsel as to whether any proposed activity or conduct would in his or her opinion constitute a violation of the provisions of the New Jersey Local Government Ethics Law, the Code of the City of Hoboken, or this code. Formal advisory opinions shall be made public within 30 days of issuance, unless a majority of the City Council shall determine that a formal advisory opinion shall remain confidential or that a formal advisory opinion shall be made public but the member's name shall not be disclosed. Any member requesting a formal advisory opinion may request that the adjudication process and the opinion be made public. Public advisory opinions shall not disclose the name of any member of the Council unless the Council in directing that the same be made public so directs. All formal advisory and advisory opinions shall remain on file in the City Clerk's Office for 10 years from the date of issuance, unless an opinion is rescinded.
- 9.2 The Corporation Counsel shall provide informal ethics advice to individual members of the Council upon request, when the request is one fully answered by the New Jersey Local Government Ethics Law, the Code of the City of Hoboken, or the City Council Code of Ethics. Informal ethics advice from the Corporation Counsel to a member of the Council shall be confidential and subject to the attorney-client privilege to the extent permitted by law. The Corporation Counsel may also assist members of the Council in requesting formal advisory opinions from the Department of Community Affairs on novel subject matters.
- 9.3 Each member of the Council shall consult with the Corporation Counsel each year regarding the requirements of the New Jersey Local Government Ethics Law, the Code of the City of Hoboken, and the City Council Code of Ethics and any other applicable law, rule or standard of conduct relating to the area of ethics. The assistance of the Corporation Counsel to members of the Council is subject to the attorney-client privilege. This assistance is intended as a service to the members of the Council and may not be deemed to diminish a member's personal

responsibility for adherence to applicable laws, code provisions, rules and other standards of conduct. No privileged information provided to the Corporation Counsel by members of the Council shall be used or admitted into evidence in any proceeding against them; but this shall not prohibit proceedings against them from evidence independently derived.

- 9.4 Each member of the Council shall also participate in annual ethics training given by the Corporation Counsel or other qualified individual designated by the Council President.

Section Ten

- 10.1 Each member of the City Council shall file the annual financial disclosure statement required by the Local Government Ethics Law and the Code of the City of Hoboken at the time prescribed by law. Copies shall be filed with the City Clerk and placed on the City of Hoboken's website, www.hobokennj.org. The City Clerk shall report the failure of a member of the Council to file the statement required by this section to the Council President.

The Corporation Counsel after review of statements filed pursuant to this section may by advisory opinion determine that in his or her opinion a particular category of income, reimbursements, gifts, real estate holdings or business interests gives rise to an appearance of conflict with the member's service as a member of the Council. Advisory opinions issued pursuant to this provision shall be public records and shall remain on file for 10 years from the date of issuance.

Section Eleven

- 11.1 If any time any provision of this Code of Ethics shall be in conflict with New Jersey Local Government Ethics Law (N.J.S.A. 40A:9-22.1 et seq.), the stricter provision shall apply, to the extent permissible by law.

APPROVED AS TO FORM:



Michael Kates, Corporation Counsel

Date of Adoption:

SUBJECT TO APPROVAL BY
LOCAL GOVERNMENT
ETHICS BOARD



Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

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

CLEAN COMMUNITY GRANT 2009 AMENDED

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$12,083.47 from State of New Jersey Department of Environmental Protection wishes to amend its SFY 2010 Budget to include this amount as 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.....\$12,083.47 This is now available as revenue from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- With Prior Written Consent of the Director of the
- Division of Local Government Services:
- State and Federal Revenues Off-set with
- Appropriations:
- Clean Community Grant

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$12,083.47 Be and the same is hereby appropriated under the caption of:

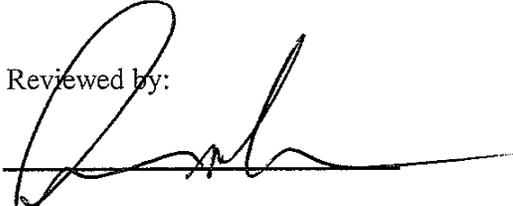
General Appropriations:

- (a) Operations Excluded from CAPS
- State and Federal Programs Off-Set by
- Revenues:
- Clean Community Grant
- Other Expenses

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.

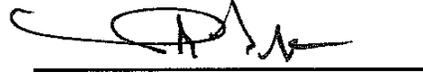
MEETING DATE: May 19, 2010

Reviewed by:

A handwritten signature in black ink, appearing to read 'A. Liston', written over a horizontal line.

Arthur Liston
Business Administrator

Approved as to Form:

A handwritten signature in black ink, appearing to read 'M. B. Kates', written over a horizontal line.

Michael B Kates
Corporation Counsel



State of New Jersey

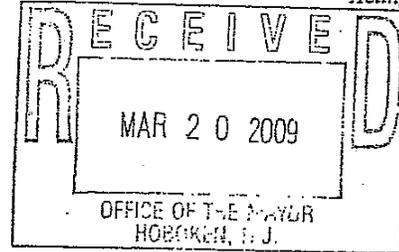
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

March 18, 2009

MARK N. MAURIELLO
Acting Commissioner

Honorable David Roberts
Mayor - Hoboken City
94 Washington Street
Hoboken, New Jersey 07030



Dear Mayor Roberts:

I am writing to inform you that your municipality's 2009 Clean Communities entitlement is \$ 43,810.17. This information is provided to assist you as you develop your FY 2009 budget.

Twenty-one counties and five hundred fifty-nine municipalities are eligible to receive the Clean Communities funding during 2009. The amount of the entitlement is calculated based on an estimate that \$13 million in anti-litter fees will be collected through March 2009. Your town's share is based on your proportionate share of housing units and municipal road mileage. The housing unit information for the 2009 program is from the 2000 Census, as revised. The municipal road mileage amounts were provided by the New Jersey Department of Transportation.

The 2009 final payouts including the allocation schedule, road mileage schedule, grant guidelines, and the New Jersey Clean Communities Council statistical reporting forms will be posted on the Council's website, www.njclean.org by the middle of May. Please check the website for those items as well as other information concerning the Clean Communities program.

We anticipate disbursing the 2009 entitlement no later than the end of April 2009. If you have any questions please contact: E. David Barth, Director of the Division of Budget and Finance. He may be reached at (609) 292-9230 or at P.O. Box 420, Trenton, NJ 08625-0420

Sincerely yours,

Mark N. Mauriello
Acting Commissioner

G-02-47-701-371

05/06/10
10:40:23

CITY OF HOBOKEN
Revenue Detail Inquiry

Page No: 1

Revenue Account No: G-02-44-701-364

Description: Clean Community 2008-2009

Starting Date: 01/01/01

Account Type: Cash Basis/Not Anticipated

Ending Date: 05/06/10

** Transaction is Not Included in Balance

Po Transactions: Summarized

En = PO Line Item First Encumbrance Date

Date	Description	Amount	YTD Revenue	YTD Cash
10/21/08	Cash Receipt/Accrued Rev Check: CORRECTION TRANSFER FROM G0244701348 TO G0244701364 Source: RMISC Post Ref: R 10309 1	43,547.92	43,547.92	43,547.92
10/21/08	Cash Receipt/Accrued Rev Check: CORRECTION TRANSFER FROM G0244701348 TO G0244701364 Source: RMISC Post Ref: R 10309 2	43,547.92-	0.00	0.00
10/21/08	Cash Receipt/Accrued Rev Check: CORRECTION TRANSFER FROM G0244701348 TO G0244701364 Source: RMISC Post Ref: R 10311 1	43,547.92	43,547.92	43,547.92
03/26/09	Change To Curr Anticip Old: 43547.92 New: 43810.17 Adopted Revenue			
03/26/09	Change To Curr Anticip Old: 43810.17 New: 43547.92 Temporary Budget			
05/04/09	Cash Receipt/Accrued Rev Check: 0T0001054023 SOLID WASTE ADMD FY2009 Source: RMISC Post Ref: R 11094 1	55,893.64	99,441.56	99,441.56

G-02-44-701-371

Budgeted
SFY 2009
43810.17
(55,893.64)

12,083.47
additional

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

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

FIRE DEPARTMENT SAFER GRANT

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$399,008.40 from U S Department of Homeland Security wishes to amend its SFY 2010 Budget to include this amount as 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.....\$399,008.40 This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Fire Department S/W

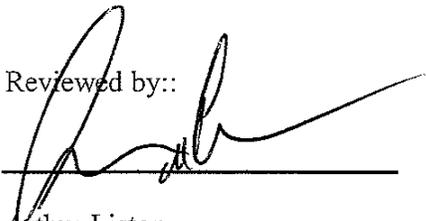
NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$399,008.40 Be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (a) Operations Excluded from CAPS
 - State and Federal Programs Off-Set by
 - Revenues:
 - Fire Department
 - Salary & Wages

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.

MEETING DATE: May 19, 2010

Reviewed by::

A handwritten signature in black ink, appearing to be 'A. Liston', written over a horizontal line.

Arthur Liston
Business Administrator

Approved as to Form:

A handwritten signature in black ink, appearing to be 'M. B. Kates', written over a horizontal line.

Michael B Kates
Corporation Counsel

6/20/2008 90,905.40 SFY 09

11/12/2008 99,815.40 SFY 09

9/18/2008 97,869.60 SFY 09

197,684.60

3/27/2009 Partial SFY 2009 82,321.40 SFY 10

(BAL) 42,491.40

8/13/2009 84,113.60

2/25/2010 99,068.00

4/16/2010 109,808.40

4/29/2010 63,527.00

399,008.40 SFY 10

FIRE DEPARTMENT S/W
SAFER GRANT

CHAPTER 159

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

STAFFING ADEQUATE FIRE AND EMERGENCY RESPONSE - Hiring program

GRANTEE: Hoboken Fire Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2006-FF-03669

AMENDMENT NUMBER:

TABLE OF CONTENTS

Article I	Project Description
Article II	Grantee Concurrence
Article III	Period of Performance
Article IV	Amount Awarded
Article V	Requests for Advances or Reimbursements
Article VI	Budget Changes
Article VII	Financial Reporting
Article VIII	Performance Reports
Article IX	DHS Officials
Article X	Other Terms and Conditions
Article XI	General Provisions
Article XII	Audit Requirements

Article I - Project Description

The grantee shall perform the work described in the approved grant application's Program Narrative. That narrative is made a part of these grant agreement articles by reference. The SAFER Program is to award grants directly to volunteer, combination, and career fire departments to help the departments increase their cadre of firefighters.

After careful consideration, DHS has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the program's purpose and worthy of award. The grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval. Any material deviation from the approved program narrative will result in the grantee being in default of the grant agreement. This may result in requiring the recipient to return a portion or the entire

grant funding.

Article II - Grantee Concurrence

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. All documents submitted as part of the original grant application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from **03-NOV-07 to 02-NOV-12**.

Grantees under the Hiring of Firefighters Activity must agree to a five-year commitment during which the Federal contribution toward the costs of the salaries and benefits will diminish over the course of the performance period. Grantees under the Recruitment and Retention Activity will have a period of performance up to four years depending on the scope of work outlined in their original grant application.

The grant funds are available to the grantee for obligation only during the period of performance of the grant award. A "recruitment period" of ninety (90) days will be provided for all grantees under both activities. Under the Hiring of Firefighters Activity as well as the Recruitment and Retention Activity, the five-year period of performance will start after this recruitment period. Under the Hiring of Firefighters Activity, if an awardee fills their awarded firefighter positions during the 90-day recruiting period, they will be afforded credit toward the final 12 months of the grant performance period, when the grantee must fund the entire salary. There will be no extensions to any SAFER grants. Award expenditures are for the purposes detailed in the approved grant application only. The grantee cannot transfer funds or assets purchased with grant funds to other agencies or departments without prior written approval from DHS.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. Following are the budgeted estimates for object classes for this grant (including Federal share plus applicable grantee match):

Personnel	\$2,315,069.00
Fringe Benefits	\$439,863.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$2,754,932.00

Article V - Requests for Advances or Reimbursements

Grant payments under the SAFER grants are made on a reimbursable basis only. Awardees will draw the Federal share of the awarded amount on a reimbursable basis, i.e., grant funds will reimburse the grantee for actual expenses incurred in the previous quarter. When the grantee needs grant funds, the grantee fills out the on-line Request for Reimbursement which is in the Manage Grant module of the on-line grant application.

Article VI - Budget Changes

Occasionally, due to successful competitive bid processes, breaks in service etc, some grantees have funds remaining after the completion of their obligations outlined above. Grantees awarded under the Hiring of Firefighters Activity that completes the approved scope of work and still has grant funds available must return all excess funds to the grants program office. Grantees awarded under the Recruitment and Retention Activity that have completed the approved scope of work and still has grant funds available may use the excess funds to continue with recruitment or retention activities consistent with the original scope of work, as long as it is within the originally approved period of performance. No extensions to the period of performance will be granted.

Article VII - Financial Reporting

The Request for Reimbursement mentioned above, will also be used for interim financial reporting purposes. At the end of the performance period, or upon completion of the grantee's program narrative, the grantee must complete, on-line, a final financial report that is required to close out the grant. The Financial Status Report is due within 90 days after the end of the performance period.

Article VIII - Performance Reports

The grantee must provide periodic performance reports in conjunction with the quarterly payment requests to the AFG program office. Performance reports must be submitted after each quarter even if funds are not requested. In the fifth and final grant year for grants involving the Hiring of Firefighters, grantees will have to submit a performance report at the mid-point of the year and then at grant closeout. All grantees will be required to produce a final report on how grant funding was used and the benefits realized from the award. An accounting of the grant funds must also be included in the performance reports. The quarterly reports are due within 30 days of the end of each quarter (every three months) of the performance period.

Article IX - DHS Officials

Program Officer: Glenn Gaines is the Program Officer for this grant program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. Any member of the SAFER program staff may be contacted at 1-866-274-0960.

Grants Assistance Officer: Sheila Parker-Darby is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. If you have any questions regarding your grant please contact Sheila Parker-Darby at 1-866-274-0960.

Grants Management Branch POC: Jane Early is the point of contact for this grant award and shall be contacted for all financial and administrative grant business matters. If you have any questions regarding your grant please call 703-605-0511.

Article X - Other Terms and Conditions

Pre-award costs are not allowable under the SAFER grant program.

Article XI - General Provisions

The following are hereby incorporated into this agreement by reference:

44 CFR, Emergency Management and Assistance

Part 7 Nondiscrimination in Federally-Assisted Programs

Part 13 Uniform administrative requirements for grants and cooperative agreements to state and local governments

Government-wide Debarment and Suspension (Non-procurement)

Part 17 and Government-wide Requirements for Drug-free Workplace (Grants)

Part 18 New Restrictions on Lobbying

31 CFR 205.6 Funding Techniques

OMB Circular A-21 Cost Principles for Educational Institutions

OMB Circular A-87 Cost Principles for State/local Governments, Indian tribes

OMB Circular A-102 Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments

OMB Circular A-110 Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

OMB Circular A-122 Cost Principles for Non-Profit Organizations

Article XII- Audit Requirements

All grantees must follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The main requirement of this OMB Circular is that grantees that expend \$500,000.00 or more in Federal funds in one year (from all Federal sources) must have a single audit performed in accordance with the circular.

As a condition of receiving funding under this grant program, you must agree to maintain grant files and supporting documentation for three years upon the official closeout of your grant. You must also agree to make your grant files, books, and records available for an audit by DHS, the General Accounting Office (GAO), or their duly authorized representatives to assess the accomplishments of the grant program or to ensure compliance with any requirement of the grant program.

Additional Requirements if applicable (max 4000 characters)

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1. AGREEMENT NO. EMW-2006-FF-03669	2. AMENDMENT NO. 0	3. RECIPIENT NO. 22-6001993	4. TYPE OF ACTION AWARD	5. CONTROL NO. W437661N
6. RECIPIENT NAME AND ADDRESS Hoboken Fire Department 201 Jefferson Street Hoboken New Jersey, 07030-1901	7. ISSUING OFFICE AND ADDRESS Grants Management, Operations Directorate 245 Murray Line - Building 410,SW Washington DC, 20528-7000 POC: Jane Early 703-605-0511	8. PAYMENT OFFICE AND ADDRESS FEMA,Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER Richard Blohm	PHONE NO. 2014202263	10. NAME OF PROJECT COORDINATOR Tom Harrington	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 03-NOV-07	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:03-NOV-07 To:02-NOV-12	

Budget Period
From:20-OCT-06 To:30-SEP-07

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (AACS CODE) XXXX-XXX-XXXXX-XXXXX- XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON- FEDERAL COMMITMENT
SAFER.	97.044	2007-62-0633RE-63000000- 4101-R	\$0.00	\$1,014,138.00	\$1,014,138.00	\$1,740,794.00
TOTALS			\$0.00	\$1,014,138.00	\$1,014,138.00	\$1,740,794.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/A

DATE
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)
Sheila Parker Darby

DATE
16-JUL-07

Go Back

John Cassesa

From: RICHIEFD@aol.com
Sent: Wednesday, August 15, 2007 11:17 PM
To: jcassesa@hobokenfire.org
Subject: Chief below is the budget for the SAFER Grant

<u>IN</u>	FY09 First 12-Month Period	FY10 Second 12-Month Period	FY11 Third 12-Month Period	FY12 Fourth 12-Month Period	FY13 Fifth 12-Month Period	Total
Personnel	328,420	385,072	451,497	529,381	620,699	2,315,069
Benefits	62,400	73,164	85,784	100,582	117,933	439,863
Federal Share	351,738	331,200	207,000	124,200	0	1,014,138
Applicant Share	39,082	127,036	330,281	505,763	738,632	1,740,794
Total:	390,820	458,236	537,281	629,963	738,632	2,754,932

It appears we are getting 1,014,138.00 (look at the federal share line and then go to extreme right. That figure matches what we were looking at this morning on my blackberry.

Also look under the 1st 12 month column down under the total if you divide that number by 10 f/f's it looks like we anticipated each firefighter salary and benefits to cost in the 1st 12 months 39,082 and the grant will provide 35,173.80 for each firefighter.

I followed the directions to view the grant but cant seem to locate where they say I should be able to find directions I will send them an email tomorrow just to thank them for the grant and look for direction on how to get the info we need.

If you have any questions call me on my cell,

DC Blohm

Get a sneak peek of the all-new AOL.com.

05/04/10
10:55:53

CITY OF HOBOKEN
Revenue Detail Inquiry

Page No: 1

Revenue Account No: G-02-44-701-376
Description: Fire Depart S/W Federal Safer Grant Account Type: Cash Basis/Not Anticipated
Starting Date: 07/01/01 Ending Date: 05/04/10
** Transaction is Not Included in Balance Po Transactions: Summarized
En = PO Line Item First Encumbrance Date

Date	Description	Amount	YTD Revenue	YTD Cash
03/30/09	Cash Receipt/Accrued Rev Check: WIRE TRANSFE From Current 9/17 & 11/12 wires Source: RMISC Post Ref: R 10901 1	197,685.00	197,685.00	197,685.00
04/22/09	Cash Receipt/Accrued Rev Check: WIRE CURRENT wire rec 3/27/09 current Source: RMISC Post Ref: R 10994 1	82,321.40	280,006.40	280,006.40
08/13/09	Cash Receipt/Accrued Rev Check: WIRE TRANSFR wire current fund 08/13/09 fed safer gt Source: RMISC Post Ref: R 11530 1	84,113.06	364,119.46	364,119.46
08/13/09	Cash Receipt/Accrued Rev Check: WIRE TRANSFE corr posting of cash current 08/13/09 Source: RMISC Post Ref: R 11596 1	84,113.60	448,233.06	448,233.06
08/13/09	Cash Receipt/Accrued Rev Check: WIRE TRANSFE corr posting of cash current 08/13/09 Source: RMISC Post Ref: R 11596 2	84,113.06-	364,120.00	364,120.00

Transaction Inquiry : Account Activity Settings

04/29/2010	DEPOSIT		\$1,516.47
04/29/2010	DEPOSIT		\$1,864.00
04/29/2010	DEPOSIT		\$3,439.71
04/29/2010	DEPOSIT		\$7,017.38
04/29/2010	DEPOSIT		\$27,409.97
04/29/2010	DEPOSIT		\$123,321.26
04/29/2010	DEPOSIT		\$363,909.08
04/29/2010	DHS- TREAS 220 MISC PAY		\$63,527.00
04/28/2010	CHECK	36080	\$47.00
04/28/2010	CHECK	36031	\$82.03
04/28/2010	CHECK	36067	\$110.00
04/28/2010	CHECK	36068	\$130.68
04/28/2010	CHECK	36072	\$168.40
04/28/2010	CHECK	35697	\$172.82
04/28/2010	CHECK	36018	\$299.00
04/28/2010	CHECK	36050	\$890.25
04/28/2010	CHECK	36053	\$1,638.42
04/28/2010	CHECK	36043	\$2,485.00
04/28/2010	CHECK	36062	\$6,461.36
04/28/2010	CHECK	36076	\$29,746.44
04/28/2010	CHECK	36054	\$191,864.57
04/28/2010	DEPOSIT		\$28,984.65
04/28/2010	WIRE TRANSFER INCOMING		\$42,880.94
04/28/2010	DEPOSIT		\$576,764.00
04/28/2010	DEPOSIT		\$682,233.50
04/28/2010	DEPOSIT		\$2,363,128.14
04/27/2010	CHECK	35937	\$45.00
04/27/2010	POD CHECK	36075	\$69.95
04/27/2010	POD CHECK	36037	\$81.00
04/27/2010	CHECK	35179	\$97.07
04/27/2010	CHECK	36056	\$300.00
04/27/2010	CHECK	36069	\$317.22
04/27/2010	CHECK	36036	\$345.39
04/27/2010	CHECK	36055	\$628.00
04/27/2010	CHECK	36077	\$790.59
04/27/2010	CHECK	36029	\$1,593.02
04/27/2010	CHECK	36032	\$2,100.68
04/27/2010	CHECK	36051	\$2,280.96
04/27/2010	CHECK	36048	\$3,946.57
04/27/2010	POD CHECK	36030	\$4,342.75
04/27/2010	CHECK	36065	\$4,874.91
04/27/2010	SUBSTITUTE INC CHECK	35998	\$11,073.88
04/27/2010	CHECK	36081	\$11,100.00
04/27/2010	CHECK	36035	\$43,008.55
04/27/2010	CHECK	36070	\$48,926.85
04/27/2010	CHECK	36071	\$169,206.51
04/27/2010	DEP RETURN CHARGEBACK		\$177.00
04/27/2010	DEP RETURN CHARGEBACK		\$186.00
04/27/2010	CREDIT		\$0.00
04/27/2010	DEPOSIT		\$46,817.56

*File
DEPT
SAFE
GRANT.*

Transaction Inquiry: Account Activity Settings

04/20/2010	WEBEXPRESS TRANSFER DB		\$629,056.94
04/20/2010	WEBEXPRESS TRANSFER DB		\$875,275.01
04/20/2010	DEPOSIT		\$29,108.00
04/20/2010	DEPOSIT		\$290,116.98
04/20/2010	DEPOSIT		\$344,122.12
04/20/2010	ST OF NEW JERSEY EFT PAYMT		\$5.00
04/20/2010	ST OF NEW JERSEY EFT PAYMT		\$28,794.69
04/19/2010	CHECK	35985	\$41.70
04/19/2010	CHECK	36008	\$107.33
04/19/2010	CHECK	35173	\$124.15
04/19/2010	CHECK	35952	\$379.16
04/19/2010	CHECK	35977	\$540.00
04/19/2010	POD CHECK	35895	\$610.00
04/19/2010	POD CHECK	35924	\$1,800.00
04/19/2010	POD CHECK	35971	\$6,216.00
04/19/2010	CHECK	36015	\$6,882.78
04/19/2010	CHECK	35950	\$81,750.00
04/19/2010	CHECK	35914	\$1,057,331.65
04/19/2010	DEPOSIT		\$7,300.77
04/19/2010	DEPOSIT		\$80,372.57
04/19/2010	DEPOSIT		\$81,204.73
04/19/2010	DEPOSIT		\$613,384.18
04/16/2010	CHECK	35902	\$30.00
04/16/2010	CHECK CASHED	36009	\$107.39
04/16/2010	CHECK CASHED	36012	\$125.00
04/16/2010	POD CHECK	35942	\$130.00
04/16/2010	CHECK	35992	\$200.00
04/16/2010	CHECK	35987	\$305.00
04/16/2010	CHECK	35963	\$352.27
04/16/2010	CHECK	35934	\$390.00
04/16/2010	CHECK	35944	\$1,950.00
04/16/2010	CHECK	35905	\$2,535.00
04/16/2010	CHECK	35929	\$6,545.00
04/16/2010	CHECK	35930	\$11,712.05
04/16/2010	WEBEXPRESS TRANSFER DB		\$816.52
04/16/2010	DEPOSIT		\$289.75
04/16/2010	DEPOSIT		\$820.00
04/16/2010	DEPOSIT		\$1,531.12
04/16/2010	DEPOSIT		\$15,277.00
04/16/2010	DEPOSIT		\$18,054.35
04/16/2010	DEPOSIT		\$65,380.90
04/16/2010	DEPOSIT		\$361,661.89
04/16/2010	ST OF NEW JERSEY EFT PAYMT		\$5.00
04/16/2010	DHS- TREAS 220 MISC PAY		\$109,808.40
04/15/2010	CHECK	35920	\$248.24
04/15/2010	CHECK	35807	\$280.00
04/15/2010	CHECK	35962	\$300.00
04/15/2010	CHECK	35943	\$600.00
04/15/2010	CHECK	35953	\$693.13
04/15/2010	CHECK	35918	\$1,200.00
04/15/2010	CHECK	35989	\$3,500.00

File
 del
 SAFER
 GRANT
 109,808.40
 63,527.00
 \$173,335.40

Transaction Inquiry : Account Activity Settings

2010	DEPOSIT		\$6,883.00	\$
5/2010	DEPOSIT		\$178,001.42	\$
1/25/2010	DEPOSIT		\$923,598.58	\$
02/25/2010	DHS- TREAS 220 MISC PAY		\$99,068.00	\$
02/24/2010	CHECK	35079	\$197.52	\$
02/24/2010	CHECK	35594	\$197.68	\$
02/24/2010	CHECK	35669	\$317.22	\$
02/24/2010	POD CHECK	35641	\$800.00	\$
02/24/2010	CHECK CASHED	35720	\$859.85	\$
02/24/2010	CHECK	35664	\$1,424.49	\$
02/24/2010	CHECK	35651	\$1,816.00	\$
02/24/2010	CHECK	35637	\$5,612.00	\$
02/24/2010	CHECK	35657	\$5,870.58	\$
02/24/2010	CHECK	35638	\$48,035.84	\$
02/24/2010	WEBEXPRESS TRANSFER DB		\$29.82	\$
02/24/2010	WEBEXPRESS TRANSFER DB		\$288.29	\$
02/24/2010	DEP RETURN CHARGEBACK		\$338.00	\$
02/24/2010	WEBEXPRESS TRANSFER DB		\$1,232.70	\$
02/24/2010	WEBEXPRESS TRANSFER DB		\$4,092.64	\$
02/24/2010	WEBEXPRESS TRANSFER DB		\$15,789.57	\$
02/24/2010	DEPOSIT		\$50.00	\$
02/24/2010	DEPOSIT		\$950.00	\$
02/24/2010	DEPOSIT		\$4,290.00	\$
02/24/2010	DEPOSIT		\$100,427.91	\$
02/24/2010	DEPOSIT		\$242,250.14	\$
02/24/2010	DEPOSIT		\$730,989.24	\$
02/24/2010	ST OF NEW JERSEY EFT PAYMT		\$5.00	\$
02/23/2010	CHECK	35681	\$81.00	\$
02/23/2010	CHECK	35271	\$97.07	\$
02/23/2010	CHECK	35683	\$176.90	\$
02/23/2010	POD CHECK	35648	\$202.00	\$
02/23/2010	CHECK	35646	\$210.00	\$
02/23/2010	CHECK	35680	\$222.00	\$
02/23/2010	CHECK	35679	\$258.50	\$
02/23/2010	CHECK	35653	\$304.00	\$
02/23/2010	CHECK	35655	\$320.00	\$
02/23/2010	CHECK	35639	\$575.32	\$
02/23/2010	POD CHECK	35676	\$588.60	\$
02/23/2010	CHECK	35678	\$647.38	\$
02/23/2010	POD CHECK	35616	\$1,462.35	\$
02/23/2010	CHECK	35650	\$1,820.00	\$
02/23/2010	CHECK	35665	\$1,984.60	\$
02/23/2010	CHECK	35674	\$2,100.00	\$
02/23/2010	CHECK	35660	\$3,030.00	\$
02/23/2010	CHECK	35670	\$4,555.00	\$
02/23/2010	CHECK	35603	\$4,720.00	\$
02/23/2010	CHECK	35672	\$8,220.00	\$
02/23/2010	WEBEXPRESS TRANSFER DB		\$47.17	\$
02/23/2010	DEP RETURN CHARGEBACK		\$100.00	\$
02/23/2010	WEBEXPRESS TRANSFER DB		\$1,496.55	\$
02/23/2010	WEBEXPRESS TRANSFER DB		\$2,411.60	\$

*Fire Dept
S/W
SAFE
GRANT*



STATEMENT OF ACCOUNT

CITY OF HOBOKEN
GENERAL FUND

Page: 4 of 26
Statement Period: Aug 01 2009-Aug 31 2009
Cust Ref #: 4242743569-808-I-***
Primary Account #: 424-2743569

DAILY ACCOUNT ACTIVITY

Deposits (continued)

POSTING DATE	DESCRIPTION	SERIAL NO.	AMOUNT
8/20	DEPOSIT		125,458.77
8/20	DEPOSIT		6,383.00
8/21	DEPOSIT		46,399.55
8/21	DEPOSIT		3,758.27
8/21	DEPOSIT		1,031.56
8/21	DEPOSIT		70.00
8/24	DEPOSIT		88,443.25
8/25	DEPOSIT		3,219.99
8/27	DEPOSIT		157,257.08
8/27	DEPOSIT		49,001.37
8/27	DEPOSIT		33,473.85
8/27	DEPOSIT		10,046.00
8/27	DEPOSIT		3,363.58
8/27	DEPOSIT		862.00
8/27	DEPOSIT		229.00
8/28	DEPOSIT		107,046.08
8/28	DEPOSIT		12,801.00
8/28	DEPOSIT		805.80
8/31	DEPOSIT		160,782.11

Subtotal:

Electronic Deposits

POSTING DATE	DESCRIPTION	SERIAL NO.	AMOUNT
8/3	CCD DEPOSIT		2,843,616.60
	ST OF NEW JERSEY EFT PAYMT	22600199399	
8/3	CCD DEPOSIT		1,598,888.70
	ST OF NEW JERSEY EFT PAYMT	22600199399	
8/4	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
8/7	CCD DEPOSIT		10.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
8/7	WEBEXPRESS TRANSFER CR		80.89
	Redemp/Current		
8/12	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
8/13	CCD DEPOSIT		84,113.60
	DHS-TREAS 220 MISC PAY	226001993700700	
8/13	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	

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Account Transfers

Account Transfers > Make Transfers

Reporting

Review and Submit step 2 of 3

4/22/2009

Inquiry /

Stop Payment

To submit transfers for processing, review the transfers and click 'Make Transfer (s)'.

Positive Pay

ACH Payments

From/To Account	Amount	Effective Date	Comments
From: 3982549660 To: 3982549628	82321.40	04/22/2009	Current/Fed & State

Wire Transfers

Wire Activity

Setup

*Wire transfer from Current
Fund to Federal & State Grant
Fund.
Free Safer Grant for SW*

\$ 82,321.40

G-02-44-701-376

Subtotal: 29,399,273.23

Electronic Deposits

POSTING DATE	DESCRIPTION	SERIAL NO.	AMOUNT
3/2	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/2	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/5	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/10	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/16	CCD DEPOSIT		80.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/16	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/19	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/20	WEBEXPRESS TRANSFER CR		21,702.50
	Trust/Curr Pay 07/16		
3/20	WEBEXPRESS TRANSFER CR		20,297.50
	Trust/Curr pay 7/02		
3/25	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/25	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/26	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/26	CCD DEPOSIT		5.00
	ST OF NEW JERSEY EFT PAYMT	22600199399	
3/26	WEBEXPRESS TRANSFER CR		118,012.00
	Trust/Current		
3/27	CCD DEPOSIT		82,321.40
	DHS- TREAS 220 MISC PAY	226001993700700	

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82,321.40

Full S/W

check
DHS-220
2/27

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Introduced by: _____

Seconded by: _____

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

**RESOLUTION AUTHORIZING A CONTRACT WITH KATES NUSSMAN RAPONE ELLIS &
FARHI, LLP AS SPECIAL COUNSEL FOR THE CITY OF HOBOKEN**

WHEREAS, Michael B. Kates, Esq., a senior partner of Kates Nussman Rapone Ellis & Farhi (the "Law Firm"), was appointed by Hoboken Mayor Dawn Zimmer as Corporation Counsel, effective December 7, 2009, and has served in that capacity to date; and

WHEREAS, Hoboken Code §54-33.B empowers the Corporation Counsel "to institute an action when instructed to do so by the Mayor or the Council or upon the complaint of any other person when, in the Corporation Counsel's judgment, the public interest requires that the same should be prosecuted"; and Hoboken Code §54-33.D to "bring an appeal in any action in which judgment shall have been given against the city, except by direction of the Mayor"; and

WHEREAS, Mayor Zimmer and Mr. Kates have conducted an evaluation of the office of Corporation Counsel, more particularly the demands put on that office by the business of the City, its Administration and the City Council; the overwhelming incidence of suits against the City; demands for public records by an informed public, local press, a multiplicity of "bloggers" and other interested parties; the targeting of real properties for development/redevelopment; the need to oversee the land use boards and the planning process to accommodate the City's needs for preservation of housing stock and housing opportunities, to accommodate growth on an acceptable scale so that the City's superstructure can tolerate additional population densities; coordination of county, state, regional and federal intergovernmental relations; and managing the reasonable expectations of stakes holders in all aspects of City life, including the municipal hospital, the regional rail transportation corridor, the waterfront, the regional sewer authority, and localized parking and transportation modes; and

WHEREAS, it is the opinion of the contracting parties, and with the concurrence of the Business Administrator, that a second attorney is necessary to cover the depth and breadth of the legal responsibilities of the City on a daily basis, both full-time and "overtime", which the Law Firm is willing to provide; and

WHEREAS, the Law Firm will be required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 *et seq.* of the Code of the City of Hoboken); and

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

WHEREAS, funds are available for this purpose;

NOW THEREFORE, BE IT RESOLVED that appended professional services contract be authorized in the amount Seventy-Five Thousand (\$75,000.00) Dollars, plus a blended litigation rate of \$150.00 for litigation services set forth in the appended Agreement and not to exceed Fifty Thousand (\$50,000) Dollars; and,

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

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

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

Meeting Date: May 19, 2010

Reviewed:

Approved as to Form:

Arthur Liston
Business Administrator

Michael B. Kates
Corporation Counsel

JOEL M. ELLIS

Kates Nussman Rapone Ellis & Farhi, LLP
190 Moore Street - Suite 306
Hackensack, New Jersey 07601
201-488-7211
jellis@nkllaw.com

EDUCATIONAL BACKGROUND

*Rutgers University, New Brunswick, New Jersey
1959-1963, B.A. Degree*

*Western Reserve School of Law, Cleveland, Ohio
1963-1966, Juris Doctor Degree*

Member of the New Jersey, New York and Massachusetts Bar

LEGAL EXPERIENCE

Practicing Attorney for 42 years.

KATES NUSSMAN RAPONE ELLIS & FARHI, LLP

190 Moore Street, Suite 306, Hackensack, New Jersey

Partner since May, 1990 (previously, Ellis & Gartlan; Murphy, Ellis & Gartlan; and Murphy & Ellis) Specific municipal experience: Served as Counsel to Borough of Fort Lee and Walwick. Duties involved all facets of municipal law, including familiarity with conversion laws in connection with drafting and defense of moratorium ordinance on conversions, substantial zoning matters, labor negotiations, mediation and arbitration. Previously served as counsel to various Planning Boards, including Walwick Planning Board and Fair Lawn Planning Board.

Served as special tax counsel to Borough of Fort Lee. Engaged in substantial trials before Tax Court. Tax appeal counsel to Township of Teaneck. Also, extensive experience representing property owners for all classes of property throughout the state, including major cooperative corporations and several hundred condominium unit owners in blanket appeals.

Substantial experience in excess of 40 years with land use representing municipalities, Planning Boards and developers throughout the State of New Jersey, including being appointed as Special Counsel in Bankruptcy Court to seek zoning approvals. Also, acted as counsel to various Boards of Adjustment in substitution for Michael Kates.

Counsel to Cooperative Corporations, Condominium Associations, and Homeowners Associations, over a period of many years. Performed a variety of legal services including, but not limited to, assisting in connection with the transition to control by the unit owners, review of and amendment to governing documents. Counsel to Associations and unit owners in litigation against sponsors, including construction defect litigation. Substantial collection work, including organization, formulation and

implementation of collection procedures and appointment as special counsel on behalf of cooperative corporations to handle collection matters against delinquent shareholders.

Substantial experience representing property owners and condemning authorities in condemnation actions. Appointed as Condemnation Commission by the Court.

Previously counsel to major lender re: cooperative loans, advice on the development of cooperative loan forms.

Participated as panelist on impact of Cooperative Recording Act on cooperatives sponsored by Institute For Continuing Legal Education. Selected as speaker on Tenants rights at condominium - Cooperative Seminar sponsored by Department of Community Affairs and Community Associations Institute.

Article published by practicing Law Institute in Handbook on Cooperatives and Condominiums entitled "Some Recent Developments in the Area of Real Estate Tax Valuation of Condominiums and Cooperatives and Buildings Converting to Such Form of Ownership."

Selected as speaker before Fort Lee Chamber of Commerce on tax appeals.

Selected as speaker at Community Associations Institute's ("CAI") Annual Conference and EXPO of Community Associates on September 18, 1999 on topic "How Far Can You Go - Freedom of Speech."

Member of Community Associations Institute ("CAI") and selected to be a member of its Legislative Action Committee.

Served as mediator on the Early Settlement Panel of New Jersey Superior Court. Selected as mediator in Community Association disputes, having been certified as a mediator by CAI. Appointed as arbitrator for contract litigation under auspices of Bergen County Superior Court. Certified as arbitrator in civil actions by the Administrative Office of the Courts.

Selected as one of the 2008, 2009 and 2010 New Jersey Super Lawyers as published in the New Jersey Super Lawyers Magazine in the field of real estate which encompasses representing cooperative corporations and condominium associations. Only 5% of the lawyers in the State are selected based on ethics, experience and reputation.

Certified and appointed by New Jersey Superior Court as a mediator in civil contract actions; arbitrator for contract litigation under auspices of Bergen County Superior Court; mediator in Community Association disputes.

MARTINDALE-HUBBELL RATING - AV¹

¹ Martindale-Hubbell is a national and international database for the legal community, with ratings based upon peer reviews in the locality where the lawyer practices. Legal ability ratings are: "C" (from Good to High), "B" (from High to Very High) and "A" (from Very High to Preeminent). General ethical standards, if included, have only one rating "V" (Very High).

Introduced by: _____

Seconded by: _____

Ordinance No. ____

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A PREFABRICATED STEEL BUILDING FOR USE BY THE CITY AS THE ENVIRONMENTAL SERVICES GARAGE AND RELATED EXPENSES AND APPROPRIATING \$1,550,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,472,500 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$1,550,000 including the sum of \$77,500 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,472,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is construction in the City of a prefabricated steel building, fully equipped with plumbing, HVAC and a reinforced foundation parking surface, for use by the City as their environmental services garage, including all work, materials and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the

description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the

bonds and notes provided in this bond ordinance by \$1,472,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The City reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant or other moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at

least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Approved:

Mayor

Approved as to Form:



Michael B. Kates
Corporation Counsel

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the City Council of the City of Hoboken, in the County of Hudson, New Jersey, held on _____, 2010. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said City Council to be held in the Council Chambers, City Hall, Hoboken, New Jersey on _____, 2010 at ____ o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the City Clerk's office in the Municipal Building to the members of the general public who shall request the same.

James J. Farina, City Clerk

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, New Jersey on _____, 2010 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

James J. Farina, City Clerk

CLERK'S CERTIFICATE

I, James J. Farina, City Clerk of the City of Hoboken, in the County of Hudson, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. _____ of said City entitled as set forth below and finally adopted on _____, 2010, has been compared by me with the original thereof officially recorded in the Ordinance Book of the City and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A PREFABRICATED STEEL BUILDING FOR USE BY THE CITY AS THE ENVIRONMENTAL SERVICES GARAGE AND RELATED EXPENSES AND APPROPRIATING \$1,550,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,472,500 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the City Council of said City duly called and held on _____, 2010 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said City Council, at a regular meeting thereof duly called and held on _____, 2010 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on _____, 2010, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance, in the _____, a newspaper published and circulating in the City (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On _____, 2010, said Ordinance was posted on the bulletin board in the Municipal Building of the City together with notice of the availability of copies of said Ordinance at the Office of the City Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on _____, 2010 in the _____, a newspaper published and circulating in the City, and no protest by any person against making the improvement or issuing the indebtedness authorized in said

Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the City Clerk for public inspection from the date of introduction to the date of final adoption.

7. The Ordinance appropriated a down payment of not less than 5% of the obligations thereby authorized to the purpose, or ratably to the purposes, to be financed pursuant to the Ordinance, and such sum was made available (~~strike out inapplicable language~~) (a) by provision in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes, (b) from moneys then actually held by the City and previously contributed for such purposes other than by the City; and/or (c) by emergency appropriation.

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said City, prepared as of _____, 2010, and sworn to on _____, 2010, by _____, who was then the Chief Financial Officer of said City, and filed in the office of said City Clerk on _____, 2010, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the City Council) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this ___ day of _____, 2010.

(SEAL)

James J. Farina, City Clerk

ATTACHMENTS

- A) Ordinance
- B) Extract of minutes of City Council meeting at which Ordinance was introduced
- C) Extract of minutes of City Council meeting at which Ordinance was finally adopted
- D) Affidavit of First Publication of Ordinance after introduction
- E) Affidavit of Second Publication of Ordinance after final adoption
- F) Supplemental Debt Statement

Sponsored by: Peter Cunningham

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO.: _____

**AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 6 OF THE
ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED
“RESIDENCY REQUIREMENTS”**

WHEREAS, the Council of the City of Hoboken declares it to be in the public’s best interest for the City of Hoboken to obtain and retain the best qualified municipal employees; and,

WHEREAS, Article VIII of Chapter 6 of the City Code (§ 6-22) imposes a Hoboken residency requirement on “all officers and persons employed by the City of Hoboken”; and,

WHEREAS, nonresidents presently occupy several employment positions with the City of Hoboken, are highly capable employees, and potential employees have been and will be excluded from City employment if residency is a continuing requirement of employment; and

WHEREAS, there is no correlation between residency in the City and the ability to satisfactorily perform employment duties for the City;

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

SECTION ONE:

Article VIII, entitled “residency requirement”, §§ 6-21 and 6-22 is hereby rescinded.

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This Ordinance shall take effect as provided by law.

Adopted:

Approved:

City Clerk James Farina

Mayor Dawn Zimmer

Approved to Form:



Michael B. Kates, Corporation Counsel

Date of Introduction: **May 19, 2010**

Introduced by: _____

Seconded by: _____

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

**RESOLUTION AUTHORIZING CLOSED SESSION RELATING TO
ATTORNEY-CLIENT PRIVILEGE CONTRACTUAL OBLIGATIONS
CONCERNING THE POTENTIAL SALE AND PURCHASE OF THE CITY
GARAGE AND POTENTIAL LITIGATION**

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(5) and (7); and,

WHEREAS, one of these reasons is to receive advice from legal counsel relating to the sale and purchase of the City Garage; 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: May 19, 2010

APPROVED AS TO FORM:



Michael B. Kates
Corporation Counsel