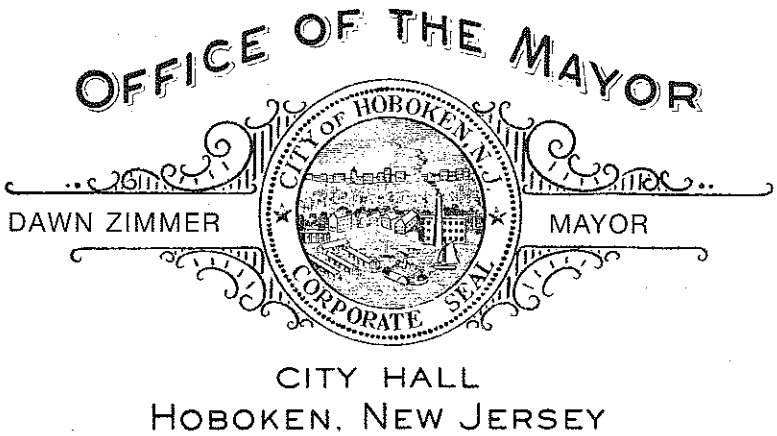
OFFICE OF THE MAYOR

DAWN ZIMMER MAYOR

CITY HALL
HOBOKEN, NEW JERSEY



Dear Council Members,

Since 1995, the City has had on its books an ordinance purporting to establish a local Ethics Board with members selected by the Mayor subject to advice and consent by the City Council. This Board has never been formed, and I believe that creating such a Board is not in the best interests of the City. I am, therefore proposing that the Ordinance that purports to create this Board, that has never been implemented, be repealed.

In the absence of a local Ethics Board, ethics complaints are reviewed by the State Department of Community Affairs. So the question is not whether ethics complaints should be reviewed, it is which body is best suited for performing that review – the State DCA or a local Ethics Board. I strongly believe that the best choice for Hoboken is the DCA for the following reasons:

1. Since members of the Ethics Board would be selected by the Mayor and the City Council, there would exist an inherent conflict with respect to all complaints brought either by or against the Mayor, the City Council members, and any of their family members, friends or business associates. The DCA represents a far fairer and more neutral body for considering such complaints.

2. The cost of a local Ethics board would be significant, as it would require legal counsel for potentially long and contentious meetings.

For these reasons, I strongly believe it is in the best interest of the City of Hoboken to repeal the unimplemented Ethics Board Ordinance and to refer its ethics complaints to the DCA for investigation.

I hope that you will agree with my position, and therefore support the legislative action that enables the City to transfer responsibility for ethics complaints to the State.

On a related note, a few weeks ago I had the honor of participating as a guest panelist speaker on ethics in government at Rutgers Business School. The university has done an impressive analysis of ethical issues in business, non-profits and government, and I encourage you to review their report, which will be posted on our City's web site next week.

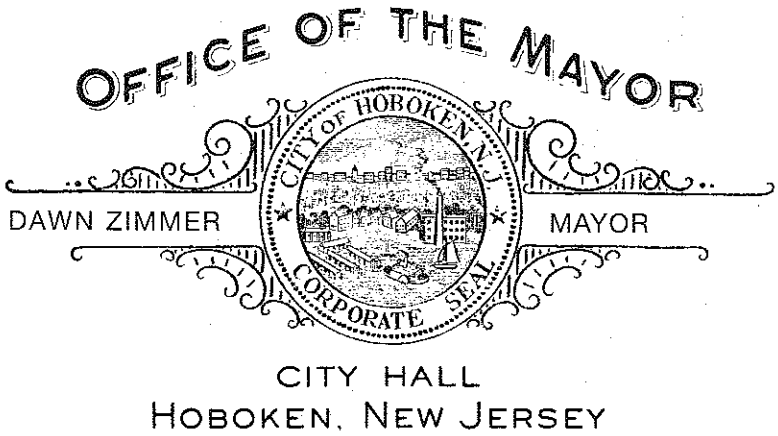
Best regards.

Mayor Zimmer

OFFICE OF THE MAYOR

DAWN ZIMMER MAYOR

CITY HALL
HOBOKEN, NEW JERSEY



Update on the Location of the Municipal Garage from Mayor Zimmer
Based on community feedback, it is very clear that there's a great deal of misunderstanding regarding the municipal garage issue. My Administration is working as hard as possible to develop every potential option for solving this problem. The following provides an overview of the situation, along with information about the process going forward.

Important update on the bid process:
The bid responses for the two RFPs (Request for Proposals) issued two weeks ago were scheduled to be submitted no later than today, Friday, May 28th. Unfortunately, the integrity of the bidding process was compromised when the bidding list, which is confidential information prior to the bid opening, appeared on the Internet. Business Administrator Arch Liston has directed that the bidding process be rescinded and re-advertised. An internal investigation regarding the matter has been launched, and appropriate action will be taken against persons found to have been involved in any wrongdoing.

When the new bid process is completed, the submitted bids in response to the RFPs will be revealed and made public by the City Clerk in the Council Chambers. The public is invited to attend when the sealed bids are opened. My Administration will review those bids in an expeditious manner, solicit input from the community, and compare these options to other alternatives, which have been suggested by the public, the City Council, and my Administration.

The situation:
The only appropriate reason for moving our Municipal Garage would be if there's another location that would better serve our community. Before selling the existing garage, the City should have secured and completed construction on an alternative site that it believed was more beneficial than the present location. Unfortunately, this was not done. It was based instead on the desire to plug the City's budget gaps starting in 2005. As a result, there existed neither an alternative site nor any plan to obtain one.

We will not repeat those mistakes again. My Administration is taking a proactive approach and considering all alternatives for locating our garage with the single goal of achieving the best results for our City. Below are details on the history of the garage transaction along with some of the potential options and the steps we are taking to prepare.

Through a series of "sale leaseback" transactions starting in 2005, the Roberts Administration borrowed approximately $16 million against the City's interest in our existing garage to cover operating expenses. In 2008, when the City entered into a contract of sale with the developer, Hekemian, it was anticipated that when the sale closed in 2010 the proceeds of the sale would be used to pay off that debt.

At the June 2 City Council meeting, a bond ordinance will be considered by the City Council to refinance (at a much lower interest rate) the debt borrowed against the garage. This will protect us in the event that, for any reason, the sale of the existing garage does not proceed as planned, in which case there would be no need to relocate the garage prior to acquiring a better long term alternative.

Understanding the role of the Mayor, Council, and public in final decision making: There has been a lot of misinformation that has been circulated, some mistakenly and some intentionally, about about the decision making process being followed. A constituent called yesterday who had been misled into believing that in my position as mayor I could and intended to unilaterally decide without Council approval, where the garage will be located. I want to assure everyone that this is absolutely not the case. The City Council and the public will be very much involved in the final decision with regard to the garage location.

The preliminary discussions of the options were kept confidential to protect the City's negotiating position, and so that options could be presented to the public as real viable and available solutions. The ultimate decision making process, however is a fully public one.

The process for acquiring land requires the City Council to adopt a bond ordinance. Ordinances receive a 1st reading at a Council meeting, followed by a legal advertisement in a newspaper of record, after which a 2nd reading and public hearing is held. The Council debates and votes after the public session. A supermajority, six votes, are required to adopt a bond ordinance. Leases, on the other hand, require passing a resolution, which require a simple majority, or, five votes. The public speaks on all resolutions and then the Council debates and votes. Neither a land acquisition or a lease option can be completed secretly or unilaterally by the Mayor. They can only be implemented following a full public discussion and approval by the City Council.

We will continue to involve the public in this process and keep you informed of developments. If you would like to receive updates on the status of the municipal garage, please email Juan Melli in the Mayor's Office at jmelli@hobokennj.org.

Sincerely,

Mayor Zimmer

ML

SPONSORED BY: _____

SECONDED BY: _____

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

JUNE 2, 2010

TAXI, LIMO, AND LIVERY DRIVERS $75.OO 21 ITEMS
(SEE ATTACHED)

MECHANICAL AMUSEMENT DEVICES ($350.00 EA) 2 ITEMS

MAGALI CARABALLO 87 JEFFERSON ST HOBOKEN, NJ	1 COIN-OP POOL TABLE
VJEKOSLAV FATOVIC T/A MARIO'S BAR 301 PARK AVE. HOBOKEN, NJ	1 COIN-OP POOL TABLE

VENDOR $100.00 1 ITEM

SARAH ADAMSON & JORDANA LAKE
T/A COLOR JAM
404 WASHINGTON ST
HOBOKEN, NJ 07030

MISCELLANEOUS LICENSES

DRIVERS (21 ITEMS @ $75.00)

ADEL ABDELMALAK	2701 KENNEDY BLVD, J.C., NJ	TAXI
ANTONIO REINOSO	331 BALDWIN AVE, J.C., NJ	TAXI
LUIS BAEZ	221 SUMMIT AVE, J.C., NJ	TAXI
MAHMOUD ALY	651 NEWARK AVE, J.C., NJ	TAXI
JOSEPH ABDELMALEK	750 N BROAD ST, ELIZABETH, NJ	TAXI
AYMAN SOKAR	2701 KENNEDY BLVD, J.C., NJ	TAXI
CARLOS MEJIA	4715 GRAND AVE, N. BERGEN, NJ	LIMO
PEDRO MARTINEZ	1410 76TH ST, NORTH BERGEN, NJ	LIMO
REYNAN VELASQUEZ	1128 SUMMIT AVE, J. C., NJ	LIMO
CARLOS DERAS	801 WEST ST., U.C., N J	LIMO
SALAH A. HEINEIDY	2500 KENNEDY BLVD, J.C., NJ	TAXI
PEDRO MELO	512 19TH ST., U.C., NJ	LIMO
BARRY MONTAGUE	372 PALISADE AVE, J.C., NJ	LIMO
JUAN GUANCE-SANCHEZ	168 WEBSTER AVE, J.C., NJ	LIMO
BASSEM AZAB	170 TONNELE AVE, J.C., NJ	TAXI
SOUMAIL H. REZK	454 HENRY ST., HASBROUCK HTS, NJ	TAXI
YALIN HERNANDEZ	1631 KENNEDY BLVD, N. BERGEN, NJ	LIMO
SERGIO PINZON	9121 DURHAM AVE, N. BERGEN, NJ	LIMO
JARRI GIL-MONTESINO	26 PATERSON AVE, J.C., NJ	LIMO
ADEL ELGARYAR	5 CHURCH TOWERS, HOB, NJ	LIMO
DIEGO BEDOYA	915 85TH ST, N. BERGEN, NJ	LIMO

21 DRIVERS

Introduced by:_____

1

Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION NAMING THE CORNER OF WASHINGTON AND NEWARK STREETS "CARLO'S WAY" IN HONOR OF THE 100TH ANNIVERSARY OF CARLO'S CITY HALL BAKE SHOP, AN EXEMPLARY FAMILY-OWNED BUSINESS AND A DESTINATION FOR THOUSANDS OF HOBOKEN RESIDENTS AND VISITORS ALIKE.

WHEREAS, The City of Hoboken honors institutions, businesses and residents who have brought fame and positive attention to the "Mile Square City" and who have positively impacted the lives of others while maintaining and improving the quality of life in our community; and

WHEREAS, Carlo's Bake Shop was founded on Adams Street 100 years ago, generating neighborhood popularity which later attracted 13 year old **Buddy "Bartolo" Valastro, Sr.** who had recently immigrated to America from Italy; and

WHEREAS, Carlo's Bake Shop grew in popularity with all Hoboken residents and aficionados of all things sweet, and under the direction of **Buddy, Sr.**, who purchased the establishment and moved its operations to 95 Washington Street, it was renamed **Carlo's City Hall Bake Shop,** at the former site of **Schoening's City Hall Bake Shop**; and

WHEREAS, Buddy Valastro, Jr. at age 17, having developed a flair for creating cakes, took over **Carlo's** following the sudden death of his father, aided with the full support and hard work of his family, mother, four siblings and many of **Buddy, Sr.'s** grandchildren, as well as other bakery colleagues; and

WHEREAS, Buddy Valastro and his family's genuine charm, talent and affectionate local color caught the eye of cable's **TLC,** broadening his audience to millions around the world, developing his reputation as the **"Cake Boss,"** and enhancing Hoboken's reputation as a major tourist destination; and

WHEREAS, Buddy Valastro, married his sweetheart, **Lisa,** and has three loving children, **Sofia, Buddy** and **Marco** and still maintains **Carlo's City Hall Bake Shop** as a family-owned business;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby declare that the corner of Washington and Newark streets be named "Carlo's Way" to honor the **Valastro family** as our entire community salutes the 100th anniversary of **Carlo's City Hall Bake Shop.**

Reviewed:

Arthur Liston
Business Administrator

Approved as to Form:

Michael B. Kates
Corporation Counsel

Meeting: June 2, 2010

2

Sponsored by _____

Sponsored by _____

RESOLUTION NO._____

RESOLUTION OF THE CITY OF HOBOKEN APPOINTING MICHAEL A. MONGIELLO AS THE CHIEF JUDGE OF THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 of the Code of the City of Hoboken, the City has created a Municipal Court, with two Municipal Court Judges, one of whom is to be designated the Chief Judge and who shall be responsible for all judicial and administrative functions of the Municipal Court; and

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 the Municipal Court Judges are appointed by the Mayor with the advice and consent of the City Council, for terms of (3) three years from the date of the appointment; and

WHEREAS, the Mayor has appointed Michael A. Mongiello, a local attorney and present prosecutor in the Hoboken Municipal Court, who meets the statutory qualifications for a Municipal Court Judge;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that Michael A. Mongiello, an attorney-at-law of the State of New Jersey, is deemed to be highly qualified to serve as Chief Judge of the Hoboken Municipal Court.

FURTHER RESOLVED, that Chief Judge Mongiello shall serve for a term of (3) years effective immediately, at a salary of Fifty Five Thousand ($55,000) dollars. This appointment shall include benefits presently available to full-time employees of the City of Hoboken.

REVIEWED:

_____
Arch Liston, Business Administrator

APPROVED AS TO FORM:

_____
Michael B. Kates, Corporation Counsel

Meeting Date: June 2, 2010

Michael A. Mongiello, Esq.

70 Hudson Street
3rd Floor
Hoboken, New Jersey 07030
Tel: (201) 792-2232
Fax: (201) 792-2072
E-Mail: mongiello.law@verizon.net

EDUCATION

New York Law School, New York, N.Y., **J.D., June 1980**
New York University, New York, N.Y. Graduate Studies, **1973-1974**
New Jersey City University, Jersey City, N.J., **B.A., 1971**

ADMITTED TO PRACTICE LAW

State of New Jersey, **December 18, 1980.**
United States District Court for the District of New Jersey, **December 18, 1980.**
United States District Court for the Eastern District of New York, **June 15, 1982.**
United States District Court for the Southern District of New York, **August 12, 1982.**

EMPLOYMENT

Municipal Court Prosecutor, Hoboken, New Jersey: Disorderly Persons and Petty Disorderly Persons Offenses; Motor Vehicle Offenses including Driving Under the Influence; Ordinance Violations. **1994 to Present.**

Mongiello & Mongiello, Hoboken, New Jersey : Litigation; Law Division and Chancery Division, Federal Courts; Municipal Court Cases; Criminal Cases; Real Estate Transactions Commercial and Residential; Preparation of Wills; Bankruptcies; Matrimonial; Personal Injury; Child Support; Property Damage; Estate Administration, Zoning and Land Use. **1981 to Present.**

Assistant City Attorney City of Hoboken, Hoboken, New Jersey: Municipal Ordinances and Resolutions; Civil Litigation (Federal / State); Departmental Hearings; Worker's Compensation Cases. **1986 to 1987.**

Hoboken Board of Education, Hoboken, New Jersey: Elementary School Teacher, Grade 5. **1971 to 1977, 1980.**

ASSOCIATIONS

Hoboken Bar Association **1981 to Present.**
Past Member of New Jersey American Trial Lawyers Association.

QUALIFICATIONS

Experienced trial attorney who has represented defendants in criminal matters and Municipal Court matters and the State of New Jersey in Prosecution of Municipal Court matters, and who has represented plaintiffs and defendants in civil matters. Articulate and reasonable litigator who willingly works within the boundaries of the legal system to achieve justice for all parties.

3

Sponsored by _____

Sponsored by _____

RESOLUTION NO._____

RESOLUTION OF THE CITY OF HOBOKEN APPOINTING CATALDO F. FAZIO AS THE JUDGE OF THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 of the Code of the City of Hoboken, the City has created a Municipal Court, with two Municipal Court Judges; and

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 the Municipal Court Judges are appointed by the Mayor with the advice and consent of the City Council, for terms of (3) three years from the date of the appointment; and

WHEREAS, with the appointment of a Chief Judge it is deemed necessary to reappoint Cataldo F. Fazio, the present Municipal Court Judge; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that Cataldo F. Fazio, an attorney-at-law of the State of New Jersey, is deemed to be highly qualified to continue to serve as Judge of the Hoboken Municipal Court.

FURTHER RESOLVED, that Judge Fazio shall serve for a term of (3) years effective immediately, at a salary of Forty Six Thousand Three Hundred ($46,300) dollars. This appointment shall include benefits presently available to full-time employees of the City of Hoboken.

REVIEWED:

_____
Arch Liston, Business Administrator

APPROVED AS TO FORM:

_____
Michael B. Kates, Corporation Counsel

Meeting Date: June 2, 2010

CATALDO F. FAZIO

LAW OFFICE OF CATALDO F. FAZIO, LLC
300 Harmon Meadow Boulevard
Secaucus, New Jersey 07094
Telephone - (201) 223-9900
Facsimile - (201) 223-9911
e-mail - info@fazlaw.com

Municipal Court Judge - Hoboken, New Jersey

As Municipal Court Judge for the City of Hoboken for more than 14 years, I preside over arraignments, pre-trial conferences, probable cause and other pre-trial hearings, motions, trials and sentencing hearings in the broad spectrum of cases over which our court has jurisdiction. Those matters include disorderly persons criminal matters, such as assaults, domestic violence and drug offenses, city ordinance complaints, driving while intoxicated and other motor vehicle violations. I also work with the Hoboken Municipal Court Administrator to oversee the various administrative and calendar issues confronting the court and our staff.

I am on call for the four police departments which serve the City of Hoboken on a regular basis, specifically the Hoboken, Port Authority of New York and New Jersey, New Jersey Transit and Stevens Police Departments. I am available 24 hours per day, seven days per week for the purpose of reviewing and approving criminal complaints, setting bail for defendants in police custody, entertaining applications for domestic violence temporary restraining orders and reviewing search warrant applications.

Based on my experience as a Municipal Court Judge, the New Jersey Supreme Court has appointed me to serve two terms on its Committee on Complementary Dispute Resolution. I also serve on its Municipal Court Subcommittee. In that capacity, I have participated in the design and implementation of the Municipal Court Presumptive Mediation Pilot Program. The pilot program initially involved seven Municipal Courts throughout New Jersey, including the Hoboken Municipal Court. It was created, in part, to enable Municipal Courts to operate more efficiently and cost effectively for the governing municipalities. The Supreme Court recently expanded the mediation pilot program to approximately 50 courts statewide, and it has again selected the Hoboken Municipal Court to participate in the program.

Principal - Law Office of Cataldo F. Fazio, LLC, Secaucus, New Jersey

The firm's practice focuses on representing businesses, individuals and public entities in a wide variety of civil litigation matters, including trials and appeals. The firm handles matters in state and federal courts, administrative actions, and in matters commenced in alternate dispute forums. In addition, the firm has served in the capacity of outside general counsel for business clients engaged in local, regional and national operations. The firm has been called upon to

review and advise on legal issues pertaining to contract performance, claims prevention, and dispute resolution.

APPOINTMENTS AND ACTIVITIES

- Municipal Court Judge - City of Hoboken, New Jersey (1995 - present)
- Designated as a Mentor for Newly Appointed Municipal Court Judges
- Certified as a Civil Trial Attorney by the Supreme Court of New Jersey
- Member, Supreme Court of New Jersey Committee on Complementary Dispute Resolution (2004 - present)
- Member, Supreme Court of New Jersey Court District VI Ethics Committee (2001 - 2005)
- Court Appointed Arbitrator, Superior Court of New Jersey Arbitration Program (1997 - present)
- Court Appointed Condemnation Commissioner
- Court Appointed Counsel, Superior Court of New Jersey, Chancery Division, General Equity Part
- Officer, Hudson County Bar Association (2005 - present)
- Trustee, Hudson County Bar Association (1999 - 2005)
- Member, Hudson County Bar Association Professionalism Committee (1997 - 1999, 2000 - present)
- Chair, Hudson County Bar Association Municipal Court Practice Committee
- Trustee, Hudson County Bar Foundation
- Member, Hudson County Bar Foundation Scholarship Committee
- Member, United Way of Hudson County Board of Directors (2006 - present)
- Member, United Way of Hudson County Allocation Committee
- Volunteer Judge, New Jersey State Bar Association High School Mock Trial Competition

EDUCATION

- B.S. Rider College, Lawrenceville, New Jersey - 1981
- J.D. New York Law School, New York, New York - 1985

BAR ADMISSIONS

- New Jersey State Courts
- New York State Courts
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States Courts of Appeals for the Second Circuit
- United States Courts of Appeals for the Third Circuit

4

Introduced by:_____

Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION APPOINTING RON A. VENTURI, ESQ. TO FILL THE UNEXPIRED TERM OF MICHAEL A. MONGIELLO, ESQ. MUNICIPAL PROSECUTOR AND CONSENTING TO MAYORAL APPOINTMENT OF RON A. VENTURI, ESQ. AS PROSECUTOR FOR THE ALCOHOLIC BEVERAGE CONTROL BOARD.

WHEREAS, a vacancy is about to occur in one of the two Municipal Court prosecutor positions with the appointment of Michael A. Mongiello, Esq. as Presiding Judge of the Hoboken Municipal Court; and

WHEREAS, the appointing authority of a municipal prosecutor is that of the City Council pursuant to *N.J.S.A.* 2B:25-4 (initial appointment) *N.J.S.A.* 2B:25-6 appointment to fill vacancy); and

WHEREAS, Mr. Mongiello's term as municipal prosecutor was for a one year term pursuant to *N.J.S.A.* 2B:25-4, but subject to continuing thereafter "pending reappointment or appointment of a successor"; resulting in the appointment of his successor for a one-year term commencing on date of appointment; and

WHEREAS, subject to the consent of the Council under Hoboken Code Sec. 54-35, Mayor Zimmer has appointed attorney Venturi to the position of prosecutor to Alcoholic Beverage Control Board of the City of Hoboken; and

WHEREAS, the City Council has reviewed the qualifications of Ron A. Venturi, Esq. and has determined that he can provide these prosecutorial services for the City of Hoboken in an efficient and professional manner, and that the negotiated rate of compensation is fair and reasonable; and,

WHEREAS, the required 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, 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, Ron A. Venturi, 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, funds for this appointment have been budgeted and are 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:

Ron A. Venturi, Esq.
PO Box 1007
Point Pleasant, New Jersey 08742

as one of two Municipal Court Prosecutors and Prosecutor before the Alcoholic Beverage Control Board of the City.

FURTHER RESOLVED that Ron A. Venturi, Esq. shall be paid compensation as follows:

As Municipal Court Prosecutor – $32,500 on an annualized basis; and

As Alcohol Beverage Control Board Prosecutor - $7,500 on an annualized basis for attendance at meetings of the Board and $150/hour for legal services outside of ABC meetings but no more than $15,000 per annum.

FURTHER RESOLVED that neither position shall be deemed to be a full time position with the City and, as such, Mr. Venturi shall not be entitled to any benefits offered by the City to employees of the City.

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: June 2, 2010

Reviewed:

Arch Liston
Business Administrator

Approved as to Form:

Michael B. Kates
Corporation Counsel

RON A. VENTURI, J.D., M.B.A.

WORK EXPERIENCE

Superior Court of New Jersey, Trenton Psychiatric Hospital — **June 2005 - July 2006**
Judge

- Manage and adjudicate civil commitment proceedings; One year term.

Township of Irvington — **July 2002 - March 2007**
Judge
City of Newark
Acting Judge

- Responsible for the judicial functions of three weekly court sessions including, but not limited to, criminal, traffic, truancy, special DWI sessions and local ordinance matters. Supervise approximately 20 employees and oversee a departmental budget of two million dollars with revenues of three and one half million dollars. (No supervisory duties as Acting Judge for City of Newark)

Township of Irvington — **May 1989 - July 2002**
Municipal Prosecutor

- Represent the State in all municipal prosecutions; organize and fill all discovery requests; supervise and prosecute special DWI sessions and draft procedures for alternative dispute resolution sessions.

Law Offices of Ron A. Venturi, J.D., M.B.A. — **January 1988 - Present**
Trial Lawyer

- Represent defendants in criminal prosecutions; P.B.A. defense counsel; Public Defender pool attorney; Represent plaintiffs in civil matters.

EDUCATION

Seton Hall University School of Law, Newark, New Jersey
Juris Doctorate — ***January 1986***

Seton Hall University, Stillman School of Business, South Orange, New Jersey
Masters of Business Administration — ***May 1980***

Seton Hall University, South Orange, New Jersey
Bachelor of Science, Political Science — ***May 1977***

MEMBER

Supreme Court of New Jersey Municipal Court Committee

Essex, Monmouth and Ocean County Bar Associations

REFERENCES: Honorable Patricia K. Costello, A.J.S.C. - Essex

Honorable Anthony J. Frasca, P.J.M.C. - Essex

SPONSORED BY: _____

SECONDED BY: _____

5

RESOLUTION NO.:____

RESOLUTION REAFFIRMING AND REINSTATING THE CITY COUNCIL'S RESOLUTION OF APRIL 15, 1998 (RES. NO. 391) TO CLOSE SINATRA DRIVE TO VEHICULAR TRAFFIC ON SUNDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST AND SEPTEMBER 2010

WHEREAS, in 1998 the City Council adopted the attached Resolution No. 391 closing Sinatra Drive to vehicular traffic on Sundays during the months of June, July, August and September; and

WHEREAS, the Council of the City of Hoboken desires to reinstate that plan in 2010 to afford safe pedestrian access to the Hudson River waterfront.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, that Sinatra Drive be closed to vehicular traffic on Sundays, during the hours of 10:00 a.m. to 6:00 p.m., during the months of June, July, August and September, 2010.

BE IT FURTHER RESOLVED, that the Signal and Traffic Division prepare the necessary traffic regulations and notifications to the New Jersey Department of Transportation; and

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

BE IT FURTHER RESOLVED, that the Police Department shall enforce this regulation and assign a minimum of one police officer to this area during said closing; and

BE IT FURTHER RESOLVED, that the Department of Environmental Services provide litter receptacles and keep Sinatra Drive clean; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to:
MAYOR DAWN ZIMMER
POLICE CHIEF ANTHONY FALCO
FIRE CHIEF RICHARD BLOHM
HOBOKEN VOLUNTEER AMBULANCE CORPS
DIRECTOR, IAN SACS, TRANSPORTATION AND PARKING
DIVISION OF SIGNAL AND TRAFFIC, JOSEPH BUCINO
STEVENS INSITUTUE OF TECHNOLOGY
ACADEMY BUS LINES

Reviewed and Acknowledged:

ARCH LISTON
Business Administrator

Approved as to form:

MICHAEL B. KATES, Esq.
Corporation Counsel

Date of Meeting: June 2, 2010

Sponsored by [illegible]

Seconded by [illegible]

RESOLUTION CLOSING SINATRA DRIVE TO VEHICULAR TRAFFIC ON SUNDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST AND SEPTEMBER.

WHEREAS, for many years Sinatra Drive has been closed on Sundays to "through" vehicular traffic so that pedestrians could safely journey to the river's edge and

WHEREAS, the Mayor and Council desire to continue to afford safe public access to the river's edge to pedestrians on Sundays this year and every year thereafter; now, therefore be it -

RESOLVED, that the Council of the City of Hoboken does hereby close Sinatra Drive to vehicular "through" traffic, excluding emergency vehicles, allowing vehicles only to enter and exit the permitted parking lots on Sinatra Drive from Eleventh through Fourth Streets, every Sunday from 6:00 A.M. to 8:00 P.M. during the months of June, July, August and September for the safe enjoyment of pedestrians and be it further -

RESOLVED, that the Signal and Traffic Division prepare the necessary traffic regulations and notifications to the New Jersey Department of Transportation and be it further -

RESOLVED, that the Signal and Traffic Division shall post the necessary signage and barricades to effect said closing; and be it further -

RESOLVED, that the Police Division shall enforce this regulation and assign a minimum of one police officer to this area during said closing; and be it further-

RESOLVED, that the Department of Environmental Services provide litter receptacles and keep Sinatra Drive clean; and be it further-

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

MAYOR ANTHONY RUSSO
POLICE CHIEF CARMEN LA BRUNO
FIRE CHIEF JOHN CASSESA
HOBOKEN VOLUNTEER AMBULANCE CORPS
SUPERINTENDENT THOMAS VECCHIONE
CENTRAL GARAGE JOHN COLEGROVE
HOBOKEN PARKING AUTHORITY
UNION DRYDOCK & REPAIR COMPANY
STEVENS INSTITUTE OF TECHNOLOGY
ACADEMY BUS LINES
ALL LICENSED, PERMITTED, LOTS ON SINATRA DRIVE

MEETING DATE: APRIL 15, 1998.

Introduced by:_____
Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION RATIFIES THE ACTION OF THE ADMINISTRATION TO ADVERTISE FOR AN AUCTION OF ABANDONED BICYCLES ON 9 JUNE 2010.

WHEREAS, the Purchasing Agent, Department of Administration, requests authorization of the Council to dispose of abandoned bicycles held by the City of Hoboken, at auction on Wednesday, 9 June 2010, the said authorized pursuant to law, now, therefore,

BE IT RESOLVED, the Purchasing Agent, Department of Administration, or his duly authorized representative is hereby authorized to expose for sale at Public Auction, Wednesday, 9 June 2010, at 11:00 A.M. in the City Hall, Court Room, 94 Washington Street, the equipment set forth on the attached list pursuant to law.

MEETING OF: 2 June 2010

APPROVED:

_____
Richard England
Purchasing Agent

APPROVED AS TO FORM:

_____
Michael B. Kates
Corporation Counsel

CITY OF HOBOKEN
COUNTY OF HUDSON
PUBLIC NOTICE

TAKE NOTICE, that the undersigned shall expose the attached list of surplus motor vehicles and miscellaneous equipment for sale pursuant to law at Public Auction on Wednesday, 9 June 2010, at 11:00 A.M. in the Ground Floor conference room, City Hall, Hoboken, New Jersey. The abandoned vehicles may be seen at their place of storage - The abandoned bicycles may be inspected at their place of storage (Central Garage - 256 Observer Highway, Hoboken) 420-2385) on Tuesday, 8 June 2010, between the hours of 11:00 A.M. - 2:00 P.M.. This equipment has been deemed abandoned by the Administration of the City of Hoboken. The undersigned shall reserve the right to withdraw any of this equipment being auctioned individually. Unless otherwise noted, the MINIMUM BID WILL TEN DOLLARS ($10.00) per piece of equipment being auctioned individually with increments to be announced prior to sale.

Payment shall be made in full at the time of the sale. Take further notice that all equipment must be removed from the City's place of storage no later than two (2) business days after the date of the sale during the hours of 11 a.m. through 2 p.m.. In the event any such successful bidder fails to remove said vehicle or equipment in the time set forth then the City may declare the particular vehicle(s) or equipment(s) which have not been removed in accordance therewith void and the monies by such successful bidder shall be forfeited.

Equipment listed below shall be sold "as is"!

Richard England
Purchasing Agent

LIST OF BICYCLES

IDENT. #	MAKE	MODEL	SERIAL #	COLOR
1	Diamondback	Mountain	05A00630004	Black
2	Next	Bicycle	694466226	Yellow
3	Mongoose	Bicycle	AQ320508	Black
4	Schwinn	Childs	SNCAB04E39467	Purp/Blue
5	Next Power X	Mountain	LBH26118	Red/Gray
6	Sterling	Mountain	None	White
7	Schwinn	Mountain	SNTDC09A35710	Gray
8	Huffy	Bicycle	20081huffyk4530	White/Pink
9	Specialized	Mountain	PL09609817	Yellow
10	Specialized	Mountain	P9EC10203	Black
11	Pacific	Mountain	SNFSD05D3311	Blue/Black
12	Freestyle	Bicycle	6749660E	Black/Red/White
13	Rhino	Mountain	79113672	Silver/Blue
14	Dynacraft	Bicycle	None	Purple
15	Schwinn	Bicycle	SN10008A	Red
16	Murray	Bicycle	49992X9208D194	Green
17	Mongoose	Mountain	A0371631	Green
18	Raleigh	Mountain	48BK21752	Green
19	Hampton Crusa	Bicycle	HN0391600	Silver
20	Mongoose	Bicycle	M5FA80466	Red
21	Gary Fisher	Bicycle	GBI-1128C84EV055	Blue/Silver
22	Kent	Bicycle	G C080108434	Light Blue/Silv
23	GT	Bicycle	BI1318	Black
24	Mongoose	Bicycle	SD06M62404	Red
25	Murray	Mountain	SNFSD04CL9332	Purple
26	Murray	Bicycle	SNFSD05E76980	Gold
27	Mongoose	Bicycle	SNCAB04C52777	Silver
28	Mongoose	Mountain	L030133029	Red/Silver
29	Mongoose	Bicycle	SNGNP05C00219	Yellow/Black
30	Raleigh	Bicycle	A002603169	Black/Silver
31	Mt. Fuji	Bicycle	SNFSD06D31992	Blue
32	Edelrock	Bicycle	GV121626	Yellow
33	Magna	Mountain	44113271	Purple

CITY OF HOBOKEN
Division of Purchasing
94 Washington Street
Hoboken, NJ 07030-4585
(201) 420-2027
(Fax) 201-420-2009

DAWN ZIMMER
Mayor

Richard England
Purchasing Agent

25 May 2010

Mr. James Farina
City Clerk
City Hall
Hoboken, New Jersey 07030

Dear Jim:

Attached are a City Council resolution ratifying authority to advertise for a public auction and the public notice for said City auction of abandoned bicycles to be scheduled for Wednesday, 9 June 2010, at 11:00 A.M. in the Ground Floor conference room, City Hall, Hoboken, New Jersey.

Please have this resolution placed before the Council for their consideration at their meeting of Wednesday, 2 June 2010.

Thank you,

Sincerely yours,

RICHARD ENGLAND
Purchasing Agent

Attachments:

cc: Mayor D. Zimmer
Lt. E. Schell - HPD
M. Kates - Corp Counsel
A. Liston, Business Administrator

7

Sponsored by:_____

Seconded by:_____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of March 3, March 10, (Special Meeting) and March 17, 2010 have been reviewed and approved as to legal form and content.

_____
Approved as to form:

Meeting Date: June 2, 2010

DRAFT

MEETING OF MARCH 3, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, MARCH 3, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:04 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

PRESENT: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.

ABSENT: Cunningham, Lenz.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE REPAIR OF THE CASTLE POINT PARK AND SINATRA PARK SECTIONS OF THE HUDSON RIVER WATERFRONT WALKWAY LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING $12,000,000 THERFORE, AND PROVIDING FOR THE ISSUANCE OF $12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. (Z-30)

SPECIAL MEETING WILL BE HELD ON MARCH 10, 2010 FOR FINAL ADOPTION)

PETITIONS AND COMMUNICATIONS

10-290

City Clerk James J. Farina reads the communications from Mayor Dawn Zimmer to the Hoboken City Council on updating the budget amendment and consideration of proposed terms for PBA & PSOA contracts and a communication regarding the update of communication regarding Police Audit.

10-291

A communication from Mayor Dawn Zimmer Regarding update on communications regarding Police Audit.

A communication from Police Chief Anthony Falco regarding Police Department Recommendations.

A communication from Public Safety Director Angel Alicea regarding the Police Audit.

A communication from Council President Cunningham calling for a Special Meeting of the Hoboken City Council for Wednesday, March 10, 2010 at 7:00 p.m. in the City Council Chambers, to discuss the following:

> An ordinance of the City of Hoboken in the County of Hudson, New Jersey, providing for the repair of the Castle Point Park and Sinatra Park Sections of the Hudson River Waterfront Walkway located in the City of Hoboken and appropriating $12,000,000 therefore, and providing for the issuance of $12,000,000 in bonds or notes of the City of Hoboken to finance the same.

10-292

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi----------	12
Raffles ----------	1
Parking Facilities----------	9
Vendor----------	1

---Councilman Lenz moved that the licenses be granted.
---Motion duly seconded by Councilwoman Castellano.
---Adopted by the following vote: YEAS: 7 - NAYS: 0 – Absent -2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

RESOLUTIONS

Presented and Read

10-293
---By Councilman Bhalla

RESOLUTION REGARDING POLICE AUDIT

WHEREAS, a preliminary review of the staffing levels and organizational structure for the City of Hoboken's Police Department (the "Police Audit") has been prepared by the New Jersey Division of Local Government Services ("DLGS") and received by the City on February 19, 2010; and

WHEREAS, the City Council is appreciative of the effort expended by the DLGS on behalf of the City of Hoboken in preparing the Police Audit; and

WHEREAS, the City Council is appreciative of the efforts made by Mayor Dawn Zimmer and Lori Grifa, the new Commissioner of the New Jersey Department of Community Affairs, in facilitating the release of the Police Audit; and

WHEREAS, ensuring the public safety of Hoboken's citizens through the maintenance of an efficient, effective and affordable Police Department is of the highest priority; and

WHEREAS, the Police Audit makes numerous recommendations toward the goal of making our Police Department more efficient, effective and affordable including changes in deployment, civilianization of certain positions, significant reduction in staffing levels and increased working hours; and

WHEREAS, the Police Audit specifically recommends that the Mayor consider whether to raise with labor negotiators the cost effectiveness of an increase in working hours from 35 hours per week to 40 hours per week; and

WHEREAS, the Police Audit recognizes that there exist a variety of alternatives to implement the suggested reduction in staff, including attrition, lay-offs and elimination of positions; and

WHEREAS, the Police Chief of Hoboken and Director of Public Safety have submitted written memorandum in response to the contents of the Police Audit;

WHEREAS, the City Council recognizes the seriousness of the Police Audit and wishes to work with the Administration to evaluate the alternatives so that we can move forward with implementation of the recommendations in a responsible and expeditious manner;

NOW THEREFORE, the City Council having given careful consideration to the foregoing, **RESOLVES** as follows:

1. That the Administration work together with the DLGS and the Public Safety Subcommittee of City Council to expeditiously develop the best possible approach to implement if appropriate the recommendations contained in the Police Audit while ensuring the public safety of our citizens in the most efficient, effective and affordable manner possible; and

2. That the Hoboken City Council urges the Mayor and Hoboken's Fiscal Monitor to follow the Police Audit's recommendation and raise the issue of increasing working hours from 35 hours per week to 40 hour per week with labor negotiators.
3. The Mayor carefully considered the memoranda submitted by the Police Chief and Public Safety Director in response to the Police Audit.

The speakers who spoke: Mo DeGennaro, Richard Tremitiedi, Helen Hirsch, Richard Pasquarelli, Margaret O'Brien, Scott Siegel, Perry Belfiore.

---Motion duly seconded by Councilman Mello

---Adopted as **AMENDED** by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-294
---By Councilman Bhalla

A RESOLUTION APPROVING THE APPLICATION PROCESS FOR THE FY2010 PORT SECURITY GRANT PROGRAM THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY

WHEREAS, the **City of Hoboken** is interested in participating in the US Department of Homeland Security's FY 2010 Port Security Grant Program., and

WHEREAS, the **City of Hoboken** agrees to utilize the grant funding award (if approved),for the procurement and implementation of video surveillance and monitoring equipment to be utilized along the city's waterfront, and

WHEREAS, the **City of Hoboken** is currently operating a city-wide video surveillance program, which will be enhanced and completely interoperable with these proposed additions ,and

WHEREAS, the **Hoboken City Council** has reviewed the accompanying guidance and application kit and has approved participation in the application process, and

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

1) The Mayor or his designee is authorized to execute the above referenced grant application process, and all other documents to fulfill the intent of the application.

2) As a matter of public policy, the **City of Hoboken**, wishes to participate to the fullest extent possible with the application process of the U.S. Department of Homeland Security FY2010 Port Security Grant Program.

The speaker who spoke: Mary Onarejka, Dan Tumpson, Cheryl Fallick.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 - NAYS: 0 – ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-295
---By Councilwoman Marsh

AUTHORIZING THE SUBMISSION OF A PROPOSAL FOR INCLUSION IN THE 2010-2011 URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO HUD

WHEREAS, Title 1 of the Housing and Community Development Act of 1974 provides for substantial Federal funds being made available to certain urban counties for use therein; and

WHEREAS, this act establishes certain criteria which must be met in order for a county and its participating communities to be the recipient of said funding; and

WHEREAS, the City of Hoboken and the County of Hudson entered into an agreement in cooperation with other municipalities in Hudson County for the carrying out of the Hudson County Community Development Urban County Program under the provisions of the Interlocal Services Act; and

WHEREAS, the City of Hoboken and the County of Hudson have further agreed to cooperate in the carrying out of Community Development Block Grant activities and to undertake or assist in the implementation of programs and projects that better the community.

BE IT RESOLVED, by the Mayor and the Council of the City of Hoboken that the 2010-2011 proposal for the City of Hoboken's continued participation in the Urban County CDBG Program is hereby approved for submission to the Hudson County Office of Community Development.

BE IT FURTHER RESOLVED, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal.

BE IT FURTHER RESOLVED, that Mayor or her designee is hereby authorized to:

(a) make application for such a grant; and
(b) provide additional application information and furnish such documents as may be required; and
(c) act as the authorized correspondent of the City of Hoboken.

BE IT FURTHER RESOLVED, that:

1. Should funding be awarded, the Mayor or her designee is hereby authorized to execute an agreement thereto with the County of Hudson; and
2. The City Clerk is authorized to affix the City seal to documents related to this application; and
3. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 - NAYS: 0 – ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-296
---By Councilwoman Marsh

AUTHORIZING A DISCRETIONARY APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR FUNDING FOR PEDESTRIAN SAFETY IMPROVEMENTS TO THE PATH AREA

WHEREAS, the City of Hoboken wishes to undertake a Safe Streets to Transit Project in the area of the PATH station; and

WHEREAS, a portion of the funding has been received through a New Jersey Department of Transportation Safe Streets to Transit funding award in the amount of $80,000.00; and

WHEREAS, the Safe Streets to Transit funding award is not sufficient to cover the cost of the preferred proposed improvements; and

WHEREAS, the New Jersey Department of Transportation has suggested that the City of Hoboken submit a discretionary funding application for their consideration for the additional amount necessary to accomplish the proposed project, $106,588.13 (engineer's estimate attached):

NOW, THERFORE, BE IT RESOLVED, that such discretionary application be submitted to the New Jersey Department of Transportation.

FURTHER RESOLVED, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the New Jersey Department of Transportation.

FURTHER RESOLVED, that Mayor or her designee is hereby authorized to:

(a) Provide additional application information and furnish such documents as may be required; and
(b) Act as the authorized correspondent of the City of Hoboken.

FURTHER RESOLVED, that:

1. Should funding be awarded and the Project be capable of construction without costs paid for by the City, the Mayor or her designee is hereby authorized to execute an agreement thereto with the New Jersey Department of Transportation; and
2. The City Clerk is authorized to affix the City seal to documents related to this application; and
3. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello
---Adopted as **AMENDED** by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-297
Councilwoman Castellano

RESOLUTION AUTHORIZING THE 6% PENALTY CHARGED ON DELINQUENT TAXES TO BE REPEALED

WHEREAS, the rate of additional interest penalty on delinquent taxes and assessments on real property in excess of $10,000.00 is 6% if delinquent at the close of the fiscal year, and

WHEREAS, in accordance with NJSA 54:4-67 and previously adopted resolution of the City Council, the Tax Collector must begin to accrue said penalty as of July 1, 2009, and

WHEREAS, in accordance with NJSA 54:4-67, the City Council, recognizing that taxpayers face a significant tax increase in the 2009 taxes, desires to repeal the 6% penalty for Fiscal Year 2009.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, that the Tax Collector be and is hereby authorized to repeal the 6% penalty for fiscal year 2009.

---Motion duly seconded by Councilman Russo.
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-298
---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **$17,842.86**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
WELLS FARGO BANK, NA WELLS FARGO HOME MORTGAGE MAC X2301-03B/ARU 1 HOME CAMPUS DES MOINES, IA 50328	21/8/C00C1	307 FIRST ST	4/09	$ 5,446.07

ASTORIA FEDERAL SAVINGS 1216 CHARLES ST 2ND FLOOR ELGIN, IL 60120	25/1/	101-33 MARSHALL/ 120-6 HARRISON	4/08	$ 2,933.23 EXCEL I
SHUTT, ANITA 405 FOURTH ST #1 HOBOKEN, NJ 07030	51/20/C001A	405 FOURTH ST	1/10	$ 1,253.33
MITACEK, STEPHEN 800 JACKSON ST UNIT 613 HOBOKEN, NJ 07030	86/1/C0613	800-830 JACKSON	3/09	$ 136.92
WILLIAMS, ALEXANDRA & GILES ALDERSON 816 WILLOW AVE #2L HOBOKEN, NJ 07030	160/13/C002L	816 WILLOW AVE	4/09	$ 2,066.18
HAWISZCZAK, JASON 123 WASHINGTON ST #2R HOBOKEN, NJ 07030	212/9/C002R	123 WASHINGTON ST	4/09	$ 350.00
WRIGHT, KARYN 1500 WASHINGTON ST #8S HOBOKEN, NJ 07030	268.1/2/C008S	1500 WASHINGTON ST	1&2/09	$ 3,180.76
FIRST AMERICAN REAL ESTATE TAX SERVICE P O BOX 961230 FT WORTH, TX 76161-0230	268.1/2/C012J	1500 WASHINGTON ST	4/09	$1,731.33
SOCCI, ANTHONY J & KRISTIN 1125 MAXWELL LANE #571 HOBOKEN, NJ 07030	261.03/1/C0571	1125 MAXWELL LANE	3&4/09	$ 745.04

---Motion duly seconded by Councilwoman Castellano
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo, and
---Nays: None.
---Absent: Cunningham, Lenz.

10-299
---By Councilman Mello

RESOLUTION AWARDING A CONTRACT FOR A TEN (10) YEAR LEASE OF TWENTY (20) PARKING SPACES IN MUNICIPAL GARAGE "B".

WHEREAS, a lease agreement was received for a ten (10) year lease of twenty (20) parking spaces to the United States Government in municipal garage "B" of the City of Hoboken; and,

WHEREAS the lease is at a rate of $350 per space per month for the term of the lease, to commence on May 1, 2010

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

1. The above recitals are incorporated herein as thought fully set forth at length.

2. The lease shall include a rental increase clause whereby the City of Hoboken may increase the monthly rent per space, upon 6 months notice to the United States Government, whenever the City shall increase monthly rental rates to residents parking in the same garage.

3. The council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

4. The Mayor, or his designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above referenced lease to the United States Government.

---Motion duly seconded by Councilwoman Marsh
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason. Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-300
---By Councilwoman Marsh

THIS RESOLUTION AWARDS A ONE-YEAR CONTRACT TO AUTOMATED BUILDING CONTROLS FOR H.V.A.C. SERVICES WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-03.

WHEREAS, proposals were received on 18 December 2009 for H.V.A.C. Services, and

WHEREAS, three (3) proposals were received in good stead, these being:

VENDOR	Straight Time	Overtime
Pow-R-Save, Inc. Bloomfield, NJ	$ 85.00/per hour	$ 127.00/per hour
Binsky Service Piscataway, NJ	$ 88.90/per hour	$ 168.90/per hour
Automated Building Controls Neptune, NJ	$ 85.00/per hour	$ 100.00/per hour

NOW THEREFORE BE IT RESOLVED as follows:
This resolution awards a contract to Automated Building Controls, in an amount not to exceed $25,000.00, for H.V.A.C. Services according to the specifications set forth.

A. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with Automated Building Controls.
B. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-301
---By Councilwoman Marsh

THIS RESOLUTION AWARDS A TWO (2) YEAR CONTRACT TO DONOFRIO AND SON FOR LANDSCAPING AND PARK MAINTENANCE WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-09.

WHEREAS, proposals were received on 18 December 2009 for Landscaping & Park Maintenance, and

WHEREAS, seven (7) proposals were received in good stead, these being:

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

NOW THEREFORE BE IT RESOLVED as follows:

A. This resolution awards a contract to Donofrio & Son, Maplewood, NJ, in an amount of $49,021.00, For Landscaping & Park Maintenance according to the specifications set forth.

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

C. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with Donofrio & Son.

D. This resolution shall take effect immediately upon passage.

----Motion to table above resolution by Councilman Russo.
---duly seconded by Councilman Mello.
---**TABLED** by the following vote: YEAS: 6 - NAYS: 0 – ABSTAIN – 1 -ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mello, Russo.
---Nays: None.
---Abstain: Mason.
---Absent: Cunningham, Lenz.

10-302
---By Councilwoman Marsh

THIS RESOLUTION REJECTING SINGLE BID RECEIVE FOR TELEPHONE MAINTENANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-12.

WHEREAS, the City of Hoboken sought competitive proposals for telephone maintenance; and,

WHEREAS, below listed bid was the only one received; and,

WHEREAS, the Mayor has advised the City Council that the contracting unit wants to substantially revise the specifications for the goods and services contemplated by the contract; and,

WHEREAS, the below listed vendor must be notified:

Vendor	**Proposal**
Enterprise Consultants **11 Kensington Avenue** **Emerson, NJ 07630**	**$1,740.50/month** **Not to exceed $30,000**

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

1. The above recitals are incorporated herein as though fully set forth at length.

2.The City Council hereby rejects the proposal of the above vendor.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

10-303
---By Councilman Mello

RESOLUTION URGING THE STATE LEGISLATURE TO REFORM INTEREST ARBITRATION

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the City of Hoboken in the county of Hudson, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Brian P. Stack, Ruben Ramos Jr., Caridad Rodriguez, the New Jersey State League of Municipalities and the Office of the Governor.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz.

ORDINANCES

Introduction and First Reading

10-304
Z-31

AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS 68-5, 86-3, 93-3, AND 128-5, ALL RELATING TO LICENSE FEES

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

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

SECTION ONE:

1. **Chapter 68**, entitled "Alcoholic Beverages", Section 68-5 entitled "License fees", is hereby amended as follows:

LICENSE	FROM	TO
Plenary retail consumption license	$2,000.00	$2,400.00
Plenary retail distribution license	$2,000.00	$2,400.00
Club license; including renewal	$150.00	$180.00
Person to person transfer Person to person and location	$400.00	$480.00

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

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

Fire Subcode Fees	FROM	TO
Sprinkler Systems	1-20 heads - $50 21 – 100 heads - $100 101-200 heads - $200 201-1,000 heads - $250	1-20 heads - $82 21-100 heads $151 101-200 heads $289 201-1,000 heads $748
Installation of storage tanks-Flammable, combustible	1K gal. - $35 1001-5000 gal. -$50	1K gal - $50 1001-5000 gal. - $75
Installation of storage tanks – Flammable	5001-10000 gal - $75 10000 or more gal- $100	5001-10000 gal- $100 10000 or more gal $100
Residential installation of burners	1 $ 2 family $30 3 or more family - $35 Additional burners - $10	1 & 2 family - $50 3 or more family - $50 Additional burners - $20
Commercial installation of burners	Stores and offices - $35 Light ind'l - $35	Stores and offices - $50 Light ind'l. - $50

	Each space heater - $15 Max. fee - $50	Each space heater - $25 Max. fee - $100
Heavy ind'l. installation of burners	Central heating - $75 Each space heater $25 Max. fee - $75	Central heating - $100 Each space heater - $50 Max. fee $100
NEW FEES		
Smoke detectors		$29
1-12 smoke dectors		$45
Every additional dector		$15

Plumbing Subcode Fees	**FROM**	**TO**
Minimum fee	$20	$40
Water closet, urinal, bath, shower	$8	$13
Lavatory	$6	$13
Kitchen sink	$10	$13
3 piece bathroom and repipe	$25	$40
2 piece powder room and repipe	$20	$25
Drinking fountain, dishwasher, sashing machine, dryer, range, hose bibb	$5	$13
Water heater to 50 gal.	$15	$20
Boiler, furnace to 200K BTU	$20	$40
Boiler, furnace over 200K BTU	$25	$75
Combo hot water and htg unit	$25	$40
Sump pump	10	20
Ejector pump	$20	$40
Grease interceptor	$20	$65
Sewer tap	$50	$65
Water service street to 2"	$25	$65
Water main (interior)	$10	$15
Repipe water	$6	$20
Water risers	$10	$15
House drain	$20	$35
Vertical stacks	$10	$15
Gas line to 2"	$10	$15
Gas line above 2"	$20	$25
Whirlpool, fireplace	$20	$30
Refrigeration units		$65
Other Refrigerator water/icemaker		$65
Commercial appliances		$20

ELECTRICAL FEES	**FROM**	**TO**
Minimum fee	$30	$45
Receptacles 1-25	$30	$45
Motor control center Subpanels 1st 100 amps	$20	$45
Other Annual fee for swimming pool, spa or hot tub	$30	$65

ELEVATOR INSPECTION FEES	**FROM**	**TO**

Witnessing acceptance test – 1- 10 floors	$243	$306
Over 10 floors	$405	$510
Hydraulic elevators	$216	$272
Roped hydraulic elevators	$243	$306
Escalators and moving walks	$216	$272
Stairway chairlifts and manlifts	$54	$68
Wheelchair lifts, inclined and vertical	$54	$68
Elevators equipped with oil buffers	$43/buffer	$54 buffer
Counterweight governor and safeties	$108	$136
Auxiliary power generator	$81	$102
Annual Inspection and witnessing of tests		
Traction and winding drum 1-10 floors	$216	$272
Over 10 floors	$259	$326
Hydraulic elevators	$162	$204
Roper hydraulic elevators	$216	$272
Escalators and moving walks	$346	$436
Dumbwaiters	$86	$108
Stairway chairlifts and manlifts	$130	$164
Wheelchair lifts, inclined and vertical	$130	$164
Oil buffers	$43/buffer	$54/buffer
Counterweight governor and safeties	$86	$108
Auxiliary power generator	$54	$68
3 and 5 year test/inspection		
Traction and winding drum 1-10 floors – 5 year	$367	$462
Over 10 floors – 5 year Hydraulic and roped hydraulic elevators	$410	$582
3 Year	$270	$340
5 Year	$162	$204
Plan review	$260	$328

3. **Chapter 93** entitled "Dogs and Other Animals", Section 93-3 entitled "License fees", is hereby amended as follows:

LICENSE FEES	FROM	TO
License fee - dog spayed or neutered	$10	$15
License fee - dog not spayed or neutered	$14	$18

License fee – late renewal	$5	$10

4. **Chapter 97** entitled "Filming", Section 97-4 entitled "Fees", is hereby amended as follows:

FEES	FROM	TO
Filmmaking permit	$350	$700

5. **Chapter 128** entitled "Licenses", Section 128-5 entitled "Business licenses; fees", is hereby amended as follows:

BUSINESS LICENSES; FEES	FROM	TO
Mercantile License	$50	$100
Pool & Billiard Parlors, per table	$125	$350

SECTION TWO:

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

SECTION THREE:

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION FOUR:

This Ordinance shall take effect as provided by law.

The speaker who spoke: Mo DeGennaro.

---President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on MARCH 17, 2010 at 7:00 PM.

---Motion duly seconded by Councilman Giacchi
---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.
---Nays: None.
---Absent: Cunningham, Lenz

MOTION TO TABLE ORIGINAL RESOLUTION FAILED

10-305

RESOLUTION INVALIDATING APPOINTMENT OF PAUL CONDON, ESQ. AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN DUE TO CONFLICTS OF INTEREST AMONG MEMBERS OF THE CITY COUNCIL

MOTION TO TABLE ORIGINAL RESOLUTION FAILED

YEAS -3 NAYS – 3 - ABSTAIN – 1 – ABSENT - 2
Yeas – Council persons: Giacchi, Marsh, Mello.
Nays – Castellano, Mason, Russo.
Abstain – Bhalla.
Absent: Cunningham, Lenz.

10-306
---By Councilwoman Mason

RESOLUTION REGARDING PAUL CONDON CONTRACT

BE IT RESOLVED AS FOLLOWS:

1) The Council's vote to approve a professional services contract with Paul Condon on February 17, 2010 shall be reconsidered on March 17, 2010 and, to the extent if it is feasible with respect to the matters presently in existence, Mr. Condon shall refrain incurring additional time.

2) The Corporation Counsel's office is directed to advise the Council as soon as possible as to whether there is a violation of the City's pay-to-play ordinance.

---Motion duly seconded by Councilwoman Castellano
---Adopted as **AMENDED** by the following vote: YEAS: 6 - NAYS: 0 – ABSTAIN – 1 - ABSENT - 2
---Yeas: Council persons Castellano, Giacchi, Mason, Marsh, Mello, Russo.
---Nays: None.
---Abstain: Bhalla
---Absent: Cunningham, Lenz.

NEW BUSINESS

Rescheduling dates of zoning appeals:
Doug Doyle represents 226 Park Avenue LLC
Hearing appeals – dates Thursday, March 25th – Wednesday, April 28 for extension date if needed.
The Council absentees will have the transcript for the April 28th date.

Councilwoman Marsh announced that there will be a Public Hearing on Sump Pumps.
Director Forbes announced that NHSA public are invited to attend on March 8 at 7:30 pm in the City Council chambers.

John Branciforte announced that a political party committee will meet on March 13, 2010 at St. Matthews on 8th & Hudson St. Petitions are due on April 12, 2010.

Councilwoman Mason left meeting at 11:17 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK

DRAFT

SPECIAL MEETING OF MARCH 10, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, MARCH 10, 2010 AT 7:00 PM

At this time, 7:07 p.m., the Council President opened the meeting and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal, The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The City Clerk read the following letter, dated March 10, 2010, into the record:

10-306 A
Hoboken City Council Members
94 Washington Street
Hoboken, NJ 07030

Dear Council Members:

Please be advised that at the direction of a majority of the Hoboken City Council, I hereby call a Special Meeting of the Hoboken City Council for **Wednesday, March 10, 2010 at 7:00 P.M.** in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

An ordinance of the City of Hoboken in the County of Hudson, New Jersey, providing for the repair of the Castle Point park and Sinatra Park Sections of the Hudson River Waterfront Walkway located in the City of Hoboken and appropriating $12,000,000 therefore, and providing for the issuance of $12,000,000 in bonds or notes of the City of Hoboken to finance the same. This will be considered for final passage and adoption on March 10, 2010 at 7 PM.

The City Clerk's office will be publishing this bond in full text to The Jersey Journal under N.J.S.A. a40A:2-19, at least seven (7) days prior to the date set for this hearing and further consideration for final adoption. There needs to be 2/3 of the Governing Body to attend on this date.

Action on the foregoing items will be taken at this meeting, please notice this meeting as required by the Open Public Records Act.

Very truly yours,

PETER CUNNINGHAM
Council President

cc: Mayor Dawn Zimmer
City Council Members
The Jersey Journal/Star Ledger/The Record

Judith Tripodi, Fiscal Control Officer
Nick Tresente, Finance Director
Michael Kates, Corporation Counsel

The City Clerk then called the roll:

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

ABSENT: Castellano.

Prior to any vote being taken the following spoke on the record: Tony Soares, Charlie Mancini, David Liebler, Tim Occhipiniti, Kyra .Barry, Perry Belfiore, Richard Tremitiedi, Jim Vance, Moe DeGennaro, Scott Siegel, Laurie Petersen, Margaret O'Brien,

AN ORDINANCE OF THE CITY OF HOBOKEN IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE REPAIR OF THE CASTLE POINT PARK AND SINATRA PARK SECTIONS OF THE HUDSON RIVER WATERFRONT WALKWAY LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING $12,000,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF $12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. **Z-30**

THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED FIRST READING ON FEBRUARY 17, 2010 AT A REGULAR COUNCIL MEETING. THIS ORDINANCE WAS GIVEN A NUMBER IN THOSE MINUTES. 10-288.

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

No other person present desiring to be heard and no written protests or objections received, Council President Cunningham moved that the hearing be closed.

Before the vote was taken President Cunningham asked Director Maier (Environmental Services) and Director Tresente to speak about the above ordinance also consultants from the firm of Maiser Consultants. Also, all council members directed questions to the above.

Motion duly seconded by Councilwoman Marsh
---Adopted by the following vote: YEAS – 7 – NAYS – 1 – ABSENT – 1
---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.
---Nays: Mason
---Absent: Castellano

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

---Adopted by the following vote: YEAS – 7 – NAYS – 1 – ABSENT – 1
---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.
---Nays: Mason
---Absent: Castellano

Councilwoman Mason left the meeting at 9:09 p.m.
Councilwoman Mason returned at 9:12 p.m.

10-307
---By Councilman Lenz

RESOLUTION TO THE AMENDMENTS OF THE SFY 2010 BUDGET (PREVIOUSLY INTRODUCED)

---Motion duly seconded by Councilwoman Marsh.
---Adopted by the following vote: YEAS: 7 - NAYS: 1 - ABSENT: 1
---Yeas: Council personsBhalla, Giacchi, Lenz, Marsh, Mello, Russo,and President Cunningham.
---Nays: Mason.
---Absent: Castellano.

Council President Cunningham then adjourned the meeting at 10:22 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK

DRAFT

MEETING OF MARCH 17, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, MARCH 17, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:06 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

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

At this time Councilwoman Castellano and Councilman Russo request to suspend the Agenda to present a proclamation to **Buddy Vallastro, 'Cake Boss".**

RESOLUTIONS

10-309
SFY 2010 MUNICIPAL BUDGET HEARING AMENDMENT

The speakers who spoke: Scott Seigel, Keith Furman, Vijay Chavdkuri, Lane Bajardi, Curtis Crystal, Scott DeLea.

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

10-310
ADOPTION OF THE BUDGET AMENDMENT.

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

10-311
ADDITIONAL BUDGET AMENDMENT ADOPTION

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

10-312
ADOPTION OF SFY 2010 MUNICIPAL BUDGET

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

The speaker who spoke: Lane Bajardi.

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

PUBLIC HEARING AND FINAL VOTE ON ORDINANCES

Second Reading/Public and Final Vote

AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS 68-5, 86-3, 93-3, AND 128-5, ALL RELATING TO LICENSE FEES (Z-31)

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

The speakers who spoke: Lane Bajardi.

President Cunningham moved the hearing be closed.
Motion duly seconded by Councilwoman Marsh.
---Motion to **TABLE SECTION 2 OF THE ABOVE ORDINANCE.** President Cunningham
—Seconded by Councilwoman Marsh
—**TABLED** by the following vote: YEAS – 9 - NAYS – 0
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
---Nays: None.
---Motion to **TABLE SECTION 5 OF THE ABOVE ORDINANCE.** Councilman Lenz
—Seconded by Councilwoman Castellano
—**TABLED** by the following vote: YEAS – 9 - NAYS – 0
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
---Nays: None.

President Cunningham then instructed the City Clerk to call the Final Vote for the above Ordinance (**Section 1- 3- 4)**
---Adopted by the following vote: YEAS – 9 – NAYS – 0
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
---Nays: None.

10-313

APPLICATIONS FOR MISCELLANEOUS LICENSES

Raffles----------	1
Vendor----------	1
Parking Facilities----------	2

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

Councilman Lenz left meeting at 9:23 P.M.
Councilman Lenz returned at 9:29 P.M.

REPORTS OF CITY OFFICERS

10-314
A report of the Municipal Court indicating receipts for the month ending February 2010 as $314,267.78.

---Received and filed.

10-315
A report of the Municipal Tax Collector Sharon Curran for taxes collected; for the month ending February 2010- $33,236,551.57. (Abatement Totals $40,131.08)

Received and filed.

Councilman Russo left meeting at 9:28 P.M.
Councilman Russo returns at 9:31 P.M.

The speakers who spoke on Resolutions 1 & 2 Frank Rios, Val Pels, Richard Pascarelli, Andrianne Chonia, Helen Hirsch, Richard Tremitiedi, Scott Siegel, Jim Doyle, Gene Devezney, Phil Cohen, Perry Belfiore, Lane Barjardi, Richard Weinstein, Ed Dristi.
At 10:10 p.m. Council President Cunningham called for a five minutes recess.
At 10:27 p.m. recess ended.

At this time 10:42 p.m. on a motion by Council President Cunningham and duly seconded by Councilman Lenz and voted unanimously by the City Council entered into closed (executive) session.

10-316

RESOLUTION AUTHORIZING CLOSED SESSION FOR DISCUSSION OF ANTICIPATED LITIGATION OR CONTRACT NEGOTIATIONS RELATED TO N.J. DIVISION OF PENSIONS ASSESSMENT OF 4.2M; RATIFICATION OF SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS WITH PBA LOCAL 2 AND POLICE SUPERIOR OFFICERS; AND DISCUSSION OF THE EMPLOYMENT CONTRACT OF PAUL CONDON AS SPECIAL COUNSEL AND PREVIOUS AUTHORIZATION THEREOF.

WHEREAS, the Council of the City of Hoboken is authorized to go into closed session for the reasons set forth in the Open Public Meetings Act, N.J.S.A. 10:4-12, more particularly to discuss anticipated litigation or contract negotiations related to N.J. Division of Pensions assessment of $4.2M; ratification of successor collective bargaining agreements with PBA Local 2 and Police Superior Officers; and discussion of the employment contract of Paul Condon as Special Counsel and previous authorization thereof; all of which are a basis for closed session pursuant to N.J.S.A. 10:4-12b(7) and (8); and

WHEREAS, the Council has determined that it is necessary to go into closed session for the foregoing purposes and receiving briefings from the Corporation Counsel.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session to discuss the issues as hereinabove set forth; and

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

Councilwoman Mason left at 10:43 p.m.
Returned to meeting at 10:46 p.m.

At 11:42 p.m. the City Council on a motion by President Cunningham; duly seconded by Councilwoman Marsh and voted unanimously by the City Council came out of closed session.

RESOLUTIONS (cont'd)

Presented and Read

10-317
---By President Cunningham

RESOLUTION REJECTING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH HOBOKEN POLICE SUPERIOR OFFICERS ASSOCIATION

WHEREAS, Hoboken's Fiscal Control Officer and t he Hoboken Police Superior Officers Association ("Union") have been conductin g negotiations for a successor Collective Bargaining Agreement to that which expired on December 31, 2007; and

WHEREAS, as a result of those negotiations, a proposed Memorandum of Understanding ("MOU") has been prepared but may not have been executed by both of the Parties; and

WHEREAS, the Union has ratified the tentative terms of that proposed MOU; and

WHEREAS, the New Jersey Department of Community Affairs requested that the City Council review the terms of the proposed MOU for ratification; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Hoboken rejects the terms contained in the proposed Memorandum of Understanding with the Union for inclusion in a successor Collective Bargaining Agreement and directs the City's Special La bor Counsel to incorporate said terms into the parties' Coll ective Bargaining Agreement and authorizes the Mayor to execute said Collective Bargaining Agreement when completed.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the City Administrator and the Director of Finance.

---Motion duly seconded by Councilwoman Marsh
---**FAILED** by the following vote: YEAS: 0- NAYS: 7 – RECUSED - 2
---Yeas: Council persons
---Nays: Bhalla, Giacchi, Lenz, Mason, Marsh, Mello, and President Cunningham.
---Recused: **Castellano, Russo.**

10-318
---By President Cunningham

RESOLUTION REJECTING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH HOBOKEN PBA LOCAL 2

WHEREAS, Hoboken's Fiscal Control Officer and the P.B.A. Local No. 2 ("Union") have been conducting negotiations for a successor Collective Bargaining Agreement to that which expired on December 31, 2007; and

WHEREAS, as a result of those negotiations, a proposed Memorandum of Understanding ("MOU ") has been prepared but may not have been executed by both of the Parties; and

WHEREAS, the Union has ratified the tentative terms of that proposed MOU; and

WHEREAS, the New Jersey Department of Community Affairs requested that the City Council review the terms of the proposed MOU for ratification; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Hoboken rejects the terms contained in the proposed Memorandum of Understanding with the Union.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the City Administrator and the Director of Finance

---Motion duly seconded by Councilwoman Marsh
---**FAILED** by the following vote: YEAS: 0- NAYS: 7 – RECUSED - 2
---Yeas: Council persons
---Nays: Bhalla, Giacchi, Lenz, Mason, Marsh, Mello, and President Cunningham.
---Recused: Castellano, Russo.

President Cunningham called for recess at 9:05 pm
Recess ended at 9:11 p.m.

10-319
---By Councilman Mello

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE HUDSON COUNTY OPEN SPACE TRUST FUND FOR ACQUISITION OF AVAILABLE PROPERTIES IN BLOCK 11 IN THE SOUTHWEST SECTION OF HOBOKEN

WHEREAS, the Hudson County Department of Planning is soliciting applications for funding through the Hudson County Open Space Trust Fund for the support of acquisition projects within the County of Hudson; and

WHEREAS, The City of Hoboken desires to further the public interest by obtaining funding in the amount of $1,000,000 in grant funds toward the acquisition of available properties in Block 11 for future park development at a cost projected cost of $6,900,000 (balance to be paid for by a future NJ DEP Green Acres request and bonding by the City of Hoboken if necessary).

NOW, THEREFORE, the governing body resolves that Dawn Zimmer, Mayor or her designee 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 County of Hudson with respect to the acquisition of Block 11 in the Southwest Section of Hoboken;

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.

The speaker who spoke: Dan Tumpson.

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

10-320
---By Councilwoman Marsh

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE HUDSON COUNTY OPEN SPACE TRUST FUND FOR DEVELOPMENT FUNDS FOR EMERGENCY RECONSTRUCTION TO DAMAGED PORTIONS OF HOBOKEN'S HUDSON RIVER WATERFRONT WALKWAY (5TH STREET AT SINATRA PARK AND 7TH STREET AT CASTLE POINT PARK)

WHEREAS, the Hudson County Department of Planning is soliciting applications for funding through the Hudson County Open Space Trust Fund for the support of development projects within the County of Hudson; and

WHEREAS, The City of Hoboken desires to further the public interest by obtaining funding in the amount of $1,000,000 in grant funds toward the development/emergency reconstruction of the damaged sections of Hoboken's Hudson River Waterfront Walkway (5th Street at Sinatra Park, adjacent to Block 258, Lot 2 and 7th Street at Castle Point Park, adjacent to Block 257, Lot 2) at a projected cost of $9,824,300 (balance to be paid for by a 2008 Hudson County Open Space Trust Fund award of $100,000, future NJ DEP Green Acres requests and pending Federal appropriations requests or bonding by the City of Hoboken if necessary).

NOW, THEREFORE, the governing body resolves that Dawn Zimmer, Mayor or her designee 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 County of Hudson with respect to the development/emergency repair of damaged portions of Hoboken's Hudson River Waterfront Walkway (5th Street at Sinatra Park and 7th Street at Castle Point Park) project;

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.

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

10-321
---By Councilwoman Marsh

ACCEPTING A GRANT IN THE AMOUNT OF $323,252 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIROMENTAL PROTECTION

WHEREAS, the City of Hoboken has applied for and has been awarded a grant in the amount of $323,252.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for remedial investigation, remedial action along with report preparation of 1600 Park Avenue property;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hoboken that the above referenced grant is hereby accepted and the Mayor or her designee is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; **and be it –**

FURTHER RESOLVED, that the Mayor may:

1. provide additional information and furnish such documents as may be required, and
2. act as the authorized correspondent of the above named grantee; and
3. that the City Clerk is hereby authorized to attest and affix the City seal to this resolution

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

---Motion duly seconded by Councilman Mello.
---Adopted as **amended** by the following vote: YEAS: 9 - NAYS: 0

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

10-322
---By Councilwoman Marsh

ACCEPTING A GRANT IN THE AMOUNT OF $877,193 FROM THE HAZARDOUS DISCHAGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEYECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIROMENTAL PROTECTION

WHEREAS, the City of Hoboken has applied for and has been awarded a grant in the amount of $877,193.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for remedial investigation, remedial action along with report preparation of the Old Todd Shipyard property;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hoboken that the above referenced grant is hereby accepted and the Mayor or her designee is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; **and be it –**

FURTHER RESOLVED, that the Mayor may:

1. provide additional information and furnish such documents as may be required, and
2. that the City Clerk is hereby authorized to attest and affix the City seal to this resolution

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

10-323
---By Councilwoman Marsh

RESOLUTION APPOINTING MCMANIMON & SCOTLAND, LLC SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken; and

WHEREAS, McManimon & Scotland, LLC is a widely recognized expert in the area of New Jersey redevelopment law; and,

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

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

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in the amount not to exceed Twenty-Five Thousand ($25,000.00) Dollars for the services of McManimon & Scotland, LLC as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

BE IT FURTHER RESOLVED that this firm shall be paid at the blended hourly rate of $215 for attorneys and $135 for paralegals. Services rendered to the client the cost of which is reimbursed by a developer through a developer-funded escrow account pursuant to an escrow agreement between the developer and the Client shall be billed at the blended hourly rate of #325 for attorneys and $180 for legal assistants.

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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

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

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

Such firm to be paid with a total amount not to exceed $25,000.00.

The speaker who spoke: Lane Bajardi, Curtis Crystal.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 - NAYS: 3

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

10-324
---By Councilwoman Marsh

RESOLUTION APPOINTING MARAZITA FALCON & HEALEY LLP SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken; and

WHEREAS, Maraziti Falcon & Healey LLP is a widely recognized expert in the area of New Jersey redevelopment law; and,

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

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

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in the amount not to exceed Twenty-Five Thousand ($25,000.00) Dollars for the services of Maraziti Falcon & Healey LLP as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of $195.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbursement basis, in which case the blended rate of $220.00 per hour, will apply; and,

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

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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

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

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

Such firm to be paid with a total amount not to exceed $25,000.00.

The speaker who spoke: Dan Tumpson, Helen Hirsch, Curtis Crystal.

---Motion duly seconded by Councilman Mello.
---Adopted by the following vote: YEAS: 8 - NAYS: 2
---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, and President Cunningham.
---Nays: None.
---Absent: Castellano, Russo.

10-325
---By Councilwoman Marsh

RESOLUTION APPOINTING ANSELL ZARO GRIMM & AARON P.C. SPECIAL LEGAL COUNSEL – REDEVELOPMENT

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken and has been retained prior (see attached resolution from August 7, 2007); and

WHEREAS, ion that role he has assisted in redevelopment matters for the administration developing a familiarity with certain matters that remain unresolved; and

WHEREAS, Ansell Zaro Grimm & Aaron P.C. (responsible attorney: Gordon Litwin, Esq.) is a widely recognized expert in the area of New Jersey redevelopment law; and

WHEREAS, Ansell Zaro Grimm & Aaron P.C. will be required to abide by the "pay to play" requirements of the Hoboken Public Contracting Reform Ordinance #DR-154 (codified as 20A-22 et. seq. of the Code of the City of Hoboken); and,

WHEREAS, said service is a professional service is defined by N.J.S.A. 40A:11-26(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, THERFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in the amount not to exceed Fifteen Thousand ($15,000.00) dollars for the services of Gordon Litwin, Esq. of Ansell Zaro Grimm & Aaron P.C. as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

BE IT FURTHER RESOLVED that this firm shall be paid as follows:

The Firm's current fee schedule is as follows:

Service	Fee
Partners----------	$275-$475/hour
Associates----------	$215-$350/hour
Paralegals----------	$ 95-$110/hour

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the result 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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

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

Ansell Zaro Grimm 7 Aaron P.C.
60 Park Place
Suite 1114
Newark, NJ 07102

Such firm to be paid with a total amount not to exceed $15,000.00.

The speakers who spoke: Helen Hirsch, Jim Doyle, Dan Tumpson Curtis Crystal.

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

10-326
---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **$ 19,437.11**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT

MUKANI, RATNA & VINOD 70 ADAMS ST APT 2I HOBOKEN, NJ 07030	18/4/C0P36	70 ADAMS ST	3/09 & 1/10	$ 272.35
THIRD & MADISON, LLC C/O ALBERT BUZZETTI & ASSOCIATES, LLC 467 SYLVAN AVENUE ENGLEWOOD CLIFFS, NJ 07632	49/1.1/	301 MADISON ST	1/10	$ 2,475.68
TATULLI, ROSEMARY & JULIANN 509 JEFFERSON ST HOBOKEN, NJ 07030	69/4/	509 JEFFERSON ST	3/09	$ 1,534.82
LYNCH, KATHRYN & DONALD ECKLUND 613 MADISON ST UNIT B HOBOKEN, NJ 07030	76/1/C04-B	613 MADISON ST	4/09	$ 160.99
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	86/1/CPH08	800-830 JACKSON ST	3/09	$ 188.54
TZUCKER, ROBERT & MARY BABEL 1000 JEFFERSON ST Apt 337 HOBOKEN, NJ 07030	104/1.01/C0303	1100 ADAMS ST	1/09 LAND & ABATEMENT	$ 4,040.26
LT NATIONAL TITLE SERVICES 89 HUDSON STREET 4TH FL. HOBOKEN, NJ 07030	171/15/C0003	931 WILLOW AVE	3/07	$1,520.56 EXCEL I
ALPERT, BRIAN & KIMBERLY 72 GARDEN ST #1L HOBOKEN, NJ 07030	175/16/C001L	72 GARDEN ST	3/09	$ 1,826.40
CHOU, CHU-LIN 216 KNICKERBOCKER RD CLOSTER, NJ 07624	214.1/28/C0003	314 HUDSON ST	3/09	$ 221.76

1122 WASHINGTON LLC 47 STAGER AVE NUTLEY, NJ 07110	**246/14/C0002**	**1122 WASHINGTON ST**	**4/09 &1/10**	**$ 1,281.49**
PRESTON, JULIA 1226 GARDEN ST HOBOKEN, NJ 07030	**253/23/**	**1226 GARDEN ST**	**4/09**	**$ 168.34**
WELLSFARGO HOME MORTGAGE MAC X2301-03B/ARU 1 HOME CAMPUS DES MOINES, IA 50328-0001	**261.03/1/C0450**	**1125 MAXWELL LA**	**4/09**	**$5,745.92**

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

Resolutions 10 & 11 were not addressed. Will be on the April 7, 2010 Agenda.

Introduction and First Reading

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Deborah Hulbert, Rebecca Lewis, Cathy Cardillo, Patricia Waiters, Richard Tremitiedi, Sean A. Smith, Martin Anderson, David Liebler, Keith Furman, Rami Pinchevsky, Scott Siegel, Cheryl Fallick, Mary Onrejkea, Dan Tumpson, Lane Bajardi, Curtis Crystal, Eric Volpe, John Branciforte, Ines Garcia-Keim.

Councilman Lenz left meeting at 1:47 A.M.
Councilman Lenz returned at 1:50 A.M.

NEW BUSINESS

President Cunningham then adjourned the meeting at 2:10 A.M.

PRESIDENT OF THE COUNCIL

8

Introduced By:_____

Second By:_____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS IN THE SUM OF $16,805.27

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 **$ 16,805.27**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
WANG, DANIEL E 380 NEWARK ST #3A HOBOKEN, NJ 07030	20/2.1/C003A	71-75 GRAND ST	2/10	$ 1,878.23
RAMSDELL, DOUGLAS & CARLYN C 108-112 JACKSON ST #6B HOBOKEN, NJ 07030	26/30/C006B	108-112 JACKSON ST	1/10	$ 408.47
WEICHERT RELOCATION RESOURCES C/O ROBERT C. SELSER, ESQ 262 PALISADE AVENUE GARFIELD, NJ 07026	42/7/C0003	215-217 GRAND ST	2/10	$ 2,980.11
SANTORE, LORETTA ANN 166 SIXTH STREET HOBOKEN, NJ 07030	193/3/	166 SIXTH ST	2/10	$ 2,465.46
CITI MORTGAGE, INC P.O. BOX 9444 GAITHERSBURG, MD 20898-9444	197/13/C0004	1029 GARDEN ST	1/10	$ 2,094.21
SACKS, STEVEN & AIMEE 1208 GARDEN ST HOBOKEN, NJ 07030	253/31/	1208 GARDEN ST	2/10	$ 4,977.51
PROVIDENT FUNDING ASSOCIATES, L.P. P.O. BOX 5916 SANTA ROSA, CA 95402	114/1/C0623	1300 GRAND ST	2/10	$1,842.48 ABATEMENT

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
KREMPELS, DAVID D 415 NEWARK ST #5C HOBOKEN, NJ 07030	2/5/CLL25	415 NEWARK ST	1/10	$ 158.80

Meeting: JUNE 2, 2010

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Introduced by:_____
Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AWARDING A CONTRACT TO KARSON FOOD SERVICE FOR THE PROVISION OF SUMMER LUNCHES TO THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-24.

WHEREAS, proposals were received on 20 May 2010 for the provision of summer lunches, and

WHEREAS, two (2) proposals were received in good stead, these being:

VENDOR	$ Per Lunch	Total $
Nu-Way 339 Bergen Avenue Kearny, NJ 07032	$ 2.24	$ 24,062.08
Karson Food Service 3409 Rose Avenue Ocean, NJ 07712	$ 2.07	$ 22,235.94

NOW THEREFORE BE IT RESOLVED as follows:

A. This resolution awards a contract to Karson Food Service, in an amount not to exceed $22,235.94, for providing Summer Lunches according to the specifications set forth.

B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with Karson Food Service.

C. This resolution shall take effect immediately upon passage.

Meeting of: 2 June 2010

APPROVED: APPROVED AS TO FORM:

Jennifer Maier, Director, Environmental Svcs 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 $5,357.34 is available in the following appropriations:

(G-02-44-701-377).

These funds, the amount within the introduced SFY 2010 budget, are insufficient to meet the contractual commitment providing for:

Summer Lunch Program

and to be awarded to the following vendor:

Karson Food Service
3469 Rose Avenue
Ocean, NJ 07712

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: 5/28/2010

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

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

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

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

WHEREAS, bid results came in at higher costs than available funding and should, in the opinion of the City's Engineer, therefore be rejected, and

WHEREAS, the below listed vendors must be notified:

Vendor	Base Proposal
Manhattan Contracting 32 Avenue of the Americas New York, NY 10013	$ 117,423.44
Procomm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	$ 82,500.00

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

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

Meeting of: 2 June 2010

APPROVED:

Angel Alicia, Director, Public Safety

APPROVED AS TO FORM:

Michael Kates, Corporation Counsel

Dean Marchetto
Architects P.C.

1225 Willow Avenue
Hoboken, NJ 07030
201.795.1505
201.795.0171 FAX

Dean Marchetto, AIA
Principal

Michael Higgins, AIA
Principal

Bruce Stieve, AIA
Principal

Michael Buldo, RA
Associate

Mr. Richard England, Purchasing Agent
City Hall 96 Washington Street, Hoboken, NJ 07030

May 24, 2010

Re-Bid Results HPD Front Desk and Holding Cell Security Improvements
1 Police Plaza, Hudson Street, Hoboken, NJ 07030

Mr. England,

On May 7, 2010, at 11:00 am, in accordance with the City's Invitation for Bids, 2 bids for the above referenced project were opened and read aloud. A third bid was received, but deemed defective due to missing a bid security, a fatal defect. The following is a summary the submitted bids.

Bidder	**Base Bid**	**Deduct 1** Change Poly to Glass	**Deduct 2** Delete 2 Doors	**Deduct 3** Delete Raised Flr.	**Add 4** Work Night Hours
Procomm	$82,500	(-) $2,000	(-) $8,500	(-) $2,500	$8,000 (additional)
Manhattan	$107,423.44	(-) $9,000	(-) $8,000	(-) $5,000	$4,500 (additional)

Bid Results Prepared by:

Michael Higgins, AIA
cc Director Angel Alicea

Michael Kates

From: Richard England [rengland@hobokennj.org]
Sent: Monday, May 24, 2010 11:50 AM
To: EWEHRHAHN@HOBOKENNJ.ORG; aliston@hobokennj.org; dzimmer@hobokennj.org; aalicia@hobokennj.org; mkates@hobokennj.org
Subject: FW: Hoboken Police Desk

From: ddddrk@aol.com [mailto:ddddrk@aol.com]
Sent: Monday, May 24, 2010 11:37 AM
To: Rengland@hobokennj.org
Subject: Fwd: Hoboken Police Desk

-----Original Message-----
From: Michael Higgins <mhiggins@dmarchitect.com>
To: ddddrk@aol.com
Cc: aalicea@hobokennj.org
Sent: Mon, May 24, 2010 10:45 am
Subject: Hoboken Police Desk

Mr. England,

Please review the attached Bid Summary Sheet for the Hoboken Police Desk. Both bids are above the proposed budget. We would recommend rejecting these bids and negotiating with these 2 bidders to see if a bid in compliance with the budget can be obtained.

If this plan of action is acceptable, let me know what the process is for a negotiated bid and I will help to get this started.

Michael Higgins, AIA, LEED AP
Dean Marchetto Architects PC
1225 Willow Avenue
Hoboken, NJ 07030

Tel - 201- 795- 1505 Ext. 204
Fax - 201- 795- 0171
MHiggins@DMarchitect.com
www.DMarchitect.com ;

Dean Marchetto
Architects P.C.

1225 Willow Avenue
Hoboken, NJ 07030
201.795.1505
201.795.0171 FAX

Dean Marchetto, AIA
Principal

Michael Higgins, AIA
Principal

Bruce Stieve, AIA
Principal

Michael Buldo, RA
Associate

Mr. Richard England, Purchasing Agent
City Hall 96 Washington Street, Hoboken, NJ 07030

May 24, 2010

Re-Bid Results HPD Front Desk and Holding Cell Security Improvements
1 Police Plaza, Hudson Street, Hoboken, NJ 07030

Mr. England,

On May 7, 2010, at 11:00 am, in accordance with the City's Invitation for Bids, 2 bids for the above referenced project were opened and read aloud. A third bid was received, but deemed defective due to missing a bid security, a fatal defect. The following is a summary the submitted bids.

Bidder	**Base Bid**	**Deduct 1** Change Poly to Glass	**Deduct 2** Delete 2 Doors	**Deduct 3** Delete Raised Flr.	**Add 4** Work Night Hours
Procomm	$82,500	(-) $2,000	(-) $8,500	(-) $2,500	$8,000 (additional)
Manhattan	$107,423.44	(-) $9,000	(-) $8,000	(-) $5,000	$4,500 (additional)

Bid Results Prepared by:

Michael Higgins, AIA
cc Director Angel Alicea

Introduced By: LENZ

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING AND ENCOURAGING ADMINISTRATION TO SOLICIT POSITIVE BOND RATINGS FOR THE CITY.

WHEREAS, the City of Hoboken has long experienced financial difficulties and turmoil, including extensive reliance on one-shot revenues and disguised borrowing to fund operating expenses; and

WHEREAS, such practices, exacerbated by undisclosed budget overspending in an amount in excess of $10 million and the resultant failure by council to pass a budget, culminated in mid-2008 in the imposition of state monitoring; and

WHEREAS, since that time, substantial progress has been made in improving financial operations, resulting in the recent decision by the State to remove the Fiscal Monitor and substantially restore local control;

WHEREAS, despite recent progress, the City of Hoboken does not currently possess a Financial or Bond Rating from such recognized firms as Moody's, Standard & Poor's, and Fitch Ratings; and

WHEREAS, possession of such a rating could reduce future borrowing costs, and the process of obtaining a positive rating would focus and challenge the City to reach for the best financial practices;

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby authorizes and encourages Mayor Dawn Zimmer to take the required steps to contact the several rating firms to start a process by which a positive rating can be obtained; and

BE IT FURTHER RESOLVED that the Council stands ready to work in partnership with the administration to take those steps required to earn the highest possible rating in the shortest possible time.

Meeting: JUNE 2, 2010

Reviewed:

Arthur Liston
Business Administrator

Approved as to Form:

Michael B. Kates
Corporation Counsel

Sponsor: _____
Second: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE LOCATION OF THE DOWNTOWN FARMERS' MARKET ON TUESDAYS 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 Washington Street between Newark Street and Observer Highway; and

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Downtown Farmers' Market will take place every Tuesday, beginning June 29, 2010 and ending no earlier than October 26, 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 Washington Street between Newark Street and Observer Highway 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 her 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, Department of Environmental Services, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Director Ian Sacs, P.E., Department of Transportation and Parking.

Reviewed and Acknowledged:

Jennifer W. Maier
Director Department of Environmental Services

Approved as to form:

Michael B. Kates, Esq.
Corporation Counsel

Meeting Date: June 2, 2010

2010 DOWNTOWN HOBOKEN FARMERS' MARKET REGULATIONS

PURPOSE: The Downtown 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 Downtown 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 Washington Street between Observer Highway and Newark Street. Arrive at least one-half hour before to set up. No sales will occur before 3:00 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 Downtown 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 Downtown Hoboken Farmers' Market reserves the right to invite, or not invite, vendors as it sees fit. Products sold by vendors at the Downtown 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:
Downtown Hoboken Farmers' Market
John Branchiforte
10th and Garden Street
Hoboken, NJ 07030
201-993-6768

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING PLACEMENT OF CERTAIN NEW JERSEY TRANSIT CORPORATION LOTS ACQUIRED ON JANUARY 8, 2010 ON TAX EXEMPT REGISTER AND CANCELLING 1ST AND 2ND QUARTER 2010 TAXES IN THE SUM OF $ 18,229.18.

WHEREAS, New Jersey Transit Corporation ("NJ Transit"), a State agency established pursuant to *N.J.S.A.* 27:25-4 *et seq.*, acquired by its power of condemnation certain properties in the City of Hoboken hereinafter enumerated, in conjunction with the development of the ARC ("Access to Region's Core") Tunnel on the north end of the City; and

WHEREAS, by acquiring a "fee simple interest" in the properties on January 8, 2010 in the anticipated use of those properties for a transit-related project, as evidenced by a Declaration of Taking recorded in the Hudson County Register's Office in Book 8709 at Page 659 and written advisories to the City of these acquisitions, NJ Transit's property tax exempt status emerge was applicable to the properties beginning with the calendar year 2010; and

WHEREAS, notwithstanding the forgoing, the City pursued its normal assessment mode with respect to the properties in the 1st and 2nd quarters of 2010, thereby requiring a cancellation of taxes assessed for the 1st and 2nd quarters of 2010, and the placement of the subject properties on the tax-exempt register of the City; and

WHEREAS, Sharon Curran, Collector of Revenue recommends that cancellations be made;

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to New Jersey Transit Corporation totaling **$18,229.18**, as follows:

BL / LT	PROPERTY	QTR/YEAR	AMOUNT
136/6.2	16th & JEFFERSON ST	1 & 2 / 10	$ 1,325.63
142/1	17TH & JEFFERSON ST	1 & 2 / 10	$ 5,155.84
143/2	1703-27 JEFFERSON ST	1 & 2 / 10	$11,747.71
			$18,229.18

FURTHER RESOLVED, that **Lot 6.2 in Block 136, Lot 1 in Block 142,** and **Lot 2 in Block 143** be removed from the Taxable Register and be placed on the Tax-Exempt Register.

Meeting: JUNE 2, 2010

Reviewed:

Arthur Liston
Business Administrator

Approved as to Form:

Michael B. Kates
Corporation Counsel

Sharon Curran
Tax Collector

Chris Christie, Governor
Kim Guadagno, Lieutenant Governor
James S. Simpson, Board Chairman
James Weinstein, Executive Director

NJ TRANSIT

Via E-mail and Regular Mail
Monday, 24 May 2010

Michael B. Kates, Law Director
CITY OF HOBOKEN
94 Washington Street
Hoboken, NJ 07030

Michael B. Kates, Esq.
KATES NUSSBAUM RAPONE ELLIS & FARHI, LLP
190 Moore Street
Hackensack, NJ 07601

Re: New Jersey Transit Corporation (NJ TRANSIT) Parcel R208
Block 136, Lot 6.2 – 16th & Jefferson Streets
Block 142, Lot 1 – Jefferson & 17th Streets
Block 143, Lot 2 – 1703-27 Jefferson Street
(formerly owned by M&C Franco & Company)
Delinquent Tax Notices for 1st and 2nd Quarters Year 2010

RECEIVED
MAY 26 2010
OFFICE OF THE CORPORATION COUNSEL
HOBOKEN, N.J.

Dear Mr. Kates:

This letter is being sent to you at the direction of Mr. Sal Bonaccorsi, Tax Assessor of the City of Hoboken, who is familiar with the facts of the matter (stated below) and has advised NJ TRANSIT that in order for him to place NJ TRANSIT on the tax exempt register, he needs a resolution from the City, prior to the scheduled June 2010 tax sale.

According to Mr. Bonaccorsi, the City's petition with the Tax Court will not be heard until July 2010 or later, which will be well after the completion of said tax sale, hence the need for a resolution.

Following is the case synopsis: -

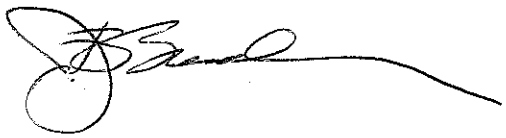
On January 8, 2010, NJ TRANSIT acquired a full take fee simple interest to the subject properties evidenced by a Declaration of Taking recorded in the Hudson County Register's Office, in Book 8709, Page 659. By letters from its Special Counsel, DeCotiis Fitzpatrick & Cole, LLP, and NJ TRANSIT, each dated and hand-delivered to the City on 1/8/2010, with a copy of the DT, the City was notified that NJT (i) had deposited funds with the Superior Court Trust Fund, and, as evidenced by said DT, had acquired the subject properties; and, (ii) since NJT is a State agency advising the City within the timeframe prescribed by N.J.S.A. 54:4-3.3b, of said deposit of funds and acquisition, it would exercise its property tax exempt status, beginning with calendar Tax Year 2010.

Notwithstanding the above, on 04/15/10, NJ TRANSIT received Property Tax Appeal Notices for said properties, petitioned by the City. On 05/19/2010, NJ TRANSIT received delinquent tax notices which advised that a tax sale of said properties is scheduled for June 2010.

Kindly advise if there is any additional information you require to resolve this matter.

I very much appreciate your assistance. I can be reached by telephone at 973-792-3783, and my e-mail address is jbrendlen@njtransit.com.

Very truly yours,



John F. Brendlen
Senior Director, Real Estate

Copy to: Sharon Curran, Tax Collector
Sal Bonaccorsi, Tax Assessor

Tax Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail | Notes

Block: 136 ...

Lot: 6.2

Qualifier:

Owner: NEW JERSEY TRANSIT CORP ...

Tax Sale

Notes Exist

Tax Bill

Restricted Edit

Prop Loc: 16TH & JEFFERSON ST ...

General | Assessed Values | Additional | Billing | Deductions | Balance | All Charges | Add/Omit

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2010	2		676.84	676.84	3.46	680.30
2010	1		629.52	629.52	15.81	645.33
2010		Total	1,306.36	1,306.36	19.27	1,325.63
2009	4		604.93	.00	.00	.00
2009	3		604.93	.00	.00	.00
2009	2		617.09	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 05/24/10 Interest Date Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: .2903 Last Payment Date: 11/04/09

TOTAL TAX BALANCE DUE

Principal: 1,306.36 Penalty: .00

Misc. Charges: .00 Interest: 19.27 Total: 1,325.63

* Indicates Adjusted Billing in a Tax Quarter.

RESOLUTION TO DELETE
FROM TAX SALE

Tax Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail | Notes

Block: 142 ...

Lot: 1

Qualifier:

Owner: NEW JERSEY TRANSIT CORP ...

Notes Exist

Tax Sale

Tax Bill | Restricted Edit

Prop Loc: JEFFERSON & 17TH STS ...

General | Assessed Values | Additional | Billing | Deductions | Balance | All Charges | Add/Omit

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2010	2		2,609.13	2,609.13	30.00	2,639.13
2010	1		2,426.68	2,426.68	90.03	2,516.71
2010		Total	5,035.81	5,035.81	120.03	5,155.84
2009	4		2,331.86	.00	.00	.00
2009	3		2,331.87	.00	.00	.00
2009	2		2,378.78	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 05/24/10 Interest Date | Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: 2.1012 Last Payment Date: 11/04/09

TOTAL TAX BALANCE DUE

Principal: 5,035.81 Penalty: .00

Misc. Charges: .00 Interest: 120.03 Total: 5,155.84

* Indicates Adjusted Billing in a Tax Quarter.

Tax Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail | Notes

Block: 143 ...

Lot: 2

Qualifier:

Owner: NEW JERSEY TRANSIT CORP ...

Notes Exist

Tax Sale

Tax Bill

Restricted Edit

Prop Loc: 1703-27 JEFFERSON ST ...

General | Assessed Values | Additional | Billing | Deductions | Balance | All Charges | Add/Omit

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2010	2		5,914.79	5,914.79	68.02	5,982.81
2010	1		5,501.16	5,501.16	263.74	5,764.90
2010		Total	11,415.95	11,415.95	331.76	11,747.71
2009	4		5,286.21	.00	.00	.00
2009	3		5,286.21	.00	.00	.00
2009	2		5,392.59	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 05/24/10 Interest Date Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: 5.2913 Last Payment Date: 11/04/09

TOTAL TAX BALANCE DUE

Principal: 11,415.95 Penalty: .00

Misc. Charges: .00 Interest: 331.76 Total: 11,747.71

* Indicates Adjusted Billing in a Tax Quarter.

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

<u>Special Skills</u> Fluent in Spanish

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

I, George De Stefano, Chief Financial Officer of the City of Hoboken, hereby Certify that $25,000.00 for Special Counsel is available in the following appropriations:

Special Counsel Rent Leveling Other Expense (0-01-20-156-020). These funds, the amount within the adopted SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

Special Counsel Rent Leveling

and awarded to the following vendor:

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

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

Chief Financial Officer

Date: 5/28/2010

Adopted Budget	**$ 29,350.00**
Spent	**(1,965.07)**
Award	**(25,000.00)**
	2,384.93

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-11(c) AND N.J.S.A. 40A:2-7(d)

WHEREAS, the governing body of the City of Hoboken, in the County of Hudson, New Jersey (the "City") intends to introduce a bond ordinance (the "Bond Ordinance") to provide for the acquisition by the City of the Department of Public Works Garage building located at Garden Street and Observer Highway within the City, together with all necessary and incidental furnishings, equipment, apparatus, structures and appurtenances and including all real property and rights-of-way, easements and other interests and all personal property which is necessary or which is desirable for the efficient operation of the Department of Public Works Garage, and all work, materials and services necessary therefor or incidental thereto; and

WHEREAS, the City desires to make application to the Local Finance Board for its review and approval of a waiver of down payment pursuant to N.J.S.A. 40A:2-11(c) and in accordance with 40A:2-7(d); and

WHEREAS, the governing body of the City believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, as follows:

Section 1. The application to the Local Finance Board for the purposes described in the recitals hereof is hereby approved, and GluckWalrath LLP, the City's Bond Counsel, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The City Clerk is hereby directed to prepare and file a copy of this resolution and the proposed Bond Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Bond Ordinance as finally adopted by the City.

Recorded Vote

AYE	NO	ABSTAIN	ABSENT

The foregoing is a true copy of a resolution adopted by the governing body of the City of Hoboken, in the County of Hudson on _____, 2010.

_____
James J. Farina, City Clerk

Sponsored by _____

Sponsored by _____

RESOLUTION NO._____

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE POOLED NOTE FINANCING PROGRAM OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the City of Hoboken, in the County of Hudson, State of New Jersey (the "Local Unit"), has previously duly adopted various bond ordinances authorizing the issuance of bonds and notes to finance the costs of various capital improvements (the "Local Unit Project"); and

WHEREAS, the Local Unit either has issued or desires to issue notes to temporarily finance the Local Unit Project; and

WHEREAS, the Local Unit believes that the recent financial crisis in the United States has caused extreme volatility in the short term note market for municipalities resulting in the following problems: (1) market access problems due to the liquidity issues of traditional investors, (2) shrinking investor pools to purchase municipal notes, (3) a reduced number of bids and in some instances no bids at municipal note sales, (4) unpredictable interest rates causing interest rate risk and budgeting problems and (5) increased costs due to investors unwilling to purchase unrated municipal notes and municipal notes without disclosure, causing municipalities to have municipal notes rated and disclosure documents prepared: and

WHEREAS, the Local Unit has reviewed the Pooled Note Financing Program proposed by The Hudson County Improvement Authority (the "HCIA"), whereby the Local Unit would either rollover its existing notes and/or issue new notes (collectively, the "Local Unit Notes") through the Pooled Note Financing Program of the HCIA; and

WHEREAS, the Local Unit believes that the HCIA's Pooled Note Financing Program cures many of the problems of the volatile note market by providing (1) market access to sell the Local Unit Notes, (2) a certain investor pool to purchase the Local Unit Notes, (3) a guaranteed purchaser of the Local Unit Notes, (4) a more predictable interest rate, whereby the Local Unit will benefit from reduced interest costs as a result of a guaranty by the County of Hudson, State of New Jersey (the "County Guaranty") on the debt service of the HCIA Pooled Note Financing Program, and (5) decreased costs due to all the local units in the Pooled Note Financing Program sharing in the costs of the HCIA Pooled Note Financing Program; and

WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of financial crisis, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Notes through the Pooled Note Financing Program of the HCIA; and

WHEREAS, such Local Unit Notes shall be issued in accordance with the provisions of the Local Bond Law, *N.J.S.A.* 40A:2-1 *et seq.* and/or the Local Budget Law, *N.J.S.A.* 40A:4-1 *et seq.*

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBOKEN THAT

Section 1. The Local Unit hereby authorizes the Local Unit's participation in the HCIA Pooled Note Financing Program.

Section 2. The Local Unit consents to the HCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Pooled Note Financing Program.

Section 3. The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the HCIA and is further authorized to execute one or more note purchase contracts, loan agreements and any and all documents, certificates, opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with council to the Local Unit.

Section 4. This resolution shall take effect immediately.

REVIEWED:

Arch Liston, Business Administrator

APPROVED AS TO FORM:

Michael B. Kates, Corporation Counsel

Meeting Date: June 2, 2010

RECORDED VOTE

AYES	NAYS	ABSTENTIONS	ABSENTEES

CERTIFICATION

I, James J. Farina, Clerk of the City of Hoboken, in the County of Hudson, State of New Jersey (the "Local Unit"), DO HEREBY CERTIFY that the attached resolution entitled, "RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE POOLED NOTE FINANCING PROGRAM OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY", is a copy of a resolution which was duly adopted by the Local Unit's governing body at a meeting duly called and held on _____, 2010 in full compliance with the Open Public Meetings Act, *N.J.S.A.* 10:4-6 *et seq.*, at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Local Unit this _____ day of _____, 2010.

(SEAL)

Name: _____
James J. Farina, Clerk
City of Hoboken

Introduced by:_____

17

Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH AND APPROVING THE EXTENSION OF CERTIFICATES OF PARTICIPATION PREVIOUSLY ISSUED BY THE CITY

WHEREAS, the City of Hoboken, in the County of Hudson, New Jersey (the "City") previously authorized and on June 29, 2006 entered into various agreements and documents (the "2006 Documents") in connection with the issuance of Certificates of Participation Relating to Lease Purchase Agreement between NWF Leasing Inc. (the "Lessor") and the City in the aggregate principal amount of $13,840,000 (the "2006 Certificates") to fund the purchase by the Lessor of the Department of Public Works Garage (the "DPW Garage") for lease to the City for its use, and which 2006 Certificates were scheduled to mature on July 1, 2008 (the "Scheduled Maturity Date"); and

WHEREAS, the City previously authorized and on June 28, 2008 entered into various agreements and documents to (i) extend the Scheduled Maturity Date of the 2006 Certificates to July 1, 2010 (the "Extended Maturity Date"), (ii) increase the principal amount of the 2006 Certificates to $15,600,000, (iii) increase the rate of interest payable under the 2006 Certificates, and (iv) issue Certificates of Participation relating to the Lease Purchase Agreement between the Lessor and the City Dated as of June 29, 2006, as amended, in the principal amount of $15,600,000 (the "2008 Certificates") in replacement and substitution for the 2006 Certificates as set forth in amendments/supplements to the 2006 Documents entered into by the City (collectively, the "2008 Documents"); and

WHEREAS, the City desires to extend the Extended Maturity Date of the 2008 Certificates, as well as increase the rate of interest payable under the 2008 Certificates (as amended, the "Certificates"; on terms mutually acceptable to the City and the holder of the 2008 Certificates (the "Certificates Holder") as set forth herein and in amendments/supplements to the 2008 Documents to be entered into by the City (collectively, the "2010 Transaction"); and

WHEREAS, the City now desires to authorize all actions which may be necessary, useful or convenient in connection with the foregoing transaction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. The City hereby authorizes the 2010 Transaction upon such terms and conditions as are set forth in the Term Sheet (attached hereto as **Exhibit A**) from the Certificates Holder, which terms and conditions are hereby approved, with any changes to such attached Term Sheet as shall be approved by the Mayor, the Business Administrator or the Chief

Financial Officer (each, an "Authorized City Officer"); provided that upon completion of the 2010 Transaction, the Certificates shall mature on such date not later than October 15, 2010 (the "2010 Extended Maturity Date") with the interest payments evidenced thereby to be based upon a rate or rates described in the Term Sheet. The City in connection with the 2010 Transaction is hereby authorized to provide for the payment of costs of the 2010 Transaction from among other sources proceeds derived from (i) the 2010 Transaction, and (ii) any other available funds of the City.

Section 2. The City hereby appoints NW Financial Group, LLC, to serve as the City's financial advisor in connection with the 2010 Transaction, including the negotiation on behalf of the City of the terms of the 2010 Transaction, and hereby ratifies and approves any action taken by them on behalf of the City prior to the date of this ordinance.

Section 3. The City hereby appoints GluckWalrath LLP to serve as special counsel to the City in connection with the 2010 Transaction, and hereby ratifies and approves any action taken by them on behalf of the City prior to the date of this ordinance.

Section 4. Any Authorized City Officer is hereby authorized to enter into, consent to, or approve (as the case may be) such documents as may be necessary of appropriate in connection with the 2010 Transaction in such form and substance as is customary for transactions of this nature, and such documents shall be in substantially the forms presented by the Mayor, or with such alterations, changes, insertions and deletions as may be determined by an Authorized City Officer. No further action need be taken by the governing body of the City, in connection with the execution of documents by an Authorized City Officer, which execution shall be conclusively presumed to evidence any necessary approvals.

Section 5. The Authorized City Officers, the City's Corporation Counsel, the Municipal Clerk and such other officers, employees and representatives of the City as are required, are hereby authorized and directed to execute and deliver the documents authorized by Section 4 hereof and such other documents (all of which shall be deemed to have been presented by the Mayor), to execute and deliver such opinions and to take such other actions as they determine to be necessary or appropriate in order to effectuate the 2010 Transaction, including, without limitation, the execution and delivery of all lease and financing documents, closing documents and certificates.

Section 6. The Authorized City Officers are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the 2010 Transaction.

Section 7. This resolution shall take effect immediately.

Reviewed:

Arch Liston
Business Administrator

Approved as to Form:

Michael B. Kates
Corporation Counsel

Meeting Date: June 2, 2010

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RECORDED VOTE

AYES	NAYS	ABSTENTIONS	ABSENTEES

CERTIFICATION

I, James J. Farina, Clerk of the City of Hoboken, in the County of Hudson, State of New Jersey (the "City"), DO HEREBY CERTIFY that the attached resolution entitled, **"RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH AND APPROVING THE EXTENSION OF CERTIFICATES OF PARTICIPATION PREVIOUSLY ISSUED BY THE CITY"**, is a copy of a resolution which was duly adopted by the City's governing body at a meeting duly called and held on _____, 2010 in full compliance with the Open Public Meetings Act, *N.J.S.A.* 10:4-6 *et seq.*, at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

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

(SEAL)

Name: _____
James J. Farina, Clerk
City of Hoboken

EXHIBIT A

From: Ziminski, George [mailto:George.Ziminski@capitalonebank.com]
Sent: Tuesday, April 13, 2010 12:00 PM
To: Michael Kates
Cc: Martorana, Jeffrey; Michael Hanley; McLaughlin, Chris; Hickey, F. Patrick

Subject: Terms of extension of the note to NWF Leasing

Hello Michael,

We are willing to extend the note to NWF Leasing of behalf of the City of Hoboken to October 15th 2010 based on the following terms:

1.) We would like to obtain a reaffirmation of the contract (and price if possible) by SHG Hoboken Urban Renewal Associates, LLC (the Buyer) as prescribed by our attorneys.

2.) Require that the $2,550,000 deposit be moved to an account at our bank.

3.) Charge an extension fee of .5%.

4.) Obtain an acknowledgment of our assignment by the buyer (which is required in the assignment). It is my understanding that the Buyer has reviewed this assignment when it was originally distributed in October.

5.) Increase the rate to 5% which is something that is currently closer to a market rate.

6.) Receive an update of the environmental condition of the site and have it reviewed by The Bank's environmental engineers.

7.) Review and approval by bank counsel of all amendments and related documents necessary to implement the extension of the maturity and change in the rate on the certificate, including but not limited to the following:

a) Amendment to Lease Purchase Agreement

b) Amendment to Trust Indenture

c) Amendment to Certificate

d) Amendment of filed Memorandum of Lease

d) General Certificate of City of Hoboken (together with necessary approvals for extension/amendments)

e) Opinions of City/Lease Counsel and Lessor's Counsel

I would be happy to discuss these with you or your attorney so please feel free to contact me.

Regards.

George L. Ziminski
Senior Vice President
Capital One Bank
399 Thornall St.
Edison, N. J. 0887
Office: 732-767-4115
Cell: 973-945-7216
FAX 732-635-0995

1st reading
6-2-10 #1

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF THE DEPARTMENT OF PUBLIC WORKS GARAGE BUILDING LOCATED IN THE CITY AND RELATED EXPENSES AND APPROPRIATING $15,950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $15,950,000 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 $15,950,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d).

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 $15,950,000 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 the acquisition by the City of the Department of Public Works Garage building located at Garden Street and Observer Highway within the City, together with all necessary and incidental furnishings, equipment, apparatus, structures and appurtenances and including all real property and rights-of-way, easements and other interests and all personal

property which is necessary or which is desirable for the efficient operation of the Department of Public Works Garage, and 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 30 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 $15,950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $450,000 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) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) 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

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 ACQUISITION OF THE DEPARTMENT OF PUBLIC WORKS GARAGE BUILDING LOCATED IN THE CITY AND RELATED EXPENSES AND APPROPRIATING $15,950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $15,950,000 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

Eileen Wehrhahn

From: Michael Kates [mkates@hobokennj.org]
Sent: Friday, May 28, 2010 3:41 PM
To: ewehrhahn@hobokennj.org
Subject: OrdLtr 051810

???LAW OFFICES???

GLUCKWALRATH LLP

428 River View Plaza, Trenton, New Jersey 08611
Tel: (609) 278-1900/3900 Fax: (609) 278-9200/3901
www.glucklaw.com

Reply To:
Marsha Boutin
Direct Dial (609) 278-3927
mboutin@glucklaw.com

Red Bank Office
21 East Front Street, Suite 400
Red Bank, New Jersey 07701
Tel: (732) 530-8822 Fax: (732) 530-6770

May 18, 2010

Via Email (mkates@hobokennj.org)
Michael Kates, Esq., Corporation Counsel
City of Hoboken, in the County of Hudson
94 Washington Street
Hoboken, New Jersey 07030

Re: Bond Ordinance – Acquisition of DPW Garage Building

Dear Michael

I am forwarding herewith the above-referenced bond ordinance for the City of Hoboken. If the form of the ordinance meets with the City Council's approval, then the ordinance should be adopted in accordance with the procedure set forth below for your convenience:

1. A Supplemental Debt Statement must be prepared, executed and sworn to by the Chief Financial Officer and filed with the Clerk on or prior to the date of introduction of the bond ordinance.

2. Prior to introduction, the bond ordinance should be approved by Judy. Tripodi in her capacity as Fiscal Monitor. A proposed letter to that effect is included herewith.

3. The bond ordinance may be introduced and read by title only, and adopted by a majority of the members of the governing body present, assuming a quorum.

4. After introduction of the bond ordinance, the Supplemental Debt Statement must be forwarded to Trenton and filed, prior to the final adoption of the bond ordinance, with the Division of Local Government Services.

5. To comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget or temporary capital budget (as applicable). To the extent the governing body has not adopted the capital budget; it should adopt a temporary capital budget including the projects listed in the bond ordinance. To the extent of any inconsistency between the capital budget and the bond ordinance, the bond ordinance should be filed with the Division of Local Government Services along with the Supplemental Debt Statement and the resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget or temporary capital budget (as applicable). This resolution is not published.

6. After introduction, the bond ordinance must be published in full, together with a "Notice of Pending Ordinance", a copy of which is enclosed for your convenience. The Notice must be published at least one week prior to the date set for further consideration of the bond ordinance.

7. At least one (1) week prior to the date scheduled for further consideration, the bond ordinance should be posted on the bulletin board customarily used for notices, together with the enclosed "Notice of Pending Ordinance". Copies of the bond ordinance should be made available to anyone who requests them of the Clerk.

8. If the Municipality's planning board has adopted any portion of the "master plan", then prior to the governing body taking any action necessitating the expenditure of public funds, the bond ordinance must be referred to the municipal planning board for review and recommendation in conjunction with the master plan, and the governing body must have received such recommendation or forty-five (45) days must have elapsed after such reference without such recommendation being received (N.J.S.A. 40:55D-31).

9. Please notify us prior to introduction if any of the proposed projects is located within a county-designated "agricultural development area" or involves a "municipally approved program" therein, as certain other requirements must be met under N.J.S.A. 4:1C-19 and 25 (including 30 days' advance notice to certain county and State agencies).

10. Please notify us prior to introduction if any of the proposed projects involves the establishment or change of grade of any street, highway, lane or alley or portion thereof, as certain other requirements must be met under N.J.S.A. 40:49-6 (including mailed notice to certain affected property owners).

11. The bond ordinance can be considered for final adoption not less than ten (10) days after the date of introduction, and not less than seven (7) days after the first publication of such bond ordinance. If the bond ordinance has been posted and copies made available as indicated in paragraph 7 above, then the bond ordinance may be read at this second reading by title only; otherwise the bond ordinance must be read in full. After the appropriate reading of the bond ordinance, the governing body must hold a public hearing and give all members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two thirds of the full membership of the governing body and, if the Mayor's approval is required for the passage of ordinances, upon approval by (or passage over the veto of) the Mayor.

12. The bond ordinance must then be published in full, together with the "Notice of Adoption of Bond Ordinance", a copy of which is enclosed. The bond ordinance will not become effective until twenty (20) days after the publication of the full text of the bond ordinance along with the "Notice of Adoption of Bond Ordinance".

To establish the necessary record that the bond ordinance was properly adopted, please ask the Clerk to complete the enclosed certificate and return it to me with the indicated attachments, as soon as possible after the twenty (20) days have elapsed after final publication. Please make sure that all publications are in a newspaper published and circulating in the City (if there is one), or, if there is no such newspaper, in a newspaper published in Hudson County and circulating in the City.

Please call me if you have any questions about the foregoing. Thank you.

Sincerely yours,
GLUCKWALRATH LLP

Marsha Boutin

Marsha Boutin, Legal Assistant

MB
Enclosure
cc: Mayor Dawn Zimmer
Arch Liston, Business Administrator
Judi Tripodi, Fiscal Monitor
Michael Hanley
Christopher M. Walrath, Esq.

1st reading #2
6-2-10

Sponsored by:_____

Seconded by: _____

CITY OF HOBOKEN

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGISTRATION FEES FOR RECREATION PROGRAMS

WHEREAS, the Administration feels a need to implement a registration fee for all applicants registering with the Department of Recreation; and

WHEREAS, the City Code of the City of Hoboken needs to establish this new fee.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the following fee be implemented:

SECTION ONE:

Chapter 39, entitled "Human Services Department of", is hereby amended and supplemented by adding to its fee schedule Registration Fees for all of its recreational programs as follows:

"NEW FEE"	**Registration fee:**	
	Resident	$25.00 per program
	Non-Resident	$35.00 per program

SECTION TWO:

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

SECTION THREE:

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and

in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION FOUR:

This Ordinance shall take effect as provided by law.

Adopted:

City Clerk James Farina

Approved:

Mayor Dawn Zimmer

Approved as to Form:

Michael B. Kates, Corporation Counsel

Reviewed:

Arch Liston, Business Administrator

Date of Introduction: **June 2, 2010**

City of Hoboken – Division of Recreation
124 Grand Street
Hoboken, New Jersey
Telephone: (201) 420-2012 Fax: (201) 239-6631
Website: www.hobokennj.org

ACTIVITY REGISTRATION FORM

Participant's Name _____ Birth Date _____
Street Address _____ City _____ State _____ Zip _____
Email Address _____ Grade _____ Male _____ Female _____

Parent's Name _____ Home Phone ( ) _____ Cell Phone ( ) _____
Legal Guardian _____ Home Phone ( ) _____ Cell Phone ( ) _____

	Activity Name and Number	Day	Time	Winter/Spring Summer/Fall	Fee
1.					
2.					
3.					
4.					
5.					
6.					
				Total Due	$

MEDICAL TREATMENT AUTHORIZATION AND LIABILITY WAIVER

I hereby give my consent to have an athletic trainer, coach, team manager, emergency medical technician, nurse, medical treatment facility, and/or doctor of medicine or dentistry or associated personnel provide the applicant/participant with medical assistance and/or treatment and agree to be financially responsible for the cost of such assistance and/or treatment. I hereby authorize emergency transportation of the applicant/participant to a medical treatment facility should an individual listed above consider it to be warranted. I understand treatment for injury will be based on information provided herein *I recognize the possibility of physical injury associated with recreational activities and hereby release, discharge, and otherwise indemnify the City of Hoboken, its officials, employees, agents, and associated volunteer personnel against any claim by or on behalf of the participant named above as a result of that player's participation in recreational programs and/or being transported to or from the same, which transportation I hereby authorize. I knowingly and freely assume all such risks and assume all such responsibility to the fullest extend permitted by law. I fully understand the terms and conditions of this release of liability and assumption of risk and sign it freely and voluntarily without inducement.*

Name of Parent/Guardian (please print) _____

Signature _____ ***Date*** _____

(Relation to participant: (father, mother, guardian)

_____

In an emergency situation when a parent or guardian cannot be reached, please contact the following:
Name _____ Home Phone ( ) _____ Bus Phone ( ) _____
Name _____ Home Phone ( ) _____ Bus Phone ( ) _____

Allergies _____
Other Medical Conditions _____

Physician _____ Home Phone ( ) _____ Bus Phone ( ) _____
Medical/Hospital Insurance Company _____ Phone ( ) _____
Policy Holder's Name _____ Policy Number _____

Resident fee: **$25.00 per program**. Non-Resident fee: **$35.00 per program** (A child of a non-resident enrolled in Hoboken School System). Please bring or mail your application to the address listed above and make your check or money order payable to: **The City of Hoboken.**

1st reading #3
6-2-10

CITY OF HOBOKEN

ORDINANCE NO. _____

AN ORDINANCE CORRECTING LOT AND BLOCK DISIGNATION OF 47 NEWARK STREET FOR THE PURPOSE OF ALLOWING REDEVELOPMENT BY ORDINANCE NO. Z-35

WHEREAS, the applicant, Kevin Renaghan, Project Architect, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 47 Newark Street, Hoboken, New Jersey, ("the premises") which premises is more particularly described as Block 222, Lot 4, on the Tax Map of the City of Hoboken, New Jersey, in order to install a bay window on the building located at 47 Newark Street as outlined in the attached drawing. The easements are described as follows:

METES AND BOUNDS
(Proposed Ramp Easement for TD Bank)

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

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

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

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

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

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

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

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

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

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

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

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

Known as Block 222, Lot 4, as shown on the official tax assessment map for the City of Hoboken, Hudson County, New Jersey, and more commonly known as 47 Newark Street, Hoboken, New Jersey; and

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

1. The above recitals are incorporated herein as though fully set forth at length.

2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.

3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.

4. The applicant shall indemnify the City of Hoboken for any and all damage or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising form the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken its officers, agents employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of

the property described herein, and the applicant shall maintain liability insurance with respect thereto, in an amount of $1,000,000.00 with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council Members as an additional insured's.

5. These easements shall run with the land and insure to the benefits of the applicant's successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant's successors and assigns in the title and interest to the property served by the within easements.

6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits that may be required by local or state law.

7. This ordinance shall take effect as provided by law.

Adopted:

City Clerk

Approved:

Mayor

Approved as to Form:

Michael B. Kates, Corporation Counsel

Date: June 2, 2010

Sponsored by _____ 1st reading 4-21-10

Seconded by _____

CITY OF HOBOKEN

ORDINANCE NO. Z-35

Hoboken City Clerk's Office
94 Washington Street
Hoboken, NJ 07030

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

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

METES AND BOUNDS
(Proposed Ramp Easement for TD Bank)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The above recitals are incorporated herein as though fully set forth at length.

2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.

3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.

4. The applicant shall indemnify the City of Hcboken for any and all damage or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising form the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the

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

5. These easements shall run with the land and insure to the benefits of the applicant's successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant's successors and assigns in the title and interest to the property served by the within easements.

6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits that may be required by local or state law.

7. This ordinance shall take effect as provided by law.

Adopted: 5-5-10

City Clerk

Approved: 5-6-10

Mayor

Approved as to Form:

Michael B. Kates, Corporation Counsel

Date: April 21, 2010

1st reading #7
6-2-10

Introduced: _____

Seconded: _____

CITY OF HOBOKEN
ORDINANCE No: _____

ORDINANCE RESCINDING MUNICIPAL ETHICS BOARD AND LOCAL ETHICS ADMINISTRATTION, IN FAVOR OF STATE STATUTORY ETHICS ADMINISTRATION BY LOCAL FINANCE BOARD OF NJ DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF LOCAL GOVERNMENT SERVICES.

WHEREAS, the Local Government Ethics Law, adopted in 1991, offering municipalities the option of establishing their own ethics boards and codes of ethics on the local level; and

WHEREAS, by Ordinance No. V-25.1, adopted November 20, 1985, a Municipal Ethics Board was created, but no code of ethics was ever adopted (see Chapter 29 of the Hoboken Code); and no appointments to that Board were ever made, nor has the local process been used; and

WHEREAS, in the absence of a municipality choosing the option of establishing its own ethics board and its own code of ethics on the local level, the Local Government Ethics Law confers general responsibility for implementing its provisions upon the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs;

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

SECTION 1. REPEALER. Chapter 29 of the Hoboken City Code hereby repealed, in favor of the administration of ethics grievances and advisory opinions related to the City of Hoboken and its local government officers and officials by the Local Finance Board, in the Division of Local Government Services, in the Department of Community Affairs.

SECTION 2. INCONSISTENCY. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect after final adoption and approval thereof on June 16, 2010 or as provided by law, whichever occurs later.

Date of Introduction: June 2, 2010

ADOPTED:

James J. Farina, City Clerk

APPROVED:

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Michael Kates, Corporation Counsel

REVIEWED:

Arthur Liston, Business Administrator