

EFB Associates, LLC.

Community and Land Use Planners

To: Joseph J. Maraziti, Esq.
Redevelopment Council

Brandy A. Forbes, AICP, PP
Community Development Director

From: Eileen F. Banyra PP, AICP
Planning Board Consultant

Re: 928- 930 Jefferson Street
Block 95, Lots 17 – 18
Amendment to NW Redevelopment Zone Ordinance

Date: November 9, 2011

As you are aware the approved redevelopment agreement was in conflict with the Northwest Redevelopment Zone and would have necessitated “d” variances which are not permissible in redevelopment zones under the Local Redevelopment and Housing Law.

As per our discussion on Friday October 28th, 2011, attached please find the revisions requested in support of the approved redevelopment agreement for the property identified as 928-930 Jefferson Street.

In order to make the changes as straightforward as possible, I have created sub-zones which addresses the developed properties in Sub-zone 1, the property identified as Water Music property Block 95 Lots 11-16 in Sub-zone 2; and the property in question, Block 95 Lots 17 and 18 in Sub-zone 3.

The attached changes eliminate the “d” variances and are substantially consistent with the redevelopment agreement previously forwarded to my office. It should be noted that the site plan for 928-930 Jefferson as currently configured, still requires two “c” variances. The two variances noted are for rooftop coverage and for a corner activity area. Both Robert Matule, Esq., and Frank Minervini AIA have been alerted to these issues and the architect is reviewing the plan to see if he can eliminate one of these two variances. If not, these variances are fairly straightforward and can be addressed by the Planning Board during the plan review process.

There have been no other changes to the NWRZ ordinance other than to correct the ordinance to accommodate the property indicated and correctly identify the parcels in this section of the ordinance by their block and lot numbers. The ordinance is in a tabular form to hold the format as the layout is critical to the understanding of the regulatory controls.

In the following ordinance, the proposed language to be deleted is shown as bold and with a ~~strike-out~~ and the language to be added, is shown as **[bold and bracketed]**.

Zone 1

The following blocks will be permitted to have residential buildings: (Blocks B.88; B.89; B.95; B.99; B.100; B.103: Lots 1-6 & 27-32; B.104: B.109; B.110; B.114: Lots 1-13, 20-33, and parts of Lots 14-17 consisting of the southerly one-third 25 feet of these lots; B.115: Lots 1-14 & 19-32; B.150; B.151; B.156).

[Sub-Area 1: All Sites With The Exception of Block 95, Lots 11-16 and 17-18]

Where a redeveloper chooses to combine residential use with permitted nonresidential principal uses such as community facility or office or commercial recreation in a single building, all residential use — except for lobby access — must be located on floors above the other uses and have separate secure entrances. In such a case ~~(with the exception of Block 95, Lots 6-21 — see special regulations below)~~ the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where preexisting nonresidential buildings remain, whether for continued nonresidential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings ~~(with the exception of Block 95, Lots 6-21 — see special regulations below)~~. [See bulk regulations in Table 1: "Sub-Area 1, Building Design".]

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

[Sub-Area 2: Block 95, Lots 11-16]

Where the redeveloper of Block 95, lots ~~6 through 21~~ **[11-16]** proposes to create a mixed-use building which includes a music recording studio with special requirements for sound insulation, the following special conditions shall apply: in addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for such music recording studio and its ancillary space (including transient overnight accommodations as approved previously by the Zoning Board of Adjustment) provided that for every 2.0 square feet of commercial space built, a minimum of 1.0 square feet of programmable public space is also built on-site. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR. In no event, shall the total number of dwelling units created for the entire site exceed the maximum permitted at the base 3.0 FAR. Special bulk and parking regulations and urban design guidelines for this site can be found following the standard zone regulations immediately below. [See bulk regulations in Table 2: "Sub-Area 2, Building Design".]

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

[Sub-Area 3: Block 95, Lots 17-18]

[The parcel identified as Block 95, Lots 17-18 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum of 10,000 sq. ft., the subject site measures 5,000 sq. ft. as it existed at the time of the adoption of the Plan. The Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, parking and floor area for corner buildings. Permitted density and building height will remain the same as in Sub-Area 1. See bulk regulations in Table 3: "Sub-Area 3, Building Design".]

[Table 1: "Sub-Area 1, Building Design".]

[In Sub-Area 1,] residential buildings shall be designed [pursuant to Table 1]. ~~as follows (with the exception of Block 95, Lots 6-21 — see special regulations below):~~ [Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 1. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 1, Table 1 regulations shall control:]

Building Height	Five residential floors 50 feet over one floor 10 feet of parking (maximum total building height 60 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
• Bonus Building Height	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 60 feet:
	<ul style="list-style-type: none">• Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 65 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.
	<ul style="list-style-type: none">• Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

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Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
• Bonus FA:	Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building in the form of one penthouse level occupying no more than half the area of the roof below and set back a minimum of ten feet from the front facade subject to the following controls:
	<ul style="list-style-type: none">• The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed.
	<ul style="list-style-type: none">• Penthouse may not rise higher than 10 feet above maximum building height permitted for the site.
• Corner Buildings:	Any residential building which “wraps around” a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback, density and parking requirements have been met; also see lot coverage exception.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	
	<ul style="list-style-type: none">• 60% for the residential portion of building (except on corner sites as described in the discussion of building depth and rear yards; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	<ul style="list-style-type: none">• 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

[Table 2: "Sub-Area 2, Building Design"]

[In Sub-Area 2,] ~~For Block 95, Lots 6 through 21:~~ where the redeveloper proposes to create a mixed-use building which includes a music recording studio and its ancillary space (including transient overnight accommodations as approved previously for this site by the Zoning Board of Adjustment) with special requirements for sound insulation, the following special **conditions [regulations]** shall apply (note: hereinafter, such development will be referred to as “studio”):

Building Height:	One building mass may contain up to six residential floors (maximum: 60 feet) which may be increased by a seventh partial floor (up to a maximum: 70 feet in height) if bonus floor area is granted, supported over a base building which contains no more than one level of parking and one or two levels of studio space (maximum total height: 30 feet) separated by an open volume of space not to exceed 13 feet in height. Maximum height of the entire mixed-use structure may not exceed 112 feet to the top of the roof slab.
Floor Area Ratio:	3.0 for residential floor area; additional floor area pursuant to the bonus described below:
<ul style="list-style-type: none"> • Bonus FA: 	In addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for the studio provided that for every 2.0 square feet of studio space built, a minimum of 1.0 square feet of programmable public space shall be built onsite. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted base FA by 1,000 (to be calculated at 3.0 FAR). In no event, even if bonus floor area, is granted, shall the total number of dwelling units created exceed the maximum permitted at the base 3.0. FAR
Lot coverage:	
	<ul style="list-style-type: none"> • 60% for the residential portion of the building • 100% for the base building containing the parking and the music recording studio up to 30 feet above grade as required
Parking:	Five spaces for the music studio (pursuant to the previous variance granted); 0.5 spaces for each dwelling unit; no spaces required for public recreation space or any publicly accessible activity areas provided in the building base

Urban Design Guidelines:	The following regulations apply specifically to [Sub-Area 2] Block 95, Lots 6 through 21 ; where a conflict appears between these and the Urban Design Guidelines for the Plan as a whole, the following regulations shall control:
<ul style="list-style-type: none"> • General Building Bulk and Yard Requirements: 	
	<ul style="list-style-type: none"> • Minimum front yard setback from north-south street: zero feet
	<ul style="list-style-type: none"> • Minimum side street setback from east-west street: zero feet
<ul style="list-style-type: none"> • Building Base Design: 	
	<ul style="list-style-type: none"> • Door/Window/Stoop frequency: every 80 feet on Madison Street; every 50 feet on Tenth Street
	<ul style="list-style-type: none"> • Windows: see activity areas
<ul style="list-style-type: none"> • Parking and Parking Design: 	
	<ul style="list-style-type: none"> • Window openings: may be satisfied per streetscape requirements (see below)
	<ul style="list-style-type: none"> • Garage roof may be developed for public recreation use (see below)
<ul style="list-style-type: none"> • Streetscape Requirements: 	
	<ul style="list-style-type: none"> • Street trees: single row of trees every 25 feet on all streets
	<ul style="list-style-type: none"> • Activity areas: activity area requirement may be satisfied by provision of interactive glass wall extending not less than 50% of the length of each street facade at sidewalk level
<ul style="list-style-type: none"> • Public Recreation Space: 	
	<ul style="list-style-type: none"> • Design, availability and programming to be approved by the City's Department of Cultural Affairs in conjunction with the Department of Community Development with permanent public easements per Corporation Counsel
	<ul style="list-style-type: none"> • Whereas the proposed public space occupies the 30% of the site normally attributed to required private open space, the roof above the topmost residential floor shall be developed as a "green" roof which shall allow access to tenants

[Table 3: "Sub-Area 3, Building Design"]

[In Sub-Area 3, residential buildings shall be designed pursuant to Table 3. Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 3. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 3, Table 3 regulations shall control:]

Site size, minimum	5,000 square feet
Rear yard, minimum	20 feet
Rear wall, maximum	80 feet from front lot line
Side-street setback	none required from east-west streets
Building Height	See Sub-Area 1
• Bonus Building Height	See Sub-Area 1
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
• Bonus FA:	See Sub-Area 1
• Corner Buildings:	Any residential building which “wraps around” a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 80 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	
	• 70% for the residential portion of building; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	• 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each of the first twelve dwelling units except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.



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November 10, 2011

Ravinder S. Bhalla, Council President
and Members of Hoboken City Council
94 Washington Street
Hoboken, NJ 07030

Re: Redevelopment Agreement
P&D Hoboken, LLC

Dear Council President Bhalla and Members of Hoboken City Council:

On August 24, 2011, the City Council adopted a Resolution to enter into a Redevelopment Agreement with P & D Hoboken LLC to construct a 15 unit residential condominium building at the southwest corner of the intersection of Jefferson and 10th streets.

Upon the filing of the application by P&D with the Hoboken Planning Board, the Planning Board Planning Consultant, Eileen Banyra, PP, AICP identified a number of technical modifications to the Northwest Redevelopment Plan that are necessary, in order to enable the construction of the project to proceed, as set forth in the Redevelopment Agreement. The Memorandum of Ms. Banyra, which accompanies the packet of documents, sets forth the nature and purpose of the needed modifications.

If the City Council determines that the recommended amendments are appropriate, the procedure requires that the draft Amendment to the Redevelopment Plan be referred to the Planning Board for its comments and recommendations. We have prepared a Resolution for that purpose. Also prepared is an Ordinance to Amend the Northwest Redevelopment Plan. The Ordinance cannot be adopted until after the report of the Planning Board is received and considered by the City Council, or 45 days have passed since the referral to the Board, whichever is sooner.

{90806.DOC.2}

The Resolution to refer the draft Plan to the Planning Board may be adopted and also to introduce the Ordinance to amend the Plan at the upcoming meeting of the Council.

I will be available at the City Council meeting on November 14th if you have any questions or comments.

Very truly yours,



Joseph J. Maraziti, Jr.

JJM:smw

Enclosures

c: Arch Liston, Business Administrator
Brandy A. Forbes, Director of Community Development
Mark A. Tabakin, Corporation Counsel
Alysia M. Proko-Smickley, Assistant Corporation Counsel
Eileen Banyra, PP. ACIP

Introduced by: _____

Seconded by: _____

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

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

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken (“City Council”) adopted a redevelopment plan known as the Northwest Redevelopment Plan for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area, which was determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.;

WHEREAS, Block 95, Lots 6 through 21 are located within the Northwest Industrial Area;
and

WHEREAS, the City Council has prepared certain amendments to the Northwest Redevelopment Plan, which amendments are in furtherance of the redevelopment, which are set forth in a proposed Ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken”; and

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

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. A copy of the proposed ordinance entitled “An Ordinance Amending the Northwest Redevelopment Plan and Appendix A of Chapter 196 of the Code of the City of Hoboken” be transmitted to the Planning Board of the City of Hoboken for its review and recommendations pursuant to N.J.S.A. 40A:12A-7.

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

3. This Resolution shall be effective immediately.

REVIEWED BY:

APPROVED AS TO FORM:

Business Administrator

Corporation Counsel

APPROVED AS TO FORM:

, Corporation Counsel

Sponsored by: _____

Seconded by: _____

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

**AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND
APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN**

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken ("City Council") adopted a redevelopment plan known as the Northwest Redevelopment Plan for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area, which was determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law ("Redevelopment Law"), N.J.S.A. 40A:12A-1 et seq.;

WHEREAS, the Northwest Redevelopment Plan is reprinted in Appendix A of Chapter 196 of the Code of the City of Hoboken;

WHEREAS, Block 95, Lots 6 through 21 are located within the Northwest Industrial Area;
and

WHEREAS, the Planning Consultant for the City of Hoboken Planning Board has prepared certain amendments to the Northwest Redevelopment Plan, which amendments are in furtherance of the redevelopment; and

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

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

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

Section 1. The "Zone 1" portion of The Northwest Redevelopment Plan is hereby amended to read as follows:

Zone 1

The following blocks will be permitted to have residential buildings: (Blocks B.88; B.89; B.95; B.99; B.100; B.103; Lots 1-6 & 27-32; B.104: B.109; B.110; B.114: Lots 1-13, 20-33, and parts of Lots 14-17 consisting of the southerly one-third 25 feet of these lots; B.115: Lots 1-14 & 19-32; B.150; B.151; B.156).

Sub-Area 1: All Sites With The Exception of Block 95, Lots 11-16 and 17-18

Where a redeveloper chooses to combine residential use with permitted nonresidential principal uses such as community facility or office or commercial recreation in a single building, all residential use — except for lobby access — must be located on floors above the other uses and have separate secure entrances. In such a case the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where preexisting nonresidential buildings remain, whether for continued nonresidential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings. See bulk regulations in Table 1: "Sub-Area 1, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 2: Block 95, Lots 11-16

Where the redeveloper of Block 95, lots 11-16 proposes to create a mixed-use building which includes a music recording studio with special requirements for sound insulation, the following special conditions shall apply: in addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for such music recording studio and its ancillary space (including transient overnight accommodations as approved previously by the Zoning Board of Adjustment) provided that for every 2.0 square feet of commercial space built, a minimum of 1.0 square feet of programmable public space is also built on-site. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR. In no event, shall the total number of dwelling units created for the entire site exceed the maximum permitted at the base 3.0 FAR. Special bulk and parking regulations and urban design guidelines for this site can be found following the standard zone regulations immediately below. See bulk regulations in Table 2: "Sub-Area 2, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 3: Block 95, Lots 17-18

The parcel identified as Block 95, Lots 17-18 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum of 10,000 sq. ft., the subject site measures 5,000 sq. ft. as it existed at the time of the adoption of the Plan. The Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, parking and floor area for corner buildings. Permitted density and building height will remain the same as in Sub-Area 1. See bulk regulations in Table 3: "Sub-Area 3, Building Design".

Table 1: "Sub-Area 1, Building Design".

In Sub-Area 1, residential buildings shall be designed pursuant to Table 1. -Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 1. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 1, Table 1 regulations shall control:

Building Height	Five residential floors 50 feet over one floor 10 feet of parking (maximum total building height 60 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
<ul style="list-style-type: none"> • Bonus Building Height 	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 60 feet:
	<ul style="list-style-type: none"> • Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 65 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not

	exceed in height the minimum required.
	<ul style="list-style-type: none"> • Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
• Bonus FA:	Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building in the form of one penthouse level occupying no more than half the area of the roof below and set back a minimum of ten feet from the front facade subject to the following controls:
	<ul style="list-style-type: none"> • The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed.
	<ul style="list-style-type: none"> • Penthouse may not rise higher than 10 feet above maximum building height permitted for the site.
• Corner Buildings:	Any residential building which “wraps around” a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback, density and parking requirements have been met; also see lot coverage exception.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	

	<ul style="list-style-type: none"> • 60% for the residential portion of building (except on corner sites as described in the discussion of building depth and rear yards; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	<ul style="list-style-type: none"> • 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 2: "Sub-Area 2, Building Design"

In Sub-Area 2, where the redeveloper proposes to create a mixed-use building which includes a music recording studio and its ancillary space (including transient overnight accommodations as approved previously for this site by the Zoning Board of Adjustment) with special requirements for sound insulation, the following special regulations shall apply (note: hereinafter, such development will be referred to as "studio"):

Building Height:	One building mass may contain up to six residential floors (maximum: 60 feet) which may be increased by a seventh partial floor (up to a maximum: 70 feet in height) if bonus floor area is granted, supported over a base building which contains no more than one level of parking and one or two levels of studio space (maximum total height: 30 feet) separated by an open volume of space not to exceed 13 feet in height. Maximum height of the entire mixed-use structure may not exceed 112 feet to the top of the roof slab.
Floor Area Ratio:	3.0 for residential floor area; additional floor area pursuant to the bonus described below:
<ul style="list-style-type: none"> Bonus FA: 	In addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for the studio provided that for every 2.0 square feet of studio space built, a minimum of 1.0 square feet of programmable public space shall be built onsite. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted base FA by 1,000 (to be calculated at 3.0 FAR). In no event, even if bonus floor area, is granted, shall the total number of dwelling units created exceed the maximum permitted at the base 3.0. FAR
Lot coverage:	
	<ul style="list-style-type: none"> 60% for the residential portion of the building
	<ul style="list-style-type: none"> 100% for the base building containing the parking and the music recording studio up to 30 feet above grade as required
Parking:	Five spaces for the music studio (pursuant to the previous variance granted); 0.5 spaces for each dwelling unit; no spaces required for public recreation

	space or any publicly accessible activity areas provided in the building base
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Urban Design Guidelines:	The following regulations apply specifically to Sub-Area 2; where a conflict appears between these and the Urban Design Guidelines for the Plan as a whole, the following regulations shall control:
	<ul style="list-style-type: none"> • General Building Bulk and Yard Requirements:
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Minimum front yard setback from north-south street: zero feet
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Minimum side street setback from east-west street: zero feet
	<ul style="list-style-type: none"> • Building Base Design:
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Door/Window/Stoop frequency: every 80 feet on Madison Street; every 50 feet on Tenth Street
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Windows: see activity areas
	<ul style="list-style-type: none"> • Parking and Parking Design:
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Window openings: may be satisfied per streetscape requirements (see below)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Garage roof may be developed for public recreation use (see below)
	<ul style="list-style-type: none"> • Streetscape Requirements:
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Street trees: single row of trees every 25 feet on all streets
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Activity areas: activity area requirement may be satisfied by provision of interactive glass wall extending not less than 50% of the length of each street facade at sidewalk level
	<ul style="list-style-type: none"> • Public Recreation Space:
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Design, availability and programming to be approved by the City's Department of Cultural Affairs in conjunction with the Department of Community Development with permanent public easements per Corporation Counsel
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> • Whereas the proposed public space occupies the 30% of the site normally attributed to required private open space, the roof above the topmost residential floor shall be developed as a "green" roof which shall allow access to tenants

Table 3: "Sub-Area 3, Building Design"

In Sub-Area 3, residential buildings shall be designed pursuant to Table 3. Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 3. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 3, Table 3 regulations shall control:

Site size, minimum	5,000 sq. ft.
Rear yard, minimum	20ft.
Rear wall, maximum	80ft. from front lot line
Side-street setback	none required from east-west streets
Building Height	See Sub-Area 1
<ul style="list-style-type: none"> • Bonus Building Height 	See Sub-Area 1
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
<ul style="list-style-type: none"> • Bonus FA: 	See Sub-Area 1
<ul style="list-style-type: none"> • Corner Buildings: 	Any residential building which "wraps around" a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 80 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above — whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.

Lot coverage:	
	<ul style="list-style-type: none"> • 70% for the residential portion of building; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	<ul style="list-style-type: none"> • 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each of the first twelve dwelling units except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Section 2. A copy of this Ordinance shall be maintained in the offices of the City Clerk.

Section 3. The Northwest Redevelopment Plan shall continue to supersede applicable provisions of the Zoning Ordinance of the City of Hoboken. In all situations where zoning issues are not specifically addressed by the Northwest Redevelopment Plan, the Zoning Ordinances of the City of Hoboken shall remain in full force and effect.

Section 4. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon adoption and publication according to law, and upon filing with the Hudson County Planning Board.

Dated: _____, 2011

ADOPTED:

APPROVED:

, City Clerk

, Mayor

APPROVED AS TO FORM:

, Corporation Counsel

SPONSORED BY: _____

SECONDED BY: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
NOVEMBER 14, 2011**

TAXI, LIMOUSINE, AND LIVERY DRIVERS (6 ITEMS @ \$75.00)

SEE ATTACHED

RAFFLES 2 ITEMS (\$20.00/DRAWING)

MEN'S CLUB/HNS OF 12 DRAWINGS
OUR LADY OF GRACE CHURCH (1 PER MONTH IN 2012)
400 WILLOW AVENUE RA1378
HOBOKEN NJ 07030

ST. JOSEPH'S CHURCH APRIL 8, 2012
61 MONROE ST RA1377
HOBOKEN NJ 07030

MISCELLANEOUS LICENSES

DRIVERS

(6 ITEMS @ \$75.00)

AMIR M. GIRGIS	224 HUTTON ST, JERSEY CITY, NJ	TAXI
MALAK SAMAAAN	160 WEST 17 TH ST, BAYONNE, NJ	TAXI
ASHRAF ESKANDR	750 N BOARD ST, ELIZABETH, NJ	TAXI
LEONEL ROSAS	2401 BERGENLINE AVE, UNION CITY, NJ	TAXI
ANTHONY DIONISIO	118 MAGNOLIA AVE, JERSEY CITY, NJ	LIMO
ALY OTHMAN	5 CHURCH TOWERS, HOBOKEN, NJ	LIMO

6 DRIVERS

APPROVED LICENSES

OFFICE OF THE TAX COLLECTOR
MONTHLY REPORT

To: The Honorable Mayor and
Council Members of the
City of Hoboken, N.J.

Honorable Mayor and Council Members,

I herewith submit the following report of receipts in the Tax Collector's Office for the month of OCTOBER, 2011.

Receipts on Taxes

2012 Taxes 1-2. Quarter...	28,069.55	
2012 Added Assessments...	415.89	
Total 2012 Taxes Collected...		28,485.44

Receipts on Taxes

2011 Taxes 3-4 Quarters...	18,016,149.69	
N.G. Checks	4,632.78	
2011 Taxes 1-2 Quarters..	50,800.20	
2011 Added Assessments...	329,686.87	
Total 2011 Taxes Collected...		18,392,003.98

Miscellaneous Tax Receipts

Interest on Taxes...	14,528.51	
Duplicate Tax Bill Fee...	385.00	
Bounced Check Fee...	40.00	
Total Miscellaneous Tax Receipts		14,953.51

Pilot Accts

Pilot Principal.....	1,738,343.50	
Interest on Pilot...	18,673.00	
Total Collected on Pilot Accts.....		1,757,016.50

Total Taxes & Miscellaneous Tax Receipts.... **20,192,459.43**

*****Abatements not included in Edmunds Cash Receipts Report*****

Abatements

Abatement Principal.....	1,057,328.33	
Abatement Interest.....	141.72	
N.G Check	4,576.24	
Total Collected on Abatements	*****	<u>1,052,893.81</u>

<u>Bounced Checks</u>	Amount	Abatement Bounced Check
261.04/1/C0802	4,624.03	104/1.01/C0506 <u>4,576.24</u>
70/3/C0002	<u>8.75</u>	Total 4,576.24
Total	4,632.78	

Respectfully yours,

Sharon Curran, Tax Collector

DAILY DEPOSITS FOR THE CITY OF HOBOKEN MONTH OF OCTOBER 2011													
			20,197,092.21		20,192,459.43								
DATE	Total	Interest	2011 3&4 Qtr. Taxes	2011 1&2 Qtr Taxes	2012 1&2 Qtrs. Taxes	2011 Added Assessmnts	2012 Added Assessmnt	Dup. Bill Fee	Bounced Check Fee	Pilot	Pilot Interest	Abatement Principal	Abatement Interest
10/3/2011	78,428.71	771.59	73,514.64	3,744.20	398.28							3,459.60	
10/4/2011	377,141.49	301.63	41,526.33	1,162.52	0.01					315,478.00	18,673.00	7,916.52	
10/5/2011	328,616.86	3,600.61	105,973.20	33,371.26	1,849.06					183,822.73		22,224.42	
10/6/2011	50,128.18	643.29	49,095.62	57.93	106.34			225.00				120,486.93	
10/7/2011	70,859.23	402.08	68,211.60	0.71	2,234.84			10.00				2,782.66	
10/11/2011	461,475.17	1,255.35	439,092.66	116.83	541.47			15.00		20,453.86		12,000.60	90.66
10/12/2011	118,735.46	212.13	118,082.11		351.22			90.00				5,688.31	
10/13/2011	144,771.51	512.09	143,896.96	349.95	12.51							1,768.77	50.37
10/13/2011	70,753.49		70,753.49										
10/14/2011	87,765.99	751.20	87,009.79					5.00				3,572.74	0.41
10/17/2011	266,217.33	991.32	261,377.14	2,005.02	1,843.85								
10/18/2011	1,894,883.14	91.78	1,894,640.13	151.23									
10/18/2011	94,234.53	85.39	93,181.45	8.17	249.82	704.70		5.00				36,336.68	
10/19/2011	3,074,998.33	128.42	3,074,869.91										
10/19/2011	408,191.76	156.47	399,532.81	1.61	3.10	8,497.77						13,000.71	
10/20/2011	149,452.05	1,323.43	138,744.70	8,498.70	187.07	693.15		5.00				3,895.73	
10/21/2011	384,932.50	1,875.08	369,167.10	0.01	2,545.75	11,339.56		5.00				12,117.01	
10/24/2011	235,809.71	215.83	208,572.49		4,556.07	13,320.68				9,144.64		636,469.26	0.28
10/24/2011	106,046.42	125.61	98,297.75		30.39	7,592.67							
10/25/2011	6,421,362.47	369.62	6,236,560.08	9.38						184,423.39		21,848.95	
10/25/2011	431,116.13	179.37	140,748.15		193.12	21,563.60	415.89		20.00	267,996.00			
10/26/2011	836,406.99	35.22	566,817.09		1,558.68					267,996.00		12,219.90	
10/27/2011	529,159.17	74.09	481,265.97	223.03	3,309.12	26,016.43		15.00		18,255.53		17,252.25	
10/28/2011	1,333,172.63	27.68	731,676.22		6,798.48	152,964.29		10.00	20.00	441,675.96		87,233.00	
10/31/2011	1,008,087.79	0.50	961,433.12		372.92	46,281.25							
10/31/2011	186,147.53		186,147.53										
10/31/2011	468,061.94		461,609.08			6,452.86							
10/31/2011	580,135.70	398.73	514,352.57	1,099.65	927.45	34,259.91				29,097.39		37,054.29	
	20,197,092.21	14,528.51	18,016,149.69	50,800.20	28,069.55	329,686.87	415.89	385.00	40.00	1,738,343.50	18,673.00	1,057,328.33	141.72
Bad Checks	4,624.03									Bad Ck Abatement 104/1.01/C0506		4,576.24	
261.04/1/C0802	8.75									Abatement Amt. Collected		1,052,893.81	

 Range: Block: First to Last
 Lot:
 Qual:
 Range of Codes: First to Last
 Range of Batch Ids: First to Last
 Range of Spec Tax Codes: First to Last
 Payment Type Includes: Tax: Y Sp Charges: Y Lien: Y Sp Assmnt: Y
 Misc: Y
 Cash: Y Check: Y Credit: Y
 Range of Years: First to 2012
 Range of Periods: 1 to 12
 Range of Dates: 10/01/11 to 10/31/11
 Print Ref Num: N
 Range of Installment Due Dates: First to Last
 =====

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2010	2011	Future		
001 TAX-Billing	10511	0.00	0.00	18,066,252.86	28,069.55	14,509.78	18,108,832.19
014 ADDED ASSESSMENT/OMI	105	0.00	0.00	329,686.87	415.89	0.00	330,102.76
082 IN LIEU OF TAXES	19	0.00	0.00	1,738,343.50	0.00	18,673.00	1,757,016.50
SUB SUBSEQUENT TAX	3	0.00	0.00	697.03	0.00	18.73	715.76
Tax Payments	10638	0.00	0.00	20,134,980.26	28,485.44	33,201.51	20,196,667.21
021 MUN LIEN SEWER	108	998.72	0.00	0.00	0.00	1,169.25	2,167.97
00L OUTSIDE REDEEM	107	391,362.96	0.00	0.00	0.00	77,407.11	468,770.07
FEE	13	533.50	0.00	0.00	0.00	0.00	533.50
Lien Payments	228	392,895.18	0.00	0.00	0.00	78,576.36	471,471.54
005 BOUNCED CHECK FEE	2	40.00	0.00	0.00	0.00	0.00	40.00
012 DUPLICATE BILLS	19	385.00	0.00	0.00	0.00	0.00	385.00
Misc Payments	21	425.00	0.00	0.00	0.00	0.00	425.00
NSF BOUNCED CHECK	2	0.00	0.00	4,632.78-	0.00	0.00	4,632.78-
Tax NSF	2	0.00	0.00	4,632.78-	0.00	0.00	4,632.78-
Payments Total:	10887	393,320.18	0.00	20,134,980.26	28,485.44	111,777.87	20,668,563.75
NSF Reversals Total:	2	0.00	0.00	4,632.78-	0.00	0.00	4,632.78-
Total:	10889	393,320.18	0.00	20,130,347.48	28,485.44	111,777.87	20,663,930.97

Total Cash: 17,199.17

Total Check: 20,646,731.80

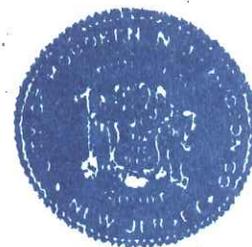
Total Credit: 0.00

REDEMPTIONS FOR THE MONTH OF OCTOBER 2011								
DATE REDEEMED	BLOCK	LOT	QUAL.	CERTIFICATE #	ADDRESS	REDEMPTION AMOUNT	PREMIUM AMOUNT	
10/5/2011	95	25	COP52	070167	900-12 JEFFERSON ST	402.47		
10/13/2011	183	1.1	C0214	11-00074	214-20 EIGHTH ST	2,028.62	800.00	NEW PREMIUM
10/13/2011	268.1	3	C0080	11-00100	1500 HUDSON ST	1,761.59	2,900.00	NEW PREMIUM
10/13/2011	2	5	C0074	030045	352 OBSERVER HWY	765.03		
10/13/2011	2	5	C0073	030044	352 OBSERVER HWY	765.03		
10/13/2011	2	5	CUL20	070017	415 NEWARK ST	3,014.77		
10/13/2011	2	5	CUL19	070016	415 NEWARK ST	2,940.12	100.00	OLD PREMIUM
10/13/2011	2	5	C012A	070005	415 NEWARK ST	54,343.86	100.00	OLD PREMIUM
10/21/2011	106	1		097123	1200-1318 MADISON ST	386,371.42	30,000.00	NEW PREMIUM
10/21/2011	2	5	CUL19	070016	415 NEWARK ST.	619.45		Add'l monies
10/21/2011	2	5	C012A	070005	415 NEWARK ST.	3,372.13		Add'l monies
10/24/2011	27	24		11-00017	118 MONROE ST	3,697.41	600.00	NEW PREMIUM
10/27/2011	2	5	CUL08	070014	415 NEWARK ST	168.02	168.02	Add'l monies
10/27/2011	251	14.1	C000C	11-00094	163 FOURTEENTH ST	9,007.15	6,000.00	NEW PREMIUM
TOTALS						469,257.07	40,668.02	
MUNICIPAL LIEN								
10/31/2011	166	38		003181	308 PARK AVE REAR	\$ 2,214.47		



*Municipal Court of Hoboken
City Hall*

100 Newark Street
Hoboken, New Jersey 07030
201 - 420-2120
Fax 201 - 420-2138



HON. MICHAEL A. MONGIELLO
C.J.M.C.

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

ROSEANN GOHDE
Court Director

NOVEMBER 7, 2011

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

DEAR MR. FARINA:

THE HOBOKEN MUNICIPAL COURT HAS ISSUED CHECK # 5263 IN THE TOTAL AMOUNT OF \$398,843.45 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF OCTOBER 2011(ATS/ACS SYSTEM)

VERY TRULY YOURS,

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

C: HON. DAWN ZIMMER, MAYOR
ARCH LISTON, BUSINESS ADMINISTRATOR
MICHAEL MONGIELLO, C.J.M.C.

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011

DEPARTMENT	PO #	VENDOR	DESCRIPTION	AMOUNT
ADM BUSINESS ADMINISTRATION	CY-03463	PREMIER TECHNOLOGY SOLUTIONS	EQUIPMENT FOR IRENE OPS CENTER	\$ 972.86
	CY-04049	PREMIER TECHNOLOGY SOLUTIONS	COMPUTER EQUIPMENT	\$ 2,049.73
	CY-04050	CRT SUPPORT CORP. GROUP	TRANSCRIPTION SERVICES	\$ 928.50
	CY-04051	MANAGEMENT ANALYSTS, INC	JOHN COREA, BRIAN PETACCIO	\$ 2,202.31
ADM EXPERT WITNESS	CY-03855	WESTON SOLUTION, INC.	DPW FACILITY REMEDIATION	\$ 519.49
ADM FINANCE SUPERVISORS OFF	CY-03708	AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 20.00
	CY-04200	AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 2,451.09
ADM INFO. TECH	CY-03169	GOVCONNECTION, INC.	COMPUTER SUPPLIES	\$ 2,557.01
	CY-03712	PREMIER TECHNOLOGY SOLUTIONS	COMPUTER PARTS AND SUPPLIES	\$ 1,172.97
	CY-03815	ASL PRODUCTIONS LLC	SEPT 2011 COUNCIL MEETINGS	\$ 2,400.00
ADM LEGAL ADVERTISING	CY-02975	JERSEY JOURNAL	LEGAL ADS FOR 8/11	\$ 1,555.66
ADM MUNICIPAL COURT	CY-03714	ENTERPRISE CONSULTANTS	MONTHLY MAINTENANCE	\$ 425.00
	CY-03847	KELLY AUSTIN, JMC	SERVICES RENDERED	\$ 300.00
	CY-03878	ALCAZAR COMMUNICATION, INC.	SERVICES RENDERED	\$ 4,690.00
	CY-04037	ENTERPRISE CONSULTANTS	MONTHLY MAINTENANCE	\$ 212.50
ADM PARKING UTILITY	CY-01596	PITNEY BOWES, INC.	TERM RENTAL - APRIL 2011	\$ 206.00
	CY-02812	METRIC GROUP, INC.	PARKING MULTI METERS	\$ 170,650.00
	CY-03206	METROPOLITAN COFFEE SERVICE	WATER/COFFEE SUPPLIES	\$ 81.00
	CY-03357	SIEMENS INDUSTRY, INC.	FIRE SERVICE AGREEMENT-GARAGES	\$ 1,317.17
	CY-03743	NORTH AMERICAN TOOL & EQUIP.	EQUIPMENT/SIGNAL & TRAFFIC	\$ 203.70
	CY-03747	CHEVROLET OF JERSEY CITY	REPAIRS TO HPU VEHICLE	\$ 6,453.62
	CY-03788	G & F ENTERPRISE	UNIFORMS - BUS DRIVERS	\$ 833.50
	CY-03793	SUSAN NEWMAN DESIGN, INC.	GRAPHIC DESIGN - TAXI & LIMO	\$ 1,000.00
	CY-03971	RBA GROUP ENGINEERS/PLANNERS	PROFESSIONAL SERVICES	\$ 600.00
	CY-04040	FCA LIGHTING	ELECTRIC CAR POWER	\$ 180.00
	CY-04097	NOVA RECORDS MANAGEMENT, LLC	STORAGE - PURCHASING	\$ 171.94
	CY-04101	KEVCO ELECTRIC INC.	SIGNAL & TRAFFIC REPAIRS	\$ 1,041.73
	CY-04102	FIVEPM TECHNOLOGY, INC.	TRANSPORTATION UPGRADE	\$ 3,999.67
	CY-04103	ROBBINS & FRANKE, INC.	ALIGNMENT - HPU VEHICLE	\$ 60.00
	CY-04105	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 8,904.75
	CY-04108	W.B. MASON CO., INC.	COPY PAPER/OFFICE SUPPLIES	\$ 339.14
CY-04112	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 7,320.75	

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011

DEPARTMENT	PO #	VENDOR	DESCRIPTION	AMOUNT	
ADM PARKING UTILITY	CY-04113	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 4,343.25	
	CY-04114	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 1,608.75	
	CY-04115	MILE SQUARE TOWING	SERVICES - SEPT./OCT. 2011	\$ 640.00	
	CY-04118	NOVA RECORDS MANAGEMENT, LLC	STORAGE/PURCHASING 2010	\$ 687.76	
	CY-04119	NOVA RECORDS MANAGEMENT, LLC	STORAGE/PARKING 2009-2010	\$ 139.10	
	CY-04181	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 256.50	
	CY-04182	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 470.25	
	CY-04184	921 WELCO CGI GAS TECH LLC	CYLINDER RENTAL-916 GARDEN	\$ 32.23	
	CY-04185	HIGH TECH PROTECTIVE SVS.INC.	SERVICES - MIDTOWN GARAGE	\$ 120.00	
	CY-04187	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 13,380.75	
	CY-04188	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 470.25	
	CY-04189	BOSWELL ENGINEERING	PROFESSIONAL SERVICES	\$ 13,045.50	
	CY-04191	CENTRAL PARKING SYSTEM	CONTRACT PAYMENT - NOV. 2011	\$ 84,918.00	
	ADM SPECIAL COUNSEL	CY-04057	WEINER & LESNIAK, LLP	LEGAL SERVICES	\$ 19,550.44
		CY-04058	WEINER & LESNIAK, LLP	LEGAL SERVICES	\$ 37,323.25
	ADM TAX COLLECTOR	CY-02893	RUTGERS STATE UNIVERSITY OF NJ	REGISTRATION FORM	\$ 1,074.00
	ADM/CITY CLERK	CY-03412	HOBOKEN MESSENGER SERVICE	LTR SERVICES	\$ 145.00
		CY-04137	FARINA, JAMES	REIMBURSEMENT FOR GAS	\$ 20.00
		CY-04138	METROPOLITAN COFFEE SERVICE	QTRLY COFFEE BREWER RENTAL	\$ 30.00
ADM/CONSTRUCTION CODE	CY-03729	RIVERFRONT CAR WASH	CAR WASH ON CITY VEHICLES	\$ 12.00	
	CY-03931	N.J. DEPT OF COMMUNITY AFFAIRS	SUBSCRIPTION TO NJ UCC	\$ 50.00	
	CY-04173	TREASURER, STATE OF NEW JERSEY	STATE TRAINING FEES 3RD QTR	\$ 26,904.00	
	CY-04257	JERSEY PROFESSIONAL MANAGEMENT	SERVICES FOR MANAGMENT SPECIAL	\$ 4,462.50	
ADM/COUNCIL	CY-03730	POGGI PRESS	BUSINESS CARDS	\$ 105.00	
ADM/ELECTION	CY-04016	ROYAL PRINTING	GENRAL ELECTION NOV.8,2011	\$ 7,500.00	
CAPITAL ACCOUNT	10-02755	BIRDSALL SERVICES GROUP	HOBOKEN COVE REMEDIATION	\$ 1,503.00	
CD GRANTS MANAGEMENT	CY-04079	HOBOKEN FAMILY PLANNING, INC.	CDBG-PORTION OF SALARY JUL-SEP	\$ 3,834.00	
	CY-04080	HOBOKEN FAMILY PLANNING, INC.	CDBG REIMB - PORTION OF SALARY	\$ 1,917.00	
	CY-04081	HOBOKEN DAY CARE 100, INC.	CDBG - PORTION OF SAL JUL-AUG	\$ 8,623.32	
	CY-04082	HOPES INC.	CDBG PORTION OF UTILITIES	\$ 12,632.73	
	CY-04089	PHAROS ENTERPRISES, LLC	ADA RESTROOM IMPROVEMENTS MSC	\$ 37,864.58	
	CY-04206	HOBOKEN FAMILY PLANNING, INC.	CDBG REIMB OCT 1-31, 2011	\$ 1,917.00	

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011

DEPARTMENT	PO #	VENDOR	DESCRIPTION	AMOUNT
CD MLUL ZONING BD OF ADJ	CY-03976	BLOCK 112 DEVELOPMENT	REPAYMENT OF APPLICATION FEE	\$ 2,500.00
ES CENTRAL GARAGE	CY-03435	W.B. MASON CO., INC.	SUPPLIES CG	\$ 243.33
	CY-03728	HARLEY DAVIDSON OF LONG BRANCH	REPAIR M/C #110 P.D.	\$ 803.51
	CY-04083	QUALITY AUTOMALL	REPAIR VEH. ES PICK UP #152	\$ 1,320.00
	CY-04153	CHEVROLET OF JERSEY CITY	BRAKE REPAIR FORD CV INSPECTOR	\$ 115.98
	CY-04178	OSCAR'S AUTOMATIC TRANSMISSION	REPAIR ES PICKUP TRUCK #150	\$ 495.40
	CY-04217	DAVES AUTO PARTS & ACCESSORIES	ABS MODULE PD VEH. #104	\$ 690.32
ES DIRECTOR'S OFFICE	CY-03851	POGGI PRESS	BUSINESS CARDS	\$ 105.00
	CY-04151	METROPOLITAN COFFEE SERVICE	BREWER RENTAL OCT.NOV.DEC.11	\$ 30.00
ES PUBLIC PROPERTY	CY-02009	JOHN A. EARL CO.	PAPER SUPPLIES CITY HALL	\$ 2,270.40
	CY-02256	JOHN A. EARL CO.	SUPPLIES MSC	\$ 347.14
	CY-03834	JOHN A. EARL CO.	PAPER SUPPLIES MSC	\$ 1,297.44
	CY-04017	STATE CHEMICAL MFG.	GREEN CLEANING MSC	\$ 553.79
	CY-04018	STATE CHEMICAL MFG.	GREEN CLEANING CG	\$ 358.37
	CY-04032	STATE CHEMICAL MFG.	GREEN CLEANING CITY HALL	\$ 1,625.16
	CY-04142	GS ELEVATOR INDUSTRIES	MAINTENANCE PUB. PROP. 10/11	\$ 588.60
	CY-04144	MAC PEST CONTROL	PEST CONTROL PUB. PROP. 10/11	\$ 1,500.00
ES ROADS	CY-03833	ROBBINS & FRANKE, INC.	10 SWEEPER TIRES	\$ 2,827.20
	CY-04265	JERSEY PROFESSIONAL MANAGEMENT	SALARY ACTING DIRECTORS ES	\$ 7,437.50
HS BD OF HEALTH	CY-03951	LIBERTY HUMANE SOCIETY	ANIMAL CONTROL SERVICES	\$ 5,416.00
HS CULTURAL AFFAIRS	CY-03648	STAR LEDGER	ADVERTISEMENT (FALL FESTIVAL)	\$ 1,929.50
	CY-03799	RON ALBANESE	HOST/MC RAGAMUFFIN PARADE	\$ 500.00
	CY-03952	PEACEFUL VALLEY ORCHARD	HARVEST FESTIVAL SUPPLIES	\$ 3,092.00
	CY-03953	MIDDLE VALLEY FARM	HAYWAGON/TRACTOR FOR FESTIVAL	\$ 850.00
	CY-04028	THE L MAGAZINE	ADVERTISEMENT-ARTIST TOUR	\$ 750.00
	CY-04029	MC KEVIN SHAUGHNESSY	POSTER/POSTCARD DESIGN	\$ 350.00
	CY-04069	THE ROCKDOVES	PERFORMANCE AT HARVEST FEST.	\$ 75.00
	CY-04075	CAPTUREPOINT.COM	PROGRAM MANAGER SUBSCRIPTION	\$ 2,499.00
	CY-04135	ALL STAR RENTALS, INC.	TABLE/CHAIR RENTAL FALL FEST.	\$ 948.00
	CY-04160	FALLO, GERALDINE	REIMBURSEMENT	\$ 97.21
	CY-04194	HUDSON REPORTER ASSOC LP	AD - ARTIST STUDIO TOUR 2011	\$ 1,305.85
HS DIRECTOR'S OFFICE	CY-04267	LEO PELLEGRINI	REIMBURSEMENT-PAL MENTORING TVL	\$ 359.40

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011

DEPARTMENT	PO #	VENDOR	DESCRIPTION	AMOUNT
HS PARKS	CY-03484	MATERA'S NURSERY	PARKS SUPPLIES - AUGUST 2011	\$ 1,148.90
HS RECREATION	CY-03913	COREATHLETICS LLC	CHEERLEADING EQUIPMENT	\$ 1,529.76
	CY-03949	FELIX ROSA	TRANSPORTATION SERVICES	\$ 72.00
HS SENIOR CITIZEN PROGRAM	CY-03977	FLORENCE AMATO	REIMBURSEMENT FOR INK	\$ 12.83
PS FIRE	CY-01205	M & G AUTO PARTS, INC.	SERVICE	\$ 497.00
	CY-03836	FOLEY INCORPORATED	GENERATOR	\$ 1,981.80
	CY-03841	TURNOUT FIRE AND SAFETY	BOOT REPLACEMENT	\$ 269.98
	CY-03843	LOMBARDY DOOR SALES	EMERGENCY REPAIRS	\$ 147.00
	CY-03922	N.J. BOATING SAFETY CLASSES	BOATING SAFETY CLASS	\$ 1,140.00
PS POLICE	CY-03919	SIRCHIE FINGERPRINT	BLOOD ALCOHOL TEST KITS	\$ 143.90
	CY-03920	ADT SECURITY SERVICE INC	QUARTERLY MAINTENCE PAYMENT	\$ 305.00
	CY-04005	METROPOLITAN CENTER FOR	FFD EVALUATION	\$ 1,750.00
	CY-04006	METROPOLITAN CENTER FOR	FFD EVALUATION	\$ 1,750.00
UNCLASSIFIED	CY-00006	MILE SQUARE TOWING	CY2011 TOWING SERVICES	\$ 530.00
	CY-00008	EXXONMOBIL FLEET/GECC	CY2011 GASOLINE	\$ 32,934.58
	CY-00022	NEXTEL COMMUNICATIONS	CY2011 ACCT #141015027	\$ 9,157.61
	CY-00023	VERIZON	CY2011 PHONE SERVICE	\$ 12,522.30
	CY-00024	VERIZON WIRELESS	CY2011 CELL SERV-MAYOR	\$ 250.02
	CY-00033	BLUE CROSS-BLUE SHIELD OF NJ	CY2011 HEALTH/PRESO INSURANCE	\$ 1,529,587.91
	CY-04086	LILLIAN WEHRHAHN	REIMBURSEMENT, MEDICARE PART B	\$ 1,158.00
Grand Total				\$ 2,151,569.94

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011
TRUST ACCOUNTS

	Department	PO #	VENDOR	DESCRIPTION	AMOUNT
TRUST	ADM/CONSTRUCTION CODE HS CULTURAL AFFAIRS	CY-04173	TREASURER, STATE OF NEW JERSEY	STATE TRAINING FEES 3RD QTR	\$ 26,904.00
		CY-03799	RON ALBANESE	HOST/MC RAGAMUFFIN PARADE	\$ 500.00
	CY-03952	PEACEFUL VALLEY ORCHARD	HARVEST FESTIVAL SUPPLIES	\$ 3,092.00	
	CY-03953	MIDDLE VALLEY FARM	HAYWAGON/TRACTOR FOR FESTIVAL	\$ 850.00	
	CY-04028	THE L MAGAZINE	ADVERTISEMENT-ARTIST TOUR	\$ 750.00	
	CY-04029	MC KEVIN SHAUGHNESSY	POSTER/POSTCARD DESIGN	\$ 350.00	
	CY-04069	THE ROCKDOVES	PERFORMANCE AT HARVEST FEST.	\$ 75.00	
	CY-04075	CAPTUREPOINT.COM	PROGRAM MANAGER SUBSCRIPTION	\$ 2,499.00	
	CY-04135	ALL STAR RENTALS, INC.	TABLE/CHAIR RENTAL FALL FEST.	\$ 948.00	
	CY-04160	FALLO, GERALDINE	REIMBURSEMENT	\$ 97.21	
		CY-04194	HUDSON REPORTER ASSOC LP	AD - ARTIST STUDIO TOUR 2011	\$ 1,305.85
TRUST Total					\$ 37,371.06
Grand Total					\$ 37,371.06

CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011
TRUST ACCOUNTS

Department	PO #	VENDOR	DESCRIPTION	AMOUNT
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CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011
TRUST ACCOUNTS

Department	PO #	VENDOR	DESCRIPTION	AMOUNT
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CITY OF HOBOKEN
CLAIMS LISTING
NOVEMBER 14, 2011
TRUST ACCOUNTS

Department	PO #	VENDOR	DESCRIPTION	AMOUNT
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Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE CY 2011 CURRENT FUND APPROPRIATIONS.

BE IT RESOLVED, that the following CY 2011 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO
Operations - Within "Caps"		
Personnel & Health S&W		\$5,000.00
Mayors Office S/W		\$11,000.00
City Council S&W		\$1,250.00
Alcoholic Bev Control S&W		\$1,000.00
Revenue & Finance S&W		\$22,000.00
Tax Collection S&W		\$6,000.00
Assessor's Office S&W		\$1,000.00
Corporation Counsel S&W		\$4,500.00
Special Counsel		\$500,000.00
Zoning Administration S&W		\$42,000.00
Housing Inspection S&W		\$7,000.00
Uniform Construction OE		\$25,000.00
Emergency Management S&W		\$45,000.00
Fire Dept S&W		\$900,000.00
Environmental Services OE		\$70,000.00
Legal Advertising OE		\$15,000.00
Central Garage S&W		\$31,000.00
Human Services S&W		\$2,000.00
Rent Leveling S&W		\$4,000.00
Public Property S&W		\$55,000.00
Salary Settlements		\$260,000.00
Municipal Court S&W		\$67,000.00
Public Defender S&W		\$600.00
Business Administrator S&W	\$10,750.00	
Community Development S&W	\$45,000.00	
Zoning Board of Adjustments	\$10,000.00	

Uniform Construction S&W	\$75,000.00
Police Division S&W	\$1,235,000.00
Environmental Services S&W	\$100,000.00
Sanitation S&W	\$30,000.00
Sanitation OE	\$30,000.00
Health S&W	\$10,000.00
Recreation OE	\$20,000.00
Parks S&W	\$40,000.00
Electricity	\$20,000.00
Water & Sewer	\$100,000.00
Salary Adjustments	\$304,000.00
Municipal Court OE	\$30,000.00
Public Defender OE	\$600.00
Group Health Insurance OE	\$15,000.00

\$2,075,350.00 \$2,075,350.00

MEETING OF: November 14, 2011

REVIEWED BY:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark Tabakin
Corporation Counsel



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

November 4, 2011

The Honorable Ravi Bhalla
Council President
And Governing Body Members
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07073

Dear Council President Bhalla and Governing Body Members:

It has come to the attention of the Division of Local Government Services that the Hoboken City Council failed to adopt a resolution to transfer funds amount line item appropriations for its CY 2011 budget to cover additional expenses of the City.

As you are aware, it is a violation of N.J.S.A. 40A: 4-57 to spend any money, incur any liability or enter into any contract which involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. Your failure to act on the transfer resolution, place the municipality in jeopardy of violating statutory law and fiscal distress as any overexpenditures or deferred charges must be raised in the subsequent year's budget within the spending and levy limitations of the cap laws.

I urge you to fulfill your fiduciary responsibilities and convene a special meeting to act on the budget transfers to avoid placing the municipality in this position.

If you have any questions, please do not hesitate to contact the Bureau of Financial Regulation and Assistance at (609) 292-4806.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Neff".

Thomas Neff, Director
Division of Local Government Services

C: Mayor Dawn Zimmer
Arch Liston, Business Administrator



Sponsored by: _____

Secoded by: _____

**City of Hoboken
Resolution No.: ____**

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE “MAMA JOHNSON FIELD SHARED SERVICE AGREEMENT” WITH HOBOKEN HOUSING AUTHORITY

WHEREAS, the Administration, has negotiated an agreement with the Hoboken Housing Authority which provides for both parties to contribute to improvements to Mama Johnson Field, and subsequently share in utilizing the rehabilitated field over a period of time; and,

WHEREAS, the terms of the agreement, as approved to by the Administration, are laid out in the Mama Johnson Field Shared Service Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

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

1. The City Council hereby accepts the Mama Johnson Field Shared Service Agreement, *attached hereto*, as negotiated between the City and the Hoboken Housing Authority; and,
2. The City Council hereby directs the Mayor and her Administration to notify Hoboken Housing Authority of this acceptance immediately.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized and directed to proceed to execute and finalize this agreement, or one substantially similar with no substantive changes, expeditiously, and to take any steps necessary to effectuate the Agreement.

MEETING: November 14, 2011

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Introduced by: _____

Seconded by: _____

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

**RESOLUTION AUTHORIZING A CONTRACT WITH VOGEL, CHAIT,
COLLINS & SCHNEIDER FOR THE SERVICES OF TOM COLLINS, ESQ. ,
ESQ AS SPECIAL COUNSEL FOR LITIGATION IN THE MATTER OF
BLOCK 112 DEVELOPMENT, LLC, DOCKET NO. HUD-L-6010-10 IN AN
AMOUNT NOT TO EXCEED \$35,000.00**

WHEREAS, the City of Hoboken currently has outstanding litigation relating to the Matter of Block 112 Development, LLC, Docket No. HUD-L-6010-10; and,

WHEREAS, the above referenced legal issues will require the skilled expertise of an experienced redevelopment attorney to represent the City of Hoboken's interests, which skilled expertise and experience Tom Collins, Esq. has demonstrated throughout his legal career; and,

WHEREAS, this special expertise and knowledge, as well as the emergent need for continuous expert legal representation, provide a basis for continuance of the waiver of 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 with regard to Tom Collins, Esq.; and,

WHEREAS, Vogel, Chait, Collins & Schneider is hereby 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 the affirmative action contract compliance requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.; and,

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, said services require the City to award the contract sum in an amount not to exceed Thirty Five Thousand (\$35,000) Dollars; and,

WHEREAS, funds are available for this purpose after approval of the "Resolution authorizing the Transfer of Funds within accounts in the CY 2011 Fund Appropriations and a letter from the Director of Local Government Services".

NOW THEREFORE, BE IT RESOLVED (*a majority of the whole Council concurring*) that the professional service contract between the City of Hoboken and Vogel, Chait, Collins & Schneider be awarded as follows:

1. The services of Tom Collins, Esq. shall be retained for a term to commence immediately upon adoption of this Resolution and to terminate on December 31, 2011;
2. Tom Collins, Esq. shall be retained Special Legal Counsel – Litigation to represent the City in the matter of Matter of Block 112 Development, LLC, Docket No. HUD-L-6010-10
3. The not to exceed amount of the contract shall be for an amount not to exceed Thirty Five Thousand (\$35,000.00) Dollars, with a maximum hourly rate of \$150.00/hour for attorneys.

BE IT FURTHER RESOLVED that the City Council specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), is waived for the following reasons: (1) failure to obtain immediate legal counsel will jeopardize the City's legal position; and, (2) the firm of Vogel, Chait, Collins & Schneider offers the City special expertise and substantive knowledge relating to the legal issues underlying the above referenced litigation and redevelopment issues; and

BE IT FURTHER RESOLVED that this approval by the City Council is contingent upon Vogel, Chait, Collins & Schneider complying with all requirements of Hoboken Code Section 20A-14 and all requirements of the Affirmative Action laws and regulations of the State of New Jersey, and failure to comply with all requirements within fifteen (15) days of the adoption of this Resolution shall render this resolution null and void; 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.; and,

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; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and terminate on December 31, 2011.

Meeting Date: November 14, 2011

Approved:

Approved as to Form:

Arch Liston
Business Administrator

Mark A. Tabakin
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 funds in the amount of \$35,000.00 are available in the following appropriations:

These funds, the amount within the CY 2011 budget, subject to approval of the Resolution authorizes the Transfer of Funds within accounts in the CY 2011 Fund Appropriations and a letter from the Director of Local Government Services for consideration at the November 14, 2011 City Council meeting, are sufficient to meet the contractual commitment providing for:

**A CONTRACT WITH VOGEL, CHAIT, COLLINS & SCHNEIDER FOR THE
SERVICES OF TOM COLLINS, ESQ. AS SPECIAL COUNSEL FOR
LITIGATION IN THE MATTER OF BLOCK 112 DEVELOPMENT, LLC,
DOCKET NO. HUD-L-6010-10**

For payment to be submitted to the following contractor:

Vogel, Chait, Collins & Schneider
25 Lindsley Drive - Suite 200
Morristown, NJ 07960

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

Chief Financial Officer

Date: _____

Sponsored by: _____
Seconded by: _____

City of Hoboken
Resolution No. _____

**RESOLUTION THANKING HOSPITAL AUTHORITY BOARD MEMBERS FOR THEIR SERVICE AND WISHING
HUMC LONG TERM SUCCESS UNDER ITS NEW OWNERSHIP**

WHEREAS, Hoboken University Hospital, formerly known as Saint Mary Hospital (“HUMC”) is a vital Hoboken institution that has provided essential services to Hoboken’s residents for over 150 years;

WHEREAS, the City of Hoboken has always supported HUMC, recognizing that the support of the local community is essential to the long term success of the Hospital;

WHEREAS, the financial difficulties facing HUMC resulted in the bankruptcy of its management company and would have caused its closure if a transfer to a private buyer had not been successfully completed;

WHEREAS, the closure of HUMC would have not only resulted in the loss of essential health care services to our community, but would also have caused severe damage to the financial health of our City due to Hoboken’s guaranty of \$52 million of Hospital bonds;

WHEREAS, thanks to the extraordinary efforts of the citizen Commissioners of the Hoboken Municipal Hospital Authority Board (“HMHA”), who serve for no compensation other than a desire to help their community, HUMC has been saved through the completion of a sale to HUMC Holdco, a company sharing common ownership with Bayonne Medical Center, and the \$52 million bond has been fully defeased relieving our City of an enormous financial burden;

WHEREAS, the Honorable Judge Donald H. Steckroth, who presided over the bankruptcy proceedings, characterized the result that was achieved for the City of Hoboken as follows:

“I think by any measure, the result that’s been put forth before the Court as a result of the lengthy and strenuous and difficult negotiations of the parties, is frankly, is quite spectacular.”

WHEREAS, Judge Steckroth went on to give credit to the many individuals whose work had enabled the achievement of this “spectacular” result, saying:

“I personally would like to complement the folks involved, the debtor hospital and its Attorneys, Mr. DiPasquale, in particular; the Authority, Mr. Rosen and Ms. Seymore; the City, Mr. Hollander took an active role, and the Mayor has been here on numerous occasions. I know she’s in the audience today and has taken a major role in trying to help resolve and bring about settlement, not only through the auspices of her City and the Council, but her efforts to intervene and speak with the State and have some assistance with State authorities.”

WHEREAS, Judge Steckroth further described the achievement as follows:

“The objective here is to try to save a hospital. As a result of the settlement, the Hospital’s going to stay open for at least seven more years. 1200 or more employees will retain their jobs. But you know, it goes beyond that. The settlement greatly benefits the City and its neighbors, and the neighboring communities....”

NOW THEREFORE, THE HOBOKEN CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. The Hoboken City Council, on behalf of the City of Hoboken, expresses its profound gratitude for the extraordinary service to our community provided by each of the following members of the HMHA Board:

- Tejal Desai
- Steven Rofsky
- Alfred Fayemi
- Joseph Kozel
- Catherine Williams
- Annette Tomarazzo
- Susan Tonry
- Norman Wilson
- Jonathan Metsch
- Eric Kurta

Their efforts, working as unpaid citizen volunteers have resulted in saving HUMC and relieving Hoboken’s citizens from the financial burden represented by the \$52 million hospital bond; and

2. The Hoboken City Council pledges to support HUMC under its new ownership and wishes it long term success in its continuing role as one of the most important institutions in our City.

Date: November 14, 2011

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

REVIEWED BY:

APPROVED AS TO FORM:

 Arch Liston
 Business Administrator

 Mark A. Tabakin, Esq.
 Corporation Counsel

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, there are certain tax appeals pending in the New Jersey Tax Court entitled Matthew Seriale v. City of Hoboken under Docket Nos. 016678-2009; 008235-2010 and 008238-2011; and

WHEREAS, there has been a proposal of settlement submitted to resolve and conclude said tax appeals; and

WHEREAS, the Tax Assessor for the City of Hoboken recommends settlement of the matters as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that Special counsel for the City of Hoboken be and is hereby authorized to execute, on behalf of the City, a Stipulation of Settlement with the plaintiff as to the tax appeals pending in the New Jersey Tax Court, Docket Nos. 016678-2009; 008235-2010 and 008238-2011 for property located at Block 33, Lot 1.1 (a copy of which Stipulation of Settlement is annexed hereto and made a part hereof) under the following terms;

<u>TAX YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
2009	\$6,700,000	\$5,500,000
2010	\$6,700,000	\$5,200,000
2011	\$6,700,000	\$5,000,000

BE IT FURTHER RESOLVED that the Tax Assessor of the City of Hoboken is hereby authorized to adjust the tax records of the City of Hoboken in accordance with the Stipulations of Settlement; and

BE IT FURTHER RESOLVED that the Tax Assessor of the City of Hoboken is hereby authorized to forthwith issue a tax refund pursuant to the terms of the Stipulation of Settlement upon receipt of a Judgment; and

BE IT FURTHER RESOLVED that the City Clerk shall forward copies of this Resolution to the Tax Assessor and the Tax Collector.

Meeting date: _____, 2011

APPROVED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark Tabakin
Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

VINCENT J. LAPAGLIA

Attorney at Law

200 Washington Street, Suite 500
Hoboken, New Jersey 07030

Tel. (201) 222-6615
Fax. (201) 222-6318
Also Admitted in New York

October 27, 2011

Alysia M. Proko-Smickey, Esq.
Assistant Corporation Counsel
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

RE: Seriale v. City of Hoboken
Docket Nos. 016678-2009; 008235-2010 and 008238-2011

Dear Alysia:

Pursuant to the conversation Sal Bonaccorsi and I had with Arch Liston, the settlement in the referenced matter must be presented to the City Council for approval.

Accordingly, enclosed please find a proposed Resolution that I ask that you put on the agenda for the next council meeting.

Very truly yours,



VINCENT J. LA PAGLIA

VJL/zm

Enclosure

cc: Mark A. Tabakin, Esq. w/enclosure
Arch Liston w/enclosure
Sal Bonaccorsi w/enclosure

VINCENT J. LaPAGLIA, ESQ.
200 WASHINGTON STREET
SUITE 500
HOBOKEN, NJ 07030
ATTORNEY FOR DEFENDANT
(201) 222-6615

MATTHEW SERIALE, et al.	:	TAX COURT OF NEW JERSEY
	:	HUDSON COUNTY
Plaintiff,	:	
vs.	:	DOCKET NO. 016678-2009;
	:	008235-2010 and 008238-2011
CITY OF HOBOKEN,	:	CIVIL ACTION
	:	
Defendant.	:	STIPULATION OF SETTLEMENT

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

BLOCK: 33 LOT: 1.1

STREET ADDRESS: 101 Clinton Street
 Hoboken, New Jersey

YEAR: 2009 (DOCKET NO. 016678-2009)

	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>REQUESTED</u> <u>JUDGMENT</u>
Land:	\$ 912,500	\$ 912,500
Improvements:	\$ <u>5,787.500</u>	\$ <u>4,587.500</u>
Total:	\$ 6,700,000	\$ 5,500.000

YEAR: 2010 (DOCKET NO.008235-2010)

	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>REQUESTED</u> <u>JUDGMENT</u>
Land:	\$ 912,500	\$ 912,500
Improvements:	\$ <u>5,787.500</u>	\$ <u>4,287.500</u>
Total:	\$ 6,700,000	\$ 5,200.000

YEAR: 2011 (DOCKET NO.008238-2011)

	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>REQUESTED</u> <u>JUDGMENT</u>
Land:	\$ 912,500	\$ 912,500
Improvements:	\$ <u>5,787.500</u>	\$ <u>4,087.500</u>
Total:	\$ 6,700,000	\$ 5,000.000

2. The Defendant, City of Hoboken also agrees that the assessed value for the above listed property for the tax year 2012 shall be set at \$4,500,000 and shall remain fixed at \$4,500,000 for tax years 2013 and 2014, except in the event of a revaluation of all properties in the City of Hoboken or a material improvement to the property.

3.. The undersigned have made such examination of the value and proper assessment of the above listed property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The Assessor of Hoboken has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

4. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

5. The Plaintiff hereby waives all claims to interest on the refund of overpaid taxes for tax years 2009, 2010 and 2011 resulting from a Judgment entered in accordance with this Settlement Agreement, provided that any refunds of overpayments due as a result of this Settlement are made within sixty (60) days of service of a copy of the Judgment upon the Municipal tax collector by the Plaintiff (the Due date) by certified mail, return receipt requested. In the event said refunds are not made by the Due date, the Plaintiff's sole remedy shall be to seek enforcement of this settlement agreement to compel payment of the refunds due and interest thereon from and after the Due date. The provisions of this paragraph shall survive the entry of Judgment based upon this Stipulation notwithstanding that the provisions hereof may not be reflected in whole or in part in said Judgment. All such funds shall be made payable to "James J. Burke & Associates, LLC Trust Account Fund, as attorney for the Taxpayer" within the time provided herein,

JAMES J. BURKE & ASSOCIATES

BY:

JAMES P. SWEENEY
ATTORNEY FOR PLAINTIFF

VINCENT J. LA PAGLIA
ATTORNEY FOR DEFENDANT

DATED: _____, 2011

DATED: _____, 2011

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE TAX ASSESSOR TO CORRECT AN
ASSESSMENT ON REAL ESTATE FOR 2011 TO EFFECTUATE
A SETTLEMENT PREVIOUSLY APPROVED

WHEREAS, the Tax Assessor with legal counsel had negotiated a Settlement Agreement with the owner of Block 16, Lot 25.2 C000B, which is attached hereto; and
WHEREAS, the Settlement Agreement negotiated for the tax year 2010 required the Tax Assessor to reduce the tax assessment on the aforesaid property for the tax year 2011 to \$247,000.00; and
WHEREAS, due to the volume of tax appeals for 2010, the Tax Assessor's Office did not correct its records to reflect the negotiated settlement assessment for 2011; and
WHEREAS, the governing body has the authority to direct the Tax Assessor to correct mistakes entered and assessed against real property; and

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

- A. The Tax Assessor shall correct the assessment for 2011 on Block 16, Lot 25.2 C000B and reflect same as \$150,000.00 consistent with the Settlement Agreement.
- B. The Collector of Revenue is herein directed to calculate any refunds due for 2011 based on the corrected assessment of \$247,000.00.
- C. This resolution shall take effect immediately upon passage.

Meeting date: _____, 2011

APPROVED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark Tabakin
Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

VINCENT J. LAPAGLIA

Attorney at Law

200 Washington Street, Suite 500
Hoboken, New Jersey 07030

Tel. (201) 222-6615
Fax. (201) 222-6318
Also Admitted in New York

October 31, 2011

Alysia M. Proko-Smickley, Esq.
Assistant Corporation Counsel
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

RE: Seriale v. City of Hoboken
Docket Nos. 016678-2009; 008235-2010 and 008238-2011

Block 16, Lot 25.2 C000B

Alysia:

Enclosed please find an amended Resolution for Seriale.

Also, enclosed is a Resolution for Block 16, Lot 25.2 C000B.

Very truly yours,


VINCENT J. LA PAGLIA
VJL/zm

Enclosures

cc: Mark A. Tabakin, Esq. w/enclosure
Arch Liston w/enclosure
Sal Bonaccorsi w/enclosure

Memo

Date: 09/30/11

To: Mark Tabakin, Corporation Counsel

CC: Sharon Curran, Tax Collector

From: Sal A. Bonaccorsi, Tax Assessor

RE: Tax court promise error Block 16 lot 25.2 C000B

Please prepare a resolution to refund the taxes over paid on the property listed above. The property was granted a 2 year settlement. The second year of the settlement for the 2011 was missed by error. The following will explain the change in assessments. Please obtain the amount of the refund from the Tax Collector

The settlement for 2010 was 340,300 to 275,000. The 2011 tax list should have read 247,000.

The 2011 tax list reads:

16	25.2	C000B	Land	42500	Imp	232500	Total	275000
----	------	-------	------	-------	-----	--------	-------	--------

Should have been: 28,000 less.

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of July 1st, July 20th, August 18th, August 24th, a Special Meeting on September 3rd, a regular meeting on September 7th, a Special Meeting on September 13th and the regular meeting on September 21, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: November 14, 2011

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 6,842.30**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C005G	1501 Garden/1500 Bloom	2010	\$2,481.64
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C006G	1501 Garden/1500 Bloom	2010	\$2,481.64
Nathan P Wolf Esq. 673 Morris Avenue Springfield, NJ 07081	268.1/1/C010C	1501 Garden/1500 Bloom	2010	\$1,879.02

Meeting: November 14, 2011

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 49,359.04**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Met Life Home Loans 1555 Walnut Hill Lane Ste 200-A Irving, Tx 75038	34/12/C001A	121 Willow Ave	4/11	\$1,839.92
Wells Fargo Real Estate Tax Services, LLC 1 Home Campus MAC X2302-04D Des Moines, Ia. 50328-0001	58/15/C004R	420 Madison St	4/11	\$3,366.46
210 14 th St, LLC 1225 Willow Ave Hoboken, NJ 07030	126/1	200 Fourteenth St	4/11	\$44,152.66

Meeting November 14, 2011

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of July 1st, July 20th, August 18th, August 24th, a Special Meeting on September 3rd, a regular meeting on September 7th, a Special Meeting on September 13th and the regular meeting on September 21, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: November 14, 2011

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 141A ENTITLED
“PARKING PERMITS”, AND AMENDING CHAPTER 190
ENTITLED “VEHICLES AND TRAFFIC” TO AMEND PARKING
REGULATIONS RELATING TO RESIDENT PARKING
PERMITS, NO PARKING ZONES, AND TIME LIMIT PARKING**

WHEREAS, Chapter 141A of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 141A and Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City’s actual parking practices with the best practices for parking and transportation.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 141A

§ 141A-2. Resident permits.

H. The resident permit parking only areas, unless otherwise indicated by signage in said areas, include, but are not necessarily limited to:

Name of Street	Side	Limits	Locations
Harrison Street	West	24 hours	Beginning at the southerly curbline of Fourth Street and extending to the most southerly terminus.
<u>Harrison Street</u>	<u>West</u>	<u>24</u> <u>hours</u>	<u>Beginning at the southerly curbline of Fourth Street and extending to the northerly curbline of Observer Highway.</u>
Jackson Street	West	24 hours	Beginning at the southerly curbline of Paterson Avenue and extending to the most southerly terminus

Jackson Street

Name of Street	Side	Limits	Locations
	<u>West</u>	<u>24</u> <u>hours</u>	<u>Beginning at the northerly curblin</u> <u>of Observer Highway and extending</u> <u>96 feet northerly.</u>
<u>Observer</u> <u>Highway</u>	<u>North</u>	<u>24</u> <u>hours</u>	<u>Beginning at the easterly curblin</u> <u>of Jackson Street and extending to the</u> <u>westerly curblin of Paterson</u> <u>Avenue.</u>

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 190-3

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this AA 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers:

Name of Street	Side	Location
Jackson Street	East	Beginning at the southerly curblin of Newark Street and extending to the northerly curblin of Paterson Avenue
<u>Jackson Street</u>	<u>East</u>	<u>Beginning at the northerly curblin of Observer Highway and extending to the westerly curblin of Paterson Avenue</u>
Jackson Street	West	Beginning at the southerly curblin of Newark Street and extending to the southerly curblin of Paterson Avenue

SECTION THREE: AMENDMENTS TO HOBOKEN CODE SECTION 190-29.8

§ 190-29.8. Time limit parking locations and fees.

In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets:

Street Location	Side	Hours/Time Limits	Rate
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Street Location	Side	Hours/Time Limits	Rate
<u>Adams Street from Fifteenth Street to Sixteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fifteenth Street from Madison Street to Clinton Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Grand Street from Sixteenth Street to Fifteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Harrison Street from Observer Highway to Newark Street</u>	<u>West</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Jackson Street from Newark Street to Observer Highway</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Observer Highway from the easterly curbline of Monroe Street and extending to a point 135 feet easterly therefrom</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

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

unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE: SEVERABILITY

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

SECTION SIX: EFFECTIVE DATE

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

SECTION SEVEN: CODIFICATION

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

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

Date of Introduction: November 16, 2011

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

 Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
 By a Vote of ____ Yeas to ____ Nays
 On the ____ day of _____, 2011

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
 On the ____ day of _____, 2011

 Dawn Zimmer, Mayor

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO CREATE CHAPTER 147 ENTITLED
“MOBILE RETAIL FOOD VENDORS”**

WHEREAS, there is a need for codification of rules and regulations relating to mobile retail food vendors within the City; and,

WHEREAS, Chapter 147 is hereby created to codify licensing, and rules and regulations relating to mobile retail food vendors; and,

WHEREAS, additional amendments to other Chapters of the Hoboken City Code in order to maintain consistency between Chapters.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows:

**SECTION ONE: ESTABLISHMENT OF HOBOKEN CODE CHAPTER 147,
ENTITLED “MOBILE RETAIL FOOD VENDORS”**

Chapter 147 is hereby *established* and entitled “Mobile Retail Food Vendors” as follows:

Article I – General Regulations

§147-1.1 Purpose

- a. The City of Hoboken encourages the growth of Mobile Retail Food Vendors within the City of Hoboken while regulating the side effects of this growing industry, such as parking , traffic and waste disposal;
- b. This Chapter seeks to regulate Mobile Retail Food Vendors through the annual issuance of licenses and permits. This Chapter will assist the City with keeping record of Mobile Retail Food Vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties.
- c. This Chapter limits the proximity of Mobile Food Trucks to brick and mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or manmade disaster;
- d. This Chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, selling food to residents, mobile food trucks and brick and mortar restaurants function separately and are not complimentary in nature.

- e. This Chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate Mobile Food Trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

§147-1.2 Scope

The provisions of this section shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from Mobile Retail Food Vendors on or in public, private or restricted spaces.

§147-1.3 Definitions

MOBILE RETAIL FOOD VENDOR: any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term mobile retail vendor shall include and incorporate the term mobile retail food vendors, as defined in §115-1. Only the following mobile units shall be allowed within the City limits for use as a mobile retail food vendor, none of which shall exceed 30 feet in length:

MOBILE RETAIL MOTORIZED FOOD VENDOR – A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors must comply with this Chapter and all requirements of this Chapter, as well as any other applicable Section of this Code. Shall also be known as Mobile Retail Food Vendors.

MOBILE RETAIL NON-MOTORIZED FOOD VENDOR – Movable non-motorized unit (i.e., pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

§147-1.4 Hours of Operation

- a. *Weekdays:* Sunday through Thursday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM to 9:00 PM.
- b. *Weekends:* Friday and Saturday, Mobile Retail Food Vendors shall operate between the hours of 6:00 AM and 11:00 PM

§147-1.5 Prohibition Against the Transfer of a License and/or Permit

- a. No person holding a Mobile Retail Food Vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a Mobile Retail Food Vendor license and/or permit.
- b. A license and/or permit holder may transfer said item as part of the sale of a majority of the stock in a corporation holding such a license and/or permit, as part of the sale of a majority of the membership interests of a limited liability company holding such license and/or permit, or as part of the sale of a business or substantially all of its assets; provided

that there shall be no allocated or actual value for the transfer of the license and/or permit, and provided that:

- i. Prior to any such transfer, the transferor shall notify the Director of the Department of Health and Human Services's Health Officer and the Director of the Department of Transportation and Parking, in writing, and the transferee shall submit a mobile retail food vendor health license application **and** parking permit for approval. which approval must occur prior to transfer. Licenses and permits which are transferred prior to approval shall be null and void as of the date and time of transfer, if not previously approved pursuant to this Section.
 - ii. Any such transfer shall be subject to the terms and conditions of the original license and/or permit.
 - iii. A transfer fee of twenty five dollars (\$25.00) payable to the City Clerk, and any and all applications fees described in this Chapter, shall be received prior to any transfer being approved.
- c. Any unauthorized transfer or attempt to transfer a license and/or permit shall automatically void such item. Additionally, whoever violates this provision, including both the transferor and transferee, shall be subject to penalties pursuant to Section 147-1.10.

§147-1.6 Operation of Mobile Retail Food Vendors

- a. Any Mobile Retail Food Vendor being operated without a valid Mobile Retail Food Vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.
- b. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this Chapter.
- c. No City of Hoboken employee shall own more than 10% of any Mobile Retail Food Vendor license and/or permit.

§147-1.7 Enforcement

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Hoboken Police Department, and/or the Health Officer.

§147-1.8 Mobile Retail Motorized Food Vendor Fees and Regulations

§147-1.8.1 License Fees

- a. Mobile Retail Motorized Food Vendor Business License – The application fee for a license or any renewal of a license granted by the City shall be \$500.

- b. Mobile Retail Motorized Food Vendor Health Certificate - The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.
- c. Mobile Retail Motorized Food Vendor Parking Permit Application Fee – The application fee for a Mobile Retail Motorized Food Vendor Parking Permit shall be \$1250 per application per year.
- d. Mobile Retail Motorized Food Vendor Parking Permit - The parking permit fee required for the annual issuance or any renewal of a Mobile Retail Food Vendor parking permit shall be \$2500.

§147-1.9 Supplemental Regulations

- a. Mobile Retail Food Vendors shall not exceed 30 feet.
- b. Mobile vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- c. The City reserves the right to temporarily move any Mobile Retail Food Vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.
- d. Any license and/or permit not used for a period of fourteen (14) consecutive days or longer shall be revoked by the City.
- e. All license and/or permit shall comply with all applicable state statutes, all applicable City of Hoboken ordinances, and any other law or regulation which may be applicable under the given circumstances.
- f. Mobile vendors shall comply with all noise ordinances, laws and regulations in effect by the City of Hoboken, County of Hudson and State of New Jersey.
- g. During periods of Special Events, as herein defined, the Director of the Department of Health and Human Services may suspend Sections 147-1.9 and 147-3.4 of this Chapter. At the discretion of the Director of Health and Human Services, said Director may declare any event within the City of Hoboken as a “Special Event” for purposes of this section.
- h. Mobile vendor shall maintain an on-vehicle GPS-based system that transmits standard GPS latitude and longitude coordinates in a format/protocol compatible with the City's GPS tracking systems/maps, and shall make these data openly available to the public and the City of Hoboken for tracking and enforcement purposes. GPS coordinates shall be broadcast no less frequent than once every five minutes and shall transmit these coordinates whenever the vehicle is within City limits. Vendors should be aware that enforcement of overlapping vendor operations will be documented via these data, so non-functioning or delayed data service will significantly impact the decision of which vendor arrived first at a particular location.

§147-1.10 Violations and Penalties

Unless otherwise specified herein, any person violating any provision of this Chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000, or imprisonment for a period not exceeding ninety (90) days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this Chapter may subject the license to suspension or revocation as provided for herein.

Article II – Health Regulations

§147-2.1 Mobile Retail Food Vendor License Required

- a. No person of business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor in any public, private or restricted space without a license issued by the Department of Health and Human Services' Health Officer.
- b. The Department of Health and Human Services' Health Officer may, from time to time, set a limit on the number of total licenses that may be issued or renewed per year; however, no more than one license may be issued to a single person or business entity or both.
 - i. Mobile Retail Motorized Food Vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' Health Officer annually.
 - ii. Mobile Retail Non-Motorized Food Vendor: No more than 25 mobile retail food vendor licenses will be issued by the Department of Health and Human Services' Health Officer annually.

§147-2.2 Application for a Mobile Retail Food Vendor License

Any person desiring a license shall file with the Hoboken Division of Health an application which shall contain the following information:

- a. The name of the applicant.
- b. If a trade name is used, whether the applicant is an individual, partnership, association or corporation. For any business entity, include names and addresses of all partners, members, officers and shareholders holding greater than 10% interest.
- c. The address of the applicant and telephone number.
- d. The names and addresses of the persons from which goods making up the stock were or are to be purchased.
- e. Three business references.

- f. The place or places of residence of the applicant, and any individual listed in accordance with subsection (b), for the preceding three years.
- g. A description of the food items to be sold.
- h. If the applicant is a corporation, the state in which its Charter is registered and the registered agent's name and address in this state.
- i. The number and nature of any arrests or convictions against the applicant, officers, partners or any salesmen to be employed.
- j. As to the application, there must be appended a letter or, when applicable, a corporate resolution from the firm authorizing the person signing the application to act as its representative and certifying that the information is correct and accurate.
- k. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore (Motorized).
- l. The make and model of vehicle, state license plate number, drivers identification number, and copy of state registration (Motorized).

§147-2.3 Enforcement

The Hoboken Health Officer shall have the authority to enforce all sections of this Article.

§147-2.4 Supplemental Regulations

The Department of Health and Human Services' Health Officer is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the licensing of Mobile Retail Food Vendors provided that:

- a. Such rules and regulations are in writing and served on all licensees at least seven (7) days prior to enforcement; and,
- b. Mobile food vendors shall provide trash and recycling receptacles on or at their facility, and are responsible for litter within 5 feet of the licensed vehicle. All waste containers shall be emptied by and at the expense of the Mobile Retail Food Vendor operator.
- c. Inspectional Services: Mobile Retail Food Vendors are subject to all applicable regulations found in Hoboken Code Section 115-2.

Article III – Parking Regulations

§147-3.1 Mobile Retail Food Vendor License Required

- a. No person of business entity, including a religious or charitable organization, shall operate as a Mobile Retail Food Vendor in any public, private or restricted space without a parking permit issued by the Department of Transportation and Parking.
- b. The City of Hoboken may, from time to time, set a limit on the number of total parking permits that may be issued and/or renewed per year; however, no more than one permit may be issued to a single person or business entity or both.
 - i. Mobile Retail Motorized Food Vendor: No more than 25 mobile retail food vendor permits will be issued by the City of Hoboken annually.
 - ii. Mobile Retail Non-Motorized Food Vendor: No more than 25 mobile retail food vendor permits will be issued by the City of Hoboken annually.

§147-3.2 Application for a Mobile Retail Food Vendor Permit

Any person desiring a permit shall file with the Department of Transportation and Parking an application which shall contain the following information:

- c. A copy of a current Hoboken business license;
- d. A notarized letter from the business owner authorizing an individual as a responsible officer of the business, if the applicant is not the owner;
- e. Verification that there is no off-street parking contractually provided to the business address as determined by the Parking Utility;
- f. The regular working hours of the owner or nonresident employee(s) listed on the application for whom a business permit is sought;
- g. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore
- h. The make and model of vehicle, state license plate number, drivers identification number, and copy of state registration
- i. A description of the food items to be sold.
- j. Any other information as required by the Parking Utility.

§147-3.3 License Renewal

Mobile Retail Food Vendors parking permits shall be valid for one year with no right to renewal.

§147-3.3 Enforcement

Hoboken Parking Enforcement Officers and the Hoboken Police Department shall have the authority to enforce all sections of this Article.

§147-3.4 Mobile Retail Motorized Food Vendor Regulations

The Department of Transportation and Parking is hereby authorized to promulgate additional rules and regulations appropriate for the implementation of this Section, and, if necessary, work with other agencies and departments of the City and State to establish a streamlined process for the permitting of Mobile Retail Food Vendors provided that:

- a. Such rules and regulations are in writing and served on all permits at least seven (7) days prior to enforcement; and,
- b. Any rules and regulations promulgated shall not be inconsistent with the following limitations and restrictions:
 - i. Mobile Retail Food Vendors shall be parked and/or conduct business at a minimum 100 foot distance from the business entrance of any menu-serving restaurant.
 - ii. Mobile Retail Food Vendors shall park and/or conduct business at a minimum 50 feet from any other Mobile Retail Food Vendors.
 - iii. There shall be a maximum of two Mobile Retail Food Vendors per block face during the permitted hours of operation.
- c. Parking
 - i. Mobile Retail Food Vendors may not occupy Resident Only parking spaces.
 - ii. Mobile Retail Food Vendors may not occupy any other legal parking space in the City, including but not limited to metered parking spaces, for longer than four (4) consecutive hours.
 - iii. Mobile Retail Food Vendors must pay for their first two (2) hours at a metered parking space and must display receipt of payment verification for these two (2) hours for the entire period of any parking event.
 - iv. No Mobile Retail Food Vendor shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the Mobile Retail Food Vendor unit.
 - v. Any Mobile Retail Food Vendor unit which is found to be unattended or parked during overnight hours shall be considered a public safety hazard and may be ticketed and impounded.
 - vi. Mobile Retail Food Vendors shall not be eligible for a business parking permit.
 - vii. In accordance with Section §147-1.8.1 in this Chapter, a parking permit fee shall be paid and a permit shall granted by the Department

of Parking and Transportation. This Permit must be visible during all times of operation.

Article IV – Non-Motorized Mobile Retail Food Vendors

§147-4.1 Mobile Retail Non-Motorized Food Vendor Fees and Regulations

§147-4.1.1 License Fees

- a. Mobile Retail Non-Motorized Food Vendor Health Department Certificate – The application fee for a health certificate or a renewal of a health certificate from the Hoboken Division of Health shall be \$15.
- b. Mobile Retail Non-Motorized Food Vendor Annual Business License – The annual fee required for the issuance or renewal of a Mobile Retail Non-Motorized Food Vendor business license shall be \$150.

§147-4.1.2 Supplemental Regulations

- a. No non-motorized retail food vendor shall remain at the same location on any sidewalk or street for more than thirty (30) minutes without transacting a sale. At the expiration of the thirty (30) minute period, the vendor must move location by at least thirty (30) feet.
 1. For purposes of this Article, “sale” shall mean the transaction of vendor’s goods in return for valuable consideration.
 2. Immediately after any sale, the thirty (30) minute period begins anew.
 3. The vendor may not return to any location from which he has moved in accordance with the requirements of this subsection or to any place within thirty (30) feet of the location for at least two hours two (2) hours.
- b. Any locations upon which a Mobile Retail Non-Motorized Food Vendor parks, stops or remains, pursuant to this Section, shall not violate any City promulgated parking ordinances or regulations, or state or federal statutes and/or regulations.
- c. Non-motorized retail food vendors shall be a minimum of 10 feet from any crosswalk.
- d. Non-motorized retail food vendors shall be a minimum of 10 feet from any fire hydrant.
- e. Non-motorized retail food vendors shall not park any vehicle used for the transportation of non-motorized food vending units in the street in violation of the City’s parking ordinances or state statute.
- f. All non-motorized vending under this Article shall occur on the sidewalk. Non-motorized vending under this Article shall not take place on the street.

- g. Non-motorized retail food vendors units shall not be placed in any location that restricts sidewalk width to less than 5 feet.
- h. Vehicles used to transport such vendor units shall not park in violation of any section of parking codes

SECTION TWO: AMENDMENTS TO CHAPTER 115

The following amendments shall be made to Chapter 115 (additions noted in underline, deletions noted in ~~striketrough~~):

Section 115-1: Definitions

Mobile Retail Food Establishment: ~~The definitions in N.J.A.C. 8:24-1.3 “Definitions.”~~ Shall have the meaning as defined in N.J.A.C. 8:24-1.5, and shall include Mobile Retail Motorized Food Vendor and Mobile Retail Non-Motorized Food Vendor, as defined in Chapter 147 of the Hoboken City Code.

Section 115-10.8: Mobile Retail Vendors

~~A mobile retail vendor shall not park his vehicle or pusheart for a period longer than the time it takes to make a sale to a customer.~~ Mobile retail vendors shall at all times comply with Chapter 147 of the Hoboken City Code.

SECTION THREE: AMENDMENTS TO CHAPTER 128

The following amendments shall be made to Chapter 128 (additions noted in underline, deletions noted in ~~striketrough~~):

Section 128-5: Business Licenses; Fees

A. Food Businesses

Business	Fee
<u>Vendor (Mobile Retail Non-Motorized Food Vendor)</u>	<u>\$150.00</u>
<u>Vendor (Mobile Retail Motorized Food Vendor)</u>	<u>\$500.00</u>
Vendor, hot dog (push cart)	\$175.00
Vendor, mobile vehicle (not to exceed 15 feet) (Mobile vendors and hot dog pushearts not to Exceed a total of 50 feet)	\$500.00

SECTION FOUR: AMENDMENTS TO CHAPTER 146

The following amendments shall be made to Chapter 146 (additions noted in underline, deletions noted in ~~strikethrough~~):

Section 146-2: Nonapplicability

The provisions of this Article shall not affect any nonprofit-making vendor or any person duly licensed by the Commissioner of Banking and Insurance or the Real Estate Commission of the State of New Jersey.

The provisions of the Article shall not affect any business which falls within the meaning of a Mobile Retail Food Vendor, as defined in Chapter 147 of the Hoboken City Code.

SECTION FIVE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: EFFECTIVE DATE

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

SECTION EIGHT: CODIFICATION

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

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

Date of Introduction: November 14, 2011

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2011

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of _____, 2011

Dawn Zimmer, Mayor