



Proclamation

WHEREAS, The City of Hoboken honors its employees who have devoted their lives to their community and to public service;

WHEREAS, **Renaldo "Ray" Benito, Jr.** graduated from Hoboken High School in 1977 and served in the U.S. Army where he was stationed at Fort Dix; and

WHEREAS, **Ray Benito** was the proud father of five children, Randy, Amanda, Avion, Ava, and Mario, and is also survived by his wife Renee Johnson; and

WHEREAS, **Ray Benito** was active in and dedicated to his community where he coached the Hoboken Housing Authority girls Softball Team, the Hoboken Recreation and Hoboken Girls Traveling Softball Team, and loved to referee sports for the children of Hoboken; and

WHEREAS, **Ray Benito** dedicated himself to the City of Hoboken in his work at the Hoboken Parking Utility since 1999 where he served as a Parking Enforcement Officer for 11 years until his passing on December 26, 2010; and

WHEREAS, **Ray Benito** possessed a sincere, compassionate, and faithful personality that made him loved by all his peers in the Hoboken Parking Utility; and

NOW THEREFORE BE IT PROCLAIMED, that I **DAWN ZIMMER** Mayor of the City Of Hoboken, do hereby commend and honor the work of **Renaldo "Ray" Benito, Jr.** and on behalf of all of our residents thank his family for his dedication and commitment to serving our community.

James Farina, City Clerk



Dawn Zimmer, Mayor



JAMES J. FARINA
CITY CLERK

JERRY LORE
DEPUTY CITY CLERK

**COUNCIL OF THE
CITY OF HOBOKEN**
94 Washington Street
Hoboken, NJ 07030
Ph: (201) 420-2074
www.hobokennj.org

ELIZABETH MASON, COUNCIL PRESIDENT 2ND WARD
MICHAEL RUSSO, VICE-PRESIDENT, 3RD WARD
RAVINDER S. BHALLA, COUNCIL-AT-LARGE
CAROL MARSH, COUNCIL-AT-LARGE
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THERESA CASTELLANO, COUNCILPERSON, 1ST WARD
TIMOTHY OCCHIPINTI, COUNCILPERSON, 4TH WARD
PETER CUNNINGHAM, COUNCILPERSON, 5TH WARD
ANGELO "NINO" GIACCHI, COUNCILPERSON, 6TH WARD

February 9, 2011

Dear Mayor Zimmer:

Thank you for your January 13th letter containing your thoughts on the upcoming budget process. I know I can speak for all of my Council colleagues in saying that we too want to work with the Administration in the spirit of cooperation and in the best interests of the people of Hoboken.

As you are aware, the Faulkner Act specifically provides that you, as the Mayor, have the legal responsibility to prepare the municipal budget, including a detailed analysis of the various items of expenditure and revenue, and submit it to the Council for review. Only at that time does the Council begin the statutory process of reviewing your proposal and making appropriate modifications.

Of course, the public has a right to expect that the budget process will be open and transparent. Unfortunately, too many times in the past that has not occurred. Yet, in your letter, you have asked this Council to advise as to one of the most important questions in the budget process - the amount of cash surplus - before you have provided us with any of the information necessary in order to make such a determination and before we have had an opportunity to hear from the general public on this question or to debate it amongst ourselves. You must know that would be highly irresponsible. I also wonder why you have asked us for our input only on this one item, which suggests to me that your letter is motivated by political considerations rather than the public interest.

As a matter of general principle, however, and as I have consistently stated, I believe that as much of the surplus as possible must be returned to the long-suffering residents of Hoboken in the form of tax relief. I am sure that the majority of the City Council shares my views, even if appears you do not. Of course, I understand that the City must retain responsible levels of

surplus, but without knowing your budget priorities and explanations, as well as the projected regeneration of surplus, anticipated liabilities, and the like, this Council is operating in the dark.

Thus, it is our expectation that you will present a budget that is open, detailed and transparent, and represents a commitment to cutting wasteful spending. I am confident this Council will approve a responsible, fiscally conservative budget that provides the maximum amount of tax relief and maintains an appropriate surplus.

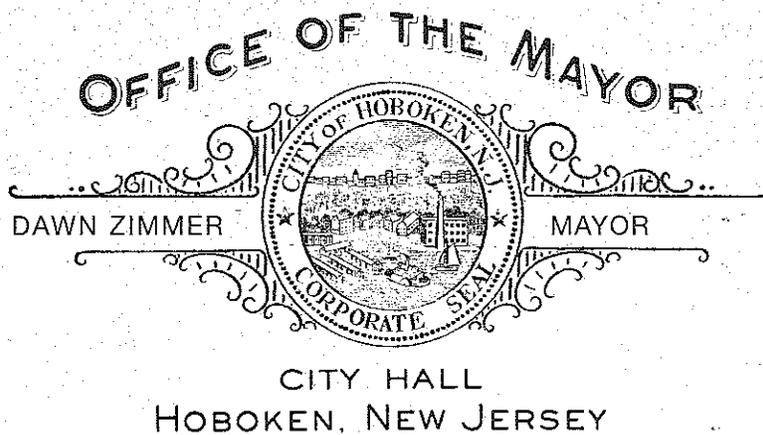
You recently stated that you would provide the City Council with a budget by February 25, 2011, after originally promising that we would receive it first on February 10th and then on the 16th. Pursuant to your obligation to provide detailed expenditure and revenue information along with the budget, I request that your proposal itemize every expenditure for every department, so that this Council can work with you to see exactly where the Administration is intending to spend our tax dollars.

Thank you.

Very truly yours,

Elizabeth A. Mason
Council President

cc: City Council



February 11, 2011

Dear Council President Mason,

My Administration has been extremely conscious of the importance of making Directors available to play an active role at subcommittee meetings. When I was a Councilperson directors were rarely, if ever, in attendance at subcommittee meetings, and my Administration has changed that. While we believe that the subcommittee process has been an effective way to work with the Council, we ask for your cooperation to improve the working relationship:

1. Please ask each Chair to develop an agenda in advance of the subcommittee meeting and provide the directors that you would like to attend with the opportunity to add items to the agenda. This agenda should be coordinated through the City Clerk's office.
2. Please ask each Chair to provide follow up action items from the meeting in writing to the City Clerk and the Business Administrator, with a copy to the Director that attended the meeting.

Thank you for your cooperation on this matter.

Separation of Powers:

Some Council members have continued to direct City employees to work directly for them. Not only is this a violation of the Faulkner Act, but it also circumvents the legally required oversight of the Business Administrator, making it difficult for him to ensure that all expenditures are within budget. I must state again that no Council member has the authority to direct City employees on work to be done. Please be on notice that Councilpersons that continue to direct City employees put those employees in an untenable and unfair position and potentially place those employees at risk of disciplinary action.

Working together/Resolving major issues:

Three weeks ago, we had a meeting in which you advised me that you would not permit the Administration to put items onto the Council agenda unless it "had the votes." I asked, in the interest of facilitating a cooperative working relationship, that you provide a written explanation of how the Council President and Vice President believe the Administration should work with the City Council on the agenda. You agreed to do so (see attached), but I have not yet received anything. Please provide your views in writing as soon as possible so we can evaluate your position legally and develop a process that is both legal and that facilitates an efficient and fully transparent legislative process.

Appointment of auditor:

This is a Mayoral appointment subject to the advice and consent of the City Council. At this time, given's Hoboken's financial history, I firmly believe that Ferraioli, Wielkocz, Cerullo & Cuva, our current auditor, best meets our needs. They have done an excellent job, and I am confident that they will continue to do so. I ask that this appointment receive an up or down vote, and I urge the Council to support this appointment. Please be advised that the firm has reduced its price by \$13,000.

Pay-to-Play/Wheeling Ordinance:

I have been advised that you instructed the Clerk to remove the Pay-to-Play ordinance from the agenda for the upcoming meeting because it did not go through committee. The Council's rules clearly state that sponsors of legislation have the right to put items on the agenda. I have been advised that Councilman Cunningham and Bhalla wish to have a revised version of the Pay-to-Play ordinance placed on the agenda that they will try to discuss in committee before the Council meeting on Wednesday. Since they are entitled to do so under the Council Rules, the item has been returned to the agenda.

Budget Surplus:

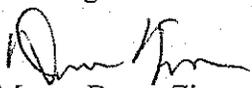
What do you believe the surplus should have been last year?

This is a simple question about an issue that you have spoken out about numerous times including an e-mail to constituents a few days ago, but these statements have little substantive meaning without an understanding of the surplus level that you believe a municipality such as ours should strive to maintain. By simply providing a clear answer to this question, you could demonstrate your commitment to moving forward with the budget process in a constructive, non-political manner.

Cost reductions:

I am very open to any Council members' suggestions for ways that we should reduce the budget. Please provide any suggestions you may have as soon as possible.

Best regards.


Mayor Dawn Zimmer

cc: City Council



February 11, 2011

Dear Council Members,

I am writing to ask you to support moving Hoboken to a "single stream" recycling system that is both good for the environment and good for our budget. As you know, it costs the City much more to dispose of a ton of garbage than a ton of recycling. By increasing recycling, we could in turn save the City significantly on these fees.

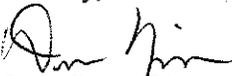
Thanks to new technology that is able to automatically separate recyclables, single stream recycling will allow Hoboken residents to put all of their unsorted recycling in one can, two nights a week. This new system will also allow residents to recycle more types of plastics than we are currently able to accept. In fact, plastics #1-#7, hard plastics, mixed paper and cardboard, glass and junk mail can all be put into one can with this new system.

There are multiple advantages to single stream recycling:

- Reduced sorting effort by residents mean more recyclables are placed at the curb and more residents participate in recycling. Estimated 30% increase in recycling tonnage and a decrease in tipping fees which have been increasing annually.
- Two nights of recycling pick up for all recyclables instead of paper/cardboard one night and glass/plastics another night. Residents don't have to wait a full week if they miss a night.
- Recycling volume per household typically increases due to the simplicity of single stream recycling.
- Changing to single stream provides an opportunity to update the collection and processing system and to add new materials such as plastics #1 to #7 and hard plastics to the list of recyclables accepted.
- Reduces environmental impact by reducing materials going to landfill.

My Administration will be rolling out an education campaign to educate the public about these changes, and I hope you will join me in that effort. The more our residents participate, the more money we can save for taxpayers.

Sincerely,


Mayor Dawn Zimmer



JAMES J. FARINA
CITY CLERK

JERRY LORE
DEPUTY CITY CLERK

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Hon. Carol Marsh
Chair, Special Ad Hoc Committee on Rules

February 11, 2011

Memo: Usage of City Website by City Council Members and Clerk's Office

Dear Chairperson Marsh:

As you requested at the last city council meeting of February 2, 2011, I am providing a memorandum requesting at your next committee meeting to develop a recommendation on the following:

1. Establishment of criteria for the use of the City Council website for all City Council members to ensure equitable access. Request to be introduced at the March 2, 2011 city council meeting.
2. Establishment of a process for information to be posted on of the Official City of Hoboken website. Request to be introduced at the March 2, 2011 city council meeting. Website sections to be addressed are:
 - i. City Council section, and
 - ii. Future section for the City Clerk

Should you have any questions please feel free to contact me at 201-916-8244.

Respectfully,

Elizabeth A. Mason
City Council President

Cc: City Council members



Executive Order to Mandate Anti-Sexual Harassment Training for All Public Employees

CITY OF HOBOKEN

No.

EXECUTIVE ORDER

Date:

WHEREAS, it is essential to the principled function of local government that all employees of the City of Hoboken ("City"), including but not limited to all municipal, police and fire personnel and elected and appointed officials, understand and abide by the highest of standard of conduct in the functions of their employment; and

WHEREAS, as Mayor of the City of Hoboken it is among my responsibilities to ensure that all City employees are versed in those standards of conduct and ordinances which apply to them; and

WHEREAS, mandatory anti-sexual harassment training is an effective method of educating the employees of the City and ensuring both the administration and the citizens of the City that employees maintain an unyielding comprehension of those standards of conduct which we request of them.

NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

1. Every City employee including, but not limited to, all municipal, police and fire personnel and elected and appointed officials, shall participate in an anti-sexual harassment training program when authorized, directed and made available by the Business Administrator.
2. All new City employees and officials hired after the execution date of this Executive Order shall participate in such an anti-sexual harassment training program when authorized, directed and made available by the Business Administrator.
3. Every City employee including, but not limited to, all municipal, police and fire personnel and elected and appointed officials, shall participate in an anti-sexual harassment training program every year following his or her initial training session pursuant to this Executive Order.
4. Every City employee shall submit a signed statement certifying his or her participation in each training session pursuant to this Executive Order, which statements shall be placed in his or her personnel file.
5. The Office of the Corporation Council shall coordinate with the Business Administrator to establish regular training sessions sufficient to allow affected individuals to comply with this Executive Order.
6. Any violation of this Executive Order may result in dismissal or other appropriate lesser sanctions as determined by the Business Administrator with the Mayor's consent.

OFFICE OF THE MAYOR

This Executive Order shall take effect immediately.

APPROVED:



DAWN ZIMMER
MAYOR



DATE

AS TO FORM:

MARK A. TABAKIN
CORPORATION COUNSEL

DATE

ATTESTED TO AND RECORDED BY:

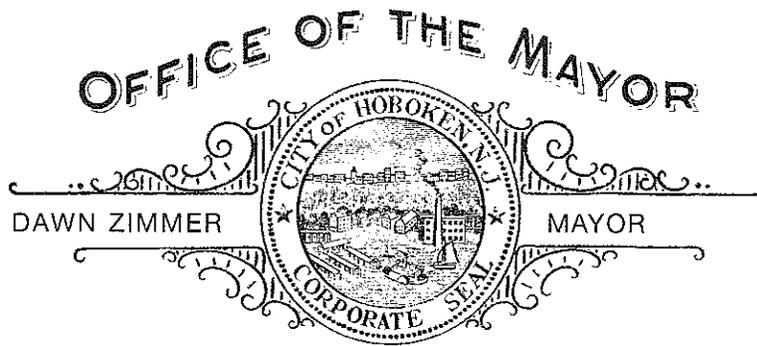


JAMES J. FARINA
CITY CLERK



DATE

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.



CITY HALL
HOBOKEN, NEW JERSEY
CITY OF HOBOKEN

EXECUTIVE ORDER No:

Date:

**Executive Order to Mandate a Code of Conduct for the Recreation
Department and all City of Hoboken Recreational Activities**

WHEREAS, the Administration would like to codify its Recreation Department Code of Conduct that has been in effect informally during the tenure of the present Administration; and,

WHEREAS, the code of conduct of the City's Recreation Department should be codified in an attempt to provide the Department of Recreation and all recreation participants and volunteers, and their families and friends, with clear notice of the rights and responsibilities of all parties during City of Hoboken recreational events.

NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

- A. Code: All coaches, umpires, parents, participants, players, spectators, and attendees who participate in or watch athletic programs, events or activities of the Recreation Department of the City of Hoboken, or who are playing or watching any athletic program, event or activity upon any public property owned by the City of Hoboken, shall be responsible for his or her own words and actions, and each such person shall conform his or her behavior to the following Athletic Code of Conduct:
1. Each person shall demonstrate fairness, respect, and self-control at all times;
 2. Each person shall encourage his or her child or children to demonstrate fairness, respect, and self-control at all times;

OFFICE OF THE MAYOR

3. Each person shall treat any coach, official, parent, player, participant, official or any other attendee with respect, regardless of race, creed, color, national origin, sex, sexual orientation or ability.
4. Each person shall encourage his or her child or children to treat any coach, official, parent, player, participant, official or any other attendee with respect, regardless of race, creed, color, national origin, sex, sexual orientation or ability.
5. Each person shall not engage in unsportsmanlike conduct with any coach, official, parent, player, participant, designated official or any other attendee. Unsportsmanlike conduct shall mean the use of curse words or foul language, and/or instituting or instigating fighting or confrontation.
6. Each person shall not encourage his or her child or children, or any other person, to engage in unsportsmanlike conduct with any coach, official, parent, player, participant, designated official or any other attendee.
7. Each person shall not engage in any behavior which would endanger the health, safety or well being of any coach, official, parent, player, participant, designated official or any other attendee.
8. Each person shall not encourage his or her child or children, or any other person, to engage in any behavior which would endanger the health, safety or well being of any coach, official, parent, player, participant, designated official or any other attendee.
9. Each person shall not use or be under the influence of drugs, alcohol or smoking while at a youth sports event or at City property, and shall not attend, coach, officiate or participate in an athletic event or activity while under the influence of drugs or alcohol.
10. Each person shall not permit his or her child or children, or encourage any other person, to use or be under the influence of drugs or alcohol at a youth sports event or upon any City property, and shall not permit his or her child, or encourage any other person, to attend, coach, officiate or participate in any athletic event or activity while under the influence of drugs or alcohol.
11. Each person shall not engage in the use of profanity.
12. Each person shall not encourage his or her child or children, or any other person, to engage in the use of profanity.
13. Each person shall not engage in verbal or physical threats or abuse aimed at any coach, official, parent, player, participant, designated official or any other attendee.
14. Each person shall not encourage his or her child or children, or any other person, to engage in verbal or physical threats or abuse aimed at any coach, official, parent, player, participant, designated official or any other attendee.

OFFICE OF THE MAYOR

15. Each person shall not initiate a fight or scuffle with any coach, official, parent, player, participant, designated official or any other attendee.
 16. Each person shall not encourage his or her child or children, or any other person, to initiate a fight or scuffle with any coach, official, parent, player, participant, designated official or any other attendee.
- B. The City of Hoboken Recreation Department shall distribute and disseminate this Resolution and the Athletic Code of Conduct to its coaches, umpires, parents, and participants. The Recreation Department shall require that each coach, official, parent, and parent on behalf of his or her child or children, agree in writing to abide by and obey the Athletic Code of Conduct. The City of Hoboken and its Director of Human Services Recreation Superintendent, and Recreation Supervisors using fairness and acting in a non-arbitrary or capricious manner, may impose penalties in any order or in any combination, suitable to the matter at hand and in consideration of past relevant conduct of the coach, official, parent, participant, or attendee being disciplined. The City of Hoboken Recreation Department shall include the following acknowledgement of penalties with each such written agreement:
- I hereby agree that if I fail to conform to the City of Hoboken Recreation Department's Athletic Code of Conduct, I will be subject to disciplinary action, including but not limited to the following. I understand that penalties may be imposed in any order or in any combination.
1. Verbal warning issued by the Recreation Department, or by a properly-authorized league, organization.
 2. Written warning issued by the Recreation Department, or by a properly authorized league, organization.
 3. Suspension or immediate ejection from an athletic event or activity issued by the Recreation Department, or by a properly-authorized league, organization.
 4. Suspension from multiple athletic events or activities events issued by the Recreation Department, or by a properly-authorized league, organization.
 5. Season suspension or multiple season suspension issued by the Recreation Department, or by a properly-authorized league, organization.
- C. The City of Hoboken shall post this Athletic Code of Conduct on the City website, on the online registration portal and at its athletic facilities.
- D. Nothing herein is intended to supersede any ordinance or statute imposing criminal or civil penalties. This Executive Order shall be read *in para materia* with the City's Ordinances.
- E. Any violation of this Executive Order may result in dismissal or other appropriate sanctions as determined by the Business Administrator with the Mayor's consent.

OFFICE OF THE MAYOR

This Executive Order shall take effect immediately.

APPROVED:



DAWN ZIMMER
MAYOR



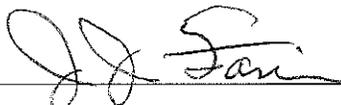
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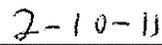
MARK A. TABAKIN
CORPORATION COUNSEL

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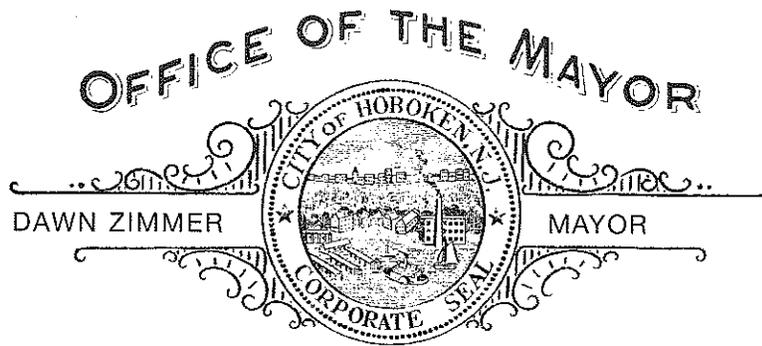


JAMES J. FARINA
CITY CLERK



DATE

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CITY HALL
HOBOKEN, NEW JERSEY

Executive Order to Mandate Ethics Training for All Public Employees

CITY OF HOBOKEN

No.

EXECUTIVE ORDER

Date:

WHEREAS, it is essential to the principled function of local government that all employees of the City of Hoboken ("City"), including but not limited to all municipal employees, police department, fire department and elected and appointed officials, understand and abide by the highest of ethical standards in the functions of their employment; and

WHEREAS, it is the obligation of every City employee to pursue a course of conduct which will not invoke distrust among the citizens of the City; and

WHEREAS, as Mayor of the City of Hoboken it is among my responsibilities to ensure that all City employees are versed in those ethical standards and ordinances which apply to them; and

WHEREAS, mandatory ethics training is an effective method of educating the employees of the City and ensuring both the administration and the citizens of the City that employees maintain an unyielding comprehension of those ethical standards which we request of them.

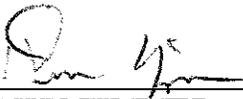
NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER**:

1. Every City employee including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in an ethics training program when authorized, directed and made available by the Business Administrator.
2. New City employees including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in such ethics training program when authorized, directed and made available by the Business Administrator.
3. Every City employee including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in an ethics training every year following his or her initial training session pursuant to this Executive Order.
4. Every City employee shall submit a signed statement certifying his or her participation in each training session pursuant to this Executive Order, which statements shall be placed in his or her personnel file.
5. The Office of the Corporation Council shall coordinate with the Business Administrator to establish regular training sessions sufficient to allow affected individuals to comply with this Executive Order.
6. Any violation of this Executive Order may result in dismissal or other appropriate lesser sanctions as determined by the Business Administrator with the Mayor's consent.

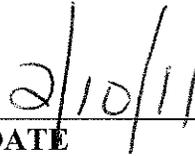
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OFFICE OF THE MAYOR

APPROVED:



DAWN ZIMMER
MAYOR

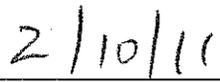


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MARK A. TABAKIN
CORPORATION COUNSEL

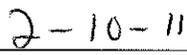


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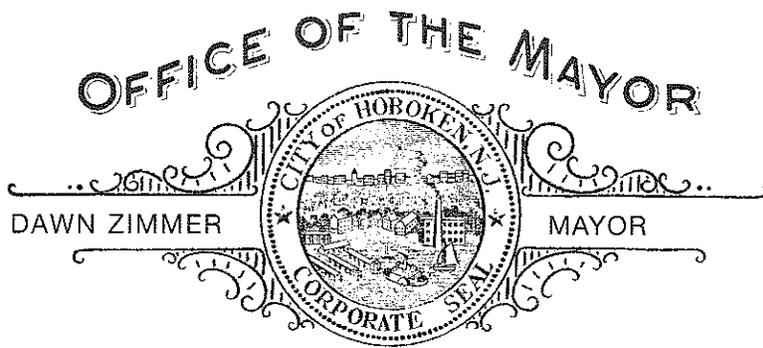


JAMES J. FARINA
CITY CLERK



DATE

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CITY HALL
HOBOKEN, NEW JERSEY

Executive Order to Ban Workplace Violence, Harassment and Incivility

CITY OF HOBOKEN

No.:

EXECUTIVE ORDER

Date:

WHEREAS, it is the policy of the City of Hoboken (“City”) not to tolerate workplace violence, incivility or harassment amongst its employees, elected officials, appointed officials and members of the public; and

WHEREAS, in addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees, elected officials and members of the public; and

WHEREAS, the City requires all the various stakeholders to comport themselves in a polite, tolerant and courteous manner, especially at public meetings of the City. Name-calling, verbal taunts, heckling, hissing, booing, mocking and similar activities shall no longer be tolerated during public meetings of the City; and

WHEREAS, it is also the policy of the City that workplace harassment of employees is unacceptable conduct and will not be condoned nor tolerated when committed by employees, members of the public, elected officials or agents of the City in the workplace or in the course of work.;

WHEREAS, the City is equally committed to maintaining a work environment free from intolerance, harassment of all types, bullying, bigotry and the like, and to improve stakeholder awareness for the need to be sensitive to how they interact with fellow employees, vendors and members of the public to foster professionalism and good citizenship;

NOW, THEREFORE, I, Dawn Zimmer, Mayor of the City of Hoboken, New Jersey by virtue of the authority vested in me by the Statutes of this State and the laws of the City of Hoboken, do hereby, ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:

Section 1. Intent

The intent of this Executive Order is to create a workplace environment that will not tolerate violence or incivility. Violent acts or threats made by an employee, elected official or member of the public against another person will be acted upon immediately and with the full resources of the City. This includes any violence or threat made on City property, at City events (including Council Meetings) or under other circumstances that may negatively affect the City's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Name-calling, verbal taunts, heckling, hissing, booing, mocking and similar activities;
- Aggressive, hostile or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or the property of another employee;
- Possession of a weapon while on City property or while on City business;
- Committing acts motivated by, or related to, political retaliation or workplace harassment.

Any potentially dangerous situations must be reported. The City will actively intervene in any hostile or violent situation.

The need for mutual respect and the opportunity to work together in a peaceful, mutually rewarding and efficient work environment provides the foundations upon which these rules are established.

Section 2: Work Place Misconduct Defined

It is important to remember that all City employees spend considerable time together during the workday. It also must be remembered that we represent the City when interacting with vendors and members of the public. Therefore, it is incumbent upon all of us to be careful in how we interact with co-workers, vendors and members of the public and how they interact with us. What

may be inoffensive language or conduct to one person may be offensive to another. We all must be aware of our actions and maintain a professional, respectful and courteous demeanor at all times.

Workplace harassment can range from verbal (oral, written or pictorial) abuse or body language and gestures, which create an intimidating, hostile or offensive working environment to physical violence. Examples of workplace harassment include teasing, bullying, racial, ethnic or gender slurs and other derogatory remarks.

In addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees, elected officials and members of the public. Therefore, the City requires the various stakeholders to be sensitive to how we comport ourselves in the workplace and at public meetings. Although the City cannot possibly provide an exhaustive list of impermissible behavior, the following provides some examples for guidance:

1. Insubordination or failure to cooperate with fellow employees and/or supervisors;
2. Loss of time by absence, tardiness or leaving assigned job without supervisory approval;
3. Loss of material, tools, equipment or supplies occasioned by wasteful practices or negligence;
4. Damaging or defacing the City's property or products;
5. Creating or contributing to unsanitary conditions;
6. Unauthorized use of materials, tools, equipment, vehicles or supplies;
7. Failure to comply with safety rules and regulations or engaging in conduct that creates a safety or health hazard;
8. Horseplay, gambling or instigating or participating in a fight;
9. Vending, soliciting, or distributing goods or printed matter for other than charitable purposes;
10. Unsatisfactory performance;
11. Theft;

OFFICE OF THE MAYOR

12. Falsifying/making a material omission on, or altering the City's records, time cards, report forms, application materials, etc.;
13. Intolerant, abusive demeaning, prejudicial comments (including yelling) and/or actions towards fellow employees, members of the public, elected or appointed officials or any other person;
14. Using, processing or being under the influence of alcohol or unlawful drugs while on duty, while on the City's property;
15. Bringing unauthorized firearms, explosives or other dangerous materials on the City's property without explicit prior authorization by the City;
16. Divulging confidential information to others without express authorization by the City;
17. Violation of the City's security regulations;
18. Immoral conduct or indecency, including name-calling, verbal taunts, heckling hissing booing, mocking and similar activities; and/or
19. Engaging in unlawful harassment of another person.

Section 3: Violations/Complaint Procedure

- A. Public Meetings – Any person who comports his/herself in such a manner shall be warned once to cease and desist from such actions. If the person refuses or fails to stop such activities, he/shall shall be removed from the meeting by the Police and warned that future similar actions shall result in the filing of a defiant trespass action.
- B. Employee At Workplace – Any employee who believes he or she has been subjected to offensive and/or insulting behavior by a co-worker, member of the public, elected official, supervisor or vendor, has an obligation to directly inform the offending person that the conduct is offensive and must stop.

If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) and the names of the individuals involved to his or her supervisor or, in the alternative, to the Business Administrator, who will investigate all such claims and take appropriate corrective action, if any.

Confidentiality to the extent possible will be maintained and no reprisals or retaliation will result from the good faith reporting of intolerant behavior.

In determining whether the alleged conduct constitutes workplace intolerance, the totality of the circumstances, the nature of the conduct, and the context in which the

alleged conduct occurred will be investigated. Any employee found to have engaged in such impermissible behavior shall be subject to sanctions, including, but not limited to, warning, suspension or termination subject to applicable procedure requirements.

A violation of any provision of this Executive Order shall be considered a violation of the City Code of Ethics and may subject the Municipal Official, Employee or Appointee to disciplinary action.

Section 4. Severability and Effectiveness

If any sentence, paragraph or section of this Executive Order, or the application thereof to any persons or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Executive Order shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Executive Order.

Section 5: Repeal of All Inconsistent Executive Orders

All Executive Orders and parts of Executive Orders inconsistent herewith are hereby repealed.

Section 6: Compliance

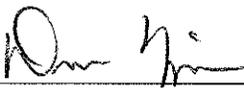
All Departments are hereby directed to comply with the terms of this Executive Order.

Section 7. Effective Date

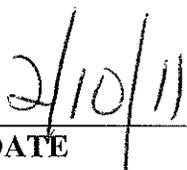
This Executive Order shall take effect immediately.

[Signature Page Follows]

APPROVED:



DAWN ZIMMER
MAYOR

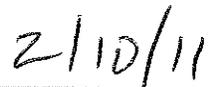


DATE

AS TO FORM:



MARK A. TABAKIN
CORPORATION COUNSEL

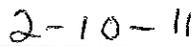


DATE

ATTESTED TO AND RECORDED BY:

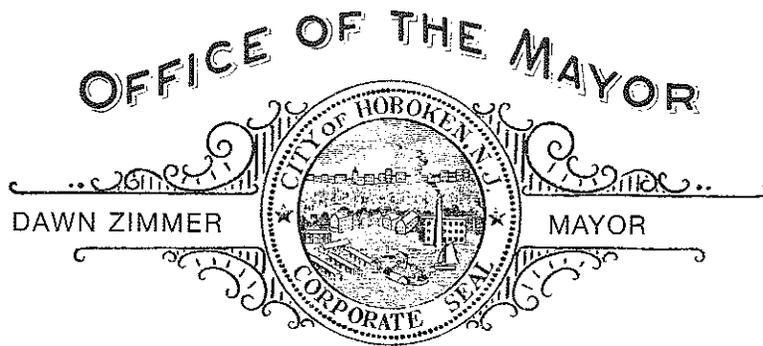


JAMES J. FARINA
CITY CLERK



DATE

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.



CITY HALL
HOBOKEN, NEW JERSEY

Executive Order to Mandate Forfeiture of Health Benefits for Dishonorable Service

CITY OF HOBOKEN

No.:

EXECUTIVE ORDER

Date:

WHEREAS, it is the policy of the City of Hoboken (“City”) to ensure the ethical operation of City government and that all City employees engage in those practices which are honorable as would be judged from the public eye; and

WHEREAS, the State of New Jersey through the Department of Pensions has enacted a review board to ensure public employees have met the years of service requirement for pension purposes and that those years are all deemed honorable years entitling the employees to benefit accrual; and

WHEREAS, a final Department of Pensions review rendering years of service dishonorable should apply to the City’s determination of employee health benefits as well in order to further penalize those City employees who fail to meet the high standard of conduct which the City and its residents require of them; and

OFFICE OF THE MAYOR

WHEREAS, N.J.S.A. 40A:10-23 grants the City discretionary authority to provide health benefits to City employees and just as honorable service is implicit in the determination of Department of Pensions pension benefits, it is the intention of the City to mandate honorable service of its employees in order to receive paid City health benefits in retirement as well.

NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER** and **DIRECT**:

In accordance with N.J.S.A. 40A: 10-23, the City shall only assume the cost of a retiree's health benefits if the retiree has accrued the requisite years of honorable service as determined by the Department of Pensions. Starting immediately, with regards to all new hires and employees already receiving City health benefits, the City intends to follow any final determination of the Department of Pensions in its eligibility review as to years of service deemed dishonorable when determining employee eligibility for paid City health benefits. Effective immediately, forfeiture of health insurance/benefits for dishonorable service is hereby mandated if the requisite years of honorable service fall below that mandated in N.J.S.A. 40A:10-23.

This Executive Order shall take effect immediately.

APPROVED:



DAWN ZIMMER
MAYOR

2/10/11

DATE

AS TO FORM:



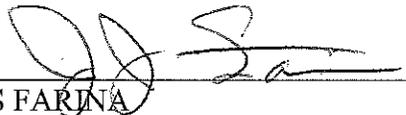
MARK TABAKIN
CORPORATION COUNSEL

2/10/11

DATE

OFFICE OF THE MAYOR

ATTESTED TO AND RECORDED BY:



JAMES FARINA
CITY CLERK

DATE 2-10-11

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.



CITY HALL
HOBOKEN, NEW JERSEY

CITY OF HOBOKEN
EXECUTIVE ORDER No:
Date:

Executive Order to Mandate an Honor Code for Accepting Recreation Fees

WHEREAS, it is essential to the responsible financial stability of City government that individuals using City resources pay for those resources whenever possible rather than requiring the taxpayers, generally, to incur the costs of these services, and under this premise recreation fees were created by the City Council to help offset the costs of City recreation services to the general taxpayers; and,

WHEREAS, the Recreation Department has set up a dedicated trust for depositing individual recreation fees paid to the City, which is used solely for debts relating to the City's recreation purposes; and,

WHEREAS, an informal practice has been established in collecting recreational fees, based on the premise that City services, and particularly recreational services, should be available to all children regardless of their ability to pay; and,

WHEREAS, until such time as the City Council sees fit to amend the recreation fee ordinance to take into consideration the important premise described above, the Administration hereby creates an Honor Policy that memorializes the informal practice of waiving recreation fees on an individual basis for any child wishing to participate in the program whose family cannot afford the fees established.

NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

OFFICE OF THE MAYOR

1. Any individual employee of the City of Hoboken who accepts recreation fees from individuals shall be required to comply with the following guidelines:
 - a. Recreation fees may be charged, in the amounts listed within Chapter 39, to each participant in a City of Hoboken recreational activity except that:
 - i. Any child registering to participate in a City of Hoboken recreational activity shall be exempt from the recreation fee listed herein if that child's guardian, shall certify to the Superintendent of Recreation, any Supervisor of Recreation, or the Director of Human Services that the child qualifies for the National School Lunch Program under the federal Richard B. Russell National School Lunch Act.
 - ii. Any child who is not a resident of the City of Hoboken when registering to participate in a City of Hoboken recreational activity shall have no right to exemption to the within fee regardless of their ability to qualify for the National School Lunch Program.
 - b. The Director of Human Services, or Recreation Supervisor, will schedule dates, times and locations for the Recreation Department's programs/events.
2. Any violation of this Executive Order may result in dismissal or other appropriate lesser sanctions as determined by the Business Administrator with the Mayor's consent.

This Executive Order shall take effect immediately.

APPROVED:



DAWN ZIMMER
MAYOR



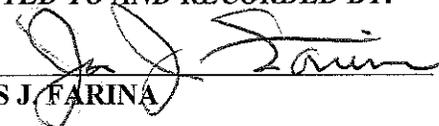
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AS TO FORM:

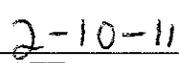
MARK A. TABAKIN
CORPORATION COUNSEL

DATE

ATTESTED TO AND RECORDED BY:



JAMES J. FARINA



DATE

OFFICE OF THE MAYOR

CITY CLERK

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.



Executive Order to Ban Nepotism in Office

CITY OF HOBOKEN

No.

EXECUTIVE ORDER

Date:

WHEREAS, the citizens of the City of Hoboken (“City”) and all persons in the employment of the City demand an equitable administration of the supervision and methods of employment that are reasonable, and practical through the elimination of nepotism within all aspects of government; and

WHEREAS, among my priorities as Mayor of Hoboken, and in furtherance of my authority to supervise the employment practices of the City is the establishment of restrictions to the appointment process and direct supervision of employees under the direction of the administration; and

WHEREAS, preferential treatment towards family members encourages personal interests which may be both unethical and undemocratic, placing a prejudice upon those devoid of familial ties; and

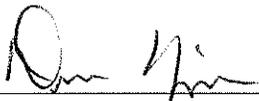
WHEREAS, the implementation of an effective ethics code will ensure that no officer or employee of the City will act in a manner to use his official position to obtain or maintain an unwarranted, advantageous position for a family member;

NOW, THEREFORE, I, DAWN ZIMMER, Mayor of the City of Hoboken, by virtue of the authority vested in me by the United States Constitution, the Constitution of this State, and State and Local Law, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

1. Unless he or she obtains a waiver pursuant to the Business Administrator, with the consent of the Mayor, no official or employee may appoint or hire his or her spouse or domestic partner/civil union partner, child or step-child, sibling or step-sibling, parent, or member of his or her household for employment, including by contract (unless competitively bid), with the City.
2. No official or employee may supervise or be in a direct line of supervision over his or her spouse or domestic partner/civil union partner, child or step-child, sibling or step-sibling, parent, or member of his or her household. If an official comes into a direct line of supervision over one of these persons, he or she will have six months to come into compliance or to obtain a waiver.

This Executive Order shall take effect immediately.

APPROVED:



DAWN ZIMMER
MAYOR

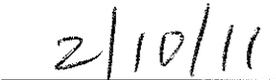


DATE

AS TO FORM:



MARK A. TABAKIN
CORPORATION COUNSEL



DATE

OFFICE OF THE MAYOR

ATTESTED TO AND RECORDED BY:

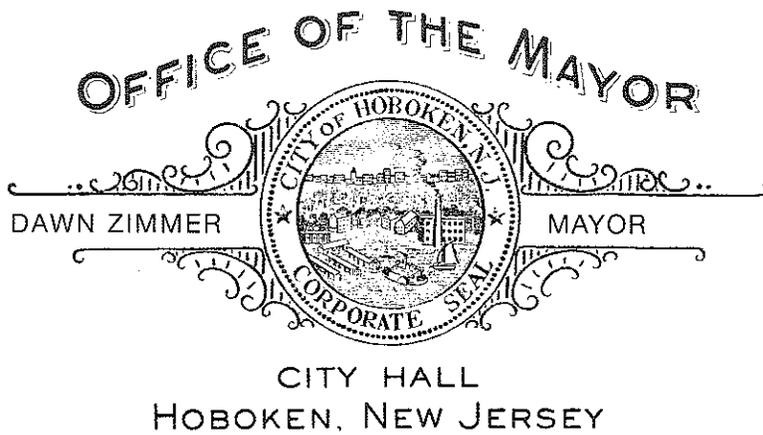


JAMES J. FARINA
CITY CLERK

2-10-11

DATE

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.



Executive Order to Ban Political Fundraising on Public Property

CITY OF HOBOKEN

No.:

EXECUTIVE ORDER

Date:

WHEREAS, it is the policy of the City of Hoboken (“City”) to separate political fundraising from general municipal business; and

WHEREAS, there presently is no ban on solicitation or acceptance of political contributions by public office holders, candidates and/or employees while in any government building in the discharge of their official duties or while using public property; and

WHEREAS, the solicitation and/or acceptance of political contributions in government buildings during the discharge of official municipal business or while using public property undermines the efficiency of government by taking officials and employees away from the peoples’ business, and leads to the appearance of improper influence of political contributions on government functions; and

WHEREAS, government buildings, offices and equipment are not intended to be used to conduct fundraising activities for candidates for elective offices; and

WHEREAS, a conflict of interest may arise between the business of political fund-raising and the business of government in and/or on government-owned premises which may cause a distraction from the business of government; and

WHEREAS, prohibiting such solicitation and acceptance of political contributions in government buildings occupied in the discharge of official duties or while using public equipment and property addresses these concerns without prejudicing candidates or unduly limiting alternative venues for political fundraising; and

WHEREAS, our laws in the City do not presently recognize the misuse of public property for political fundraising as a distinct offense;

WHEREAS, the City now intends to recognize the misuse of public property for political fundraising as a distinct offense; and

WHEREAS, the Mayor is vested with the authority to supervise and act as custodian for all municipal property pursuant to N.J.S.A. 40:69A-40;

NOW, THEREFORE, I, Dawn Zimmer, Mayor of the City of Hoboken, New Jersey by virtue of the authority vested in me by the Statutes of this State and the laws of the City of Hoboken, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

Section 1. Intent

The intent of this Executive Order is to create an independent and efficient government workforce and workplace, and a government that is undermined by neither the fact nor appearance of improper influence of political contributions on government decisions which require the prohibition of political fundraising in rooms or buildings occupied in the discharge of official duties or through the use of public property or equipment.

Section 2. Purpose

The purpose of this Executive Order is to ban the use of government buildings, property and equipment for political fundraising.

Section 3. Definitions

- A. **Candidate** – The term “Candidate” means (1) any individual seeking election to public office of the federal, state, county, or municipal government, or school

district or political party, and (2) any individual who shall have been elected or failed of election to any such office;

- B. Political Contribution** – The term “Political Contribution” means any loans and transfers of money or other things of value to any Candidate, elected Municipal Official, Employee, or Appointee or representative of any Political Organization, or other commitments or assumptions of liability to make any such transfer for the purpose of supporting a Candidate. A Political Contribution shall be deemed to have been made upon the date when such commitment is made or liability assumed.
- C. Political Organization** – the term “Political Organization” means any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office or political party office. “Political Organization” includes, but is not limited to, organizations defined in N.J.S.A. 19:44A-3 as a “political committee,” “joint candidates committee,” “continuing political committee,” “political party committee,” “candidate committee,” or “legislative leadership committee.”
- D. Municipality** - the term “Municipality” means the government of the municipality of the City of Hoboken, including any officer, department, board, commission, or agency, thereof.
- E. Municipal Official, Employee and Appointee** - the term “Municipal Official, Employee and Appointee” means any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board, or office thereof, whether the position is full time or part time.
- F. Solicit** – The term "Solicit" means to direct, request or ask for, by oral or written communication, a Political Contribution as that term is defined herein.
- G. Public Property** – The term “Public Property” means (1) all personal property owned, leased, or controlled by the Municipality where employees of the City of Hoboken perform their job duties and (2) all real property owned, leased, or controlled by the Municipality for use by municipal employees. Such “Public Property” includes but is not limited to vehicles, phones, fax machines, computers, stationery including municipal letterhead, postage, and other office equipment; and specifically excludes the property identified in Section 4(C)(1), (2) and (3).

Section 4. General Regulations

A. Prohibition Against Soliciting or Accepting Political Contribution While In or Utilizing Public Property.

No Municipal Official, Employee and/or Appointee may solicit, or receive payment of or a commitment to pay any Political Contribution for any candidate, elected official or political organization while in or utilizing any Public Property. This Section shall include solicitation or acceptance of Political Contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the Political Contribution, or using the cell phone or computer for purposes of soliciting or accepting the Political Contribution, is in or utilizing any Public Property.

B. Prohibition Against Use of Public Property for Political Fundraising

No Municipal Official, Employee, and/or Appointee may solicit or receive payment of or a commitment to pay any Political Contribution for any candidate, elected official or political organization, while utilizing public property.

C. Prohibited Forms of Fund-Raising. Prohibited Forms of Fund-Raising Shall Include but Are Not Limited to:

- (1) Soliciting or accepting contributions using municipal telephones, fax machines or computers.
- (2) Soliciting or accepting contributions using personal telephones while on the property of the municipality.
- (3) Soliciting or accepting contributions through the use of publicly owned computers or privately owned personal computers while on the property of the municipality.
- (4) Using municipal letterhead to solicit or accept contributions.
- (5) Sending correspondence from municipal buildings or by the use of municipal services, equipment or postage.
- (6) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the property of the municipality.
- (7) Use of automobiles owned or leased by the municipality to accept or solicit contributions.

D. Reporting Requirements

It shall be the responsibility of any employee, appointee or elected official who observes any prohibited forms of fund-raising to report such conduct to the Business Administrator or the Corporation Counsel who shall report same to the Mayor and the Governing Body.

E. Whistleblower Provision

It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by this chapter.

F. Exceptions

The prohibition contained in paragraphs (A) and (B) above shall not apply to:

- (1) Public facilities which are made available to any group for use as a meeting facility or gathering place, such as a park. Fundraising among members of such groups during the time such groups have reserved exclusive use of the meeting facility or gathering place is not prohibited.
- (2) Residents of a public housing authority who engage in Fundraising in their residences.
- (3) Library materials available for public use.

G. Violation

A violation of any provision of this Executive Order shall be considered a violation of the City Code of Ethics and may subject the Municipal Official, Employee or Appointee to disciplinary action.

Section 5. Severability and Effectiveness

If any sentence, paragraph or section of this Executive Order, or the application thereof to any persons or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Executive Order shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Executive Order.

Section 6: Repeal of All Inconsistent Executive Orders

All Executive Orders and parts of Executive Orders inconsistent herewith are hereby repealed.

Section 7: Compliance

All Departments are hereby directed to comply with the terms of this Executive Order.

Section 8. Effective Date

This Executive Order shall take effect immediately.

[Signature Page Follows]

OFFICE OF THE MAYOR

APPROVED:



DAWN ZIMMER
MAYOR

2/10/11

DATE

AS TO FORM:



MARK A. TABAKIN
CORPORATION COUNSEL

2/10/11

DATE

ATTESTED TO AND RECORDED BY:



JAMES J. FARINA
CITY CLERK

2-10-11

DATE

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.

SPONSORED BY: _____

SECONDED BY: _____

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

February 16, 2011

TAXIS, LIVERIES, AND LIMOUSINE \$75.00 EA 9 ITEMS
(SEE ATTACHED)

VENDORS \$100.00 EA 4ITEMS

MICHAEL HOEFLING
A-PLUS CUSTOM T-SHIRTS
1159 KENNEDY BLVD
BAYONNE, NJ 07002

MICHAEL SEARS
A-PLUS CUSTOM T-SHIRTS
1159 KENNEDY BLVD
BAYONNE, NJ 07002

BOULOUSS BROTHERS
218½ YORK ST.
JERSEY CITY, NJ 07302

LEANNA DIAZ
LEA'S ART
221 JACKSON ST #9G
HOBOKEN, NJ 07030

RAFFLES **\$20.00 EA** **1 ITEM**

CHURCH OF OUR LADY OF GRACE & ST JOSEPH

61 MONROE ST

RA1354

HOBOKEN, NJ 07030

MECHANICAL AMUSEMENT DEVICES **\$150.00 EA** **1 ITEM**

SCOTLAND YARD (2 M.A.D.s)

72 HUDSON ST

HOBOKEN, NJ 07030

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 JANUARY, 2011.

Receipts on Taxes

| | | |
|---------------------------------|--------------|--------------|
| 2011 Taxes | | |
| 2011 Taxes 1St.& 2nd Qtrs... | 7,917,045.42 | |
| N.G. Checks Minus.... | 4,682.50 | |
| 2011 Taxes Estimated 3rd Qtr... | 3,122.71 | |
| Total 2011 Taxes Collected | | 7,915,485.63 |

Receipts on Taxes

| | | |
|--------------------------------|------------|------------|
| 2010 Taxes | | |
| 2010 Taxes 3rd & 4th Qtrs.... | 529,189.48 | |
| Addedd and Omit/Addedd Taxes | 44,020.68 | |
| Total 2009 Taxes Collected.... | | 573,210.16 |

Miscellaneous Tax Receipts

| | | |
|----------------------------------|-----------|-----------|
| Interest on Taxes... | 22,039.64 | |
| Bounced Check Fee... | 20.00 | |
| Duplicate Bill Fee..l.. | 260.00 | |
| Total Miscellaneous Tax Receipts | | 22,319.64 |

Pilot Accts

| | | |
|-------------------------------------|--------------|--------------|
| Pilot Principal..... | 1,357,161.09 | |
| Total collected on Pilot Accts..... | | 1,357,161.09 |

Total Taxes & Miscellaneous Tax Receipts.... **9,868,176.52**

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

Abatements

| | | |
|--------------------------|-----------|----------------------------------|
| Abatement Principal..... | 25,011.76 | |
| Abatement Interest..... | 454.52 | |
| Bounced Check | 92.58 | |
| Abatement Totals..... | | ***** <u>25,373.70</u> |

| | |
|-----------------------|----------|
| <u>Bounced Checks</u> | Amount |
| 219/23 | 4,682.50 |
| Total | 4,682.50 |

Respectfully yours,

Sharon Curran, Tax Collector

| DAILY DEPOSITS FOR THE CITY OF HOBOKEN MONTH OF JANUARY 2011 | | | | | | | | | | | |
|--|--------------|-----------|-----------------------|-----------------------|----------------------|------------------|-------------------|---------------|----------------|-----------|--------------------|
| | | | 9,872,859.02 | | | 9,868,176.52 | | | | | |
| DATE | TOTAL | Interest | 2010 3 & 4 Qtr. Taxes | 2011 1 & 2 Qtr. Taxes | 2011 3 & 4 Qtr Taxes | Added Assessment | Bounced Check Fee | DUP. BILL FEE | PILOT PAYMENTS | Abatement | Abatement Interest |
| 1/3/2011 | 89,354.05 | 552.33 | 22,576.02 | 66,220.70 | | | | 5.00 | | 3,604.52 | 82.99 |
| 1/4/2011 | 36,365.11 | 271.87 | 12,862.11 | 23,231.13 | | | | | | 6,742.13 | 122.05 |
| 1/5/2011 | 45,966.06 | 222.63 | 9,107.45 | 36,635.98 | | | | | | 929.85 | 21.51 |
| 1/6/2011 | 78,102.64 | 678.65 | 23,696.15 | 53,069.47 | | 658.37 | | | | | |
| 1/7/2011 | 74,095.48 | 154.08 | 7,020.53 | 66,920.87 | | | | | | | |
| 1/10/2011 | 45,923.13 | 264.17 | 9,440.97 | 34,744.82 | | 1,453.17 | 20.00 | | | 3,674.15 | |
| 1/10/2011 | 24,395.99 | 0.51 | 31.68 | 24,363.80 | | | | | | | |
| 1/11/2011 | 112,674.10 | 190.92 | 7,859.92 | 104,618.26 | | | | 5.00 | | | |
| 1/12/2011 | 99,826.62 | 185.93 | 5,435.48 | 94,205.21 | | | | | | | |
| 1/13/2011 | 315,427.97 | 222.43 | 7,360.58 | 307,844.96 | | | | | | | |
| 1/14/2011 | 93,479.46 | 3,478.66 | 53,219.05 | 36,781.75 | | | | | | | |
| 1/18/2011 | 461,164.48 | 128.13 | 6,090.58 | 304,510.14 | | 1,334.54 | | | 149,101.09 | 3,683.84 | 106.34 |
| 1/19/2011 | 180,323.14 | 1,027.62 | 18,060.43 | 160,582.65 | | 652.44 | | | | | |
| 1/20/2011 | 379,732.77 | 5.67 | 264.87 | 258,275.93 | 2,597.90 | 59.32 | | 165.00 | 118,364.08 | 602.53 | 15.80 |
| 1/21/2011 | 213,479.13 | 429.09 | 11,272.02 | 197,342.28 | | 4,405.74 | | 30.00 | | 1,860.65 | 12.64 |
| 1/24/2011 | 2,252,001.95 | 62.79 | 2,402.91 | 2,249,536.25 | | | | | | | |
| 1/24/2011 | 201,359.67 | 99.84 | 3,344.24 | 163,411.01 | | 2,557.58 | | | 31,947.00 | 754.92 | 5.78 |
| 1/24/2011 | 358,917.74 | 782.11 | 14,867.04 | 339,541.29 | | 3,702.30 | | 25.00 | | | |
| 1/25/2011 | 449,429.35 | 60.47 | 2,474.05 | 178,893.83 | | - | | 5.00 | 267,996.00 | 935.52 | 26.93 |
| 1/26/2011 | 636,546.00 | 204.45 | 4,785.59 | 631,545.96 | | - | | 10.00 | | 2,223.65 | 60.48 |
| 1/27/2011 | 228,297.14 | 14.83 | 332.95 | 208,031.89 | | 1,661.94 | | - | 18,255.53 | | |
| 1/28/2011 | 608,716.63 | 12,154.30 | 281,122.75 | 289,914.25 | | 25,510.33 | | 15.00 | | | |
| 1/28/2011 | 214,513.92 | | | 214,513.92 | | | | | | | |
| 1/31/2011 | 481,042.81 | 825.98 | 24,440.71 | 455,776.12 | | | | | | | |
| 1/31/2011 | 722,678.64 | | | 722,678.64 | | | | | | | |
| 1/31/2011 | 1,320,995.59 | | | 548,727.12 | | 771.08 | | | 771,497.39 | | |
| 1/31/2011 | 148,049.45 | 22.18 | 1,121.40 | 145,127.19 | 524.81 | 1,253.87 | | | | | |
| | 9,872,859.02 | 22,039.64 | 529,189.48 | 7,917,045.42 | 3,122.71 | 44,020.68 | 20.00 | 260.00 | 1,357,161.09 | 25,011.76 | 454.52 |
| Bounced Ck | | | | | | | | | Abatement | 25,466.28 | |
| 219/23 | 4,682.50 | | | | | | | | Bounced Ck | 92.58 | |
| Total | 4,682.50 | | | | | | | | Total | 25,373.70 | |

 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: 01/01/11 to 01/31/11
 Print Ref Num: N
 Range of Installment Due Dates: First to Last
 =====

| Code Description | Count | Arrears/Other | Principal | | | Interest | Total |
|-----------------------------|-------------|------------------|-------------|-------------------|---------------------|------------------|---------------------|
| | | | 2009 | 2010 | Future | | |
| 001 TAX-Billing | 3672 | 0.00 | 0.00 | 486,537.81 | 7,920,168.13 | 20,472.89 | 8,427,178.83 |
| 014 ADDED ASSESSMENT/OMI | 29 | 0.00 | 0.00 | 0.00 | 44,020.68 | 0.00 | 44,020.68 |
| 082 IN LIEU OF TAXES | 13 | 0.00 | 0.00 | 0.00 | 1,357,161.09 | 0.00 | 1,357,161.09 |
| SUB SUBSEQUENT TAX | 5 | 0.00 | 0.00 | 42,651.67 | 0.00 | 1,566.75 | 44,218.42 |
| Tax Payments | 3719 | 0.00 | 0.00 | 529,189.48 | 9,321,349.90 | 22,039.64 | 9,872,579.02 |
| 00L OUTSIDE REDEEM | 73 | 80,458.28 | 0.00 | 0.00 | 0.00 | 15,315.26 | 95,773.54 |
| FEE | 19 | 2,233.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,233.00 |
| Lien Payments | 92 | 82,691.28 | 0.00 | 0.00 | 0.00 | 15,315.26 | 98,006.54 |
| 005 BOUNCED CHECK FEE | 1 | 20.00 | 0.00 | 0.00 | 0.00 | 0.00 | 20.00 |
| 012 DUPLICATE BILLS | 14 | 260.00 | 0.00 | 0.00 | 0.00 | 0.00 | 260.00 |
| Misc Payments | 15 | 280.00 | 0.00 | 0.00 | 0.00 | 0.00 | 280.00 |
| NSF BOUNCED CHECK | 1 | 0.00 | 0.00 | 0.00 | 4,682.50- | 0.00 | 4,682.50- |
| Tax NSF | 1 | 0.00 | 0.00 | 0.00 | 4,682.50- | 0.00 | 4,682.50- |
| Payments Total: | 3826 | 82,971.28 | 0.00 | 529,189.48 | 9,321,349.90 | 37,354.90 | 9,970,865.56 |
| NSF Reversals Total: | 1 | 0.00 | 0.00 | 0.00 | 4,682.50- | 0.00 | 4,682.50- |
| Total: | 3827 | 82,971.28 | 0.00 | 529,189.48 | 9,316,667.40 | 37,354.90 | 9,966,183.06 |

Total Cash: 9,074.72

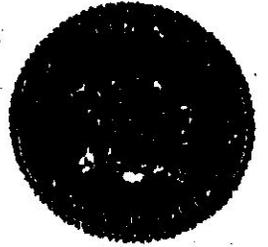
Total Check: 9,957,108.34

Total Credit: 0.00



*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

FEBRUARY 8, 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 #4993 IN THE TOTAL AMOUNT OF \$308,796.14 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF JANUARY 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.

RECEIVED
2011 FEB - 8 AM 10:00
HOBOKEN, NJ 07030

MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E. 

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: November 24, 2010

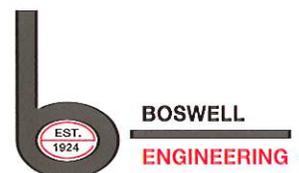
RE: Status Report – Waterfront Inspections
City of Hoboken

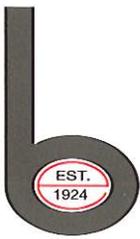
Below is a brief summary of the tasks that have been completed to date on this project, pursuant to our proposals dated November 15, 2010.

- The field inspection has been completed on the masonry gravity wall/seawall/steel sheet pile bulkhead which extends from south of the Sinatra Soccer Field to the New Jersey Transit Property. (Task #2 on PR-10-3341)
- Approximately 65% of the field inspection for Pier A has been completed. Under this effort roughly 890 of the 1,370 concrete-encased steel H-piles have been inspected. (Task #3 on PR-10-3341)

During the next week, our underwater division plans to finalize the inspection on Pier A as well as begin inspecting along the walkways on the north end of the Tea Building.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.





MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E.

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: December 3, 2010

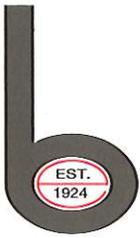
RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project, pursuant to our proposals dated November 15, 2010.

- Fourteen of the fifteen days of inspection work have been completed on Pier A. (Task #3 on PR-10-3341)

During the next week, our underwater division plans to finalize the inspection on Pier A as well as begin inspecting the Maxwell Place Waterfront Park along Sinatra Drive.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.



MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E.

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: December 10, 2010

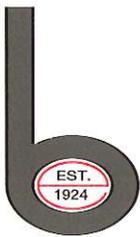
RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project, pursuant to our proposals dated November 15, 2010.

- Seven of the ten days of inspection work have been completed on Block 261.05, Lot 1. (Task #2 on PR-10-3381). This property is owned by PT Maxwell LLC and contains the Maxwell Waterfront Park.

During the next week, our underwater division plans to finalize the inspection on Block 261.05 and begin inspecting Block 268.1 (Tea Building area).

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.



MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E.

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

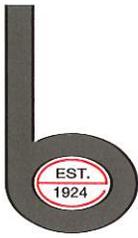
DATE: December 20, 2010

RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project since the last status report. The work for this follows the items outlined in our proposals dated November 15, 2010. Utilizing two crews of three divers each, nine of the ten days of inspection work were completed on Block 261.05, Lot 1. This property consists mostly of the Maxwell Waterfront Park and is owned by PT Maxwell LLC. In addition, inspection work began on Block 262.1, Lot 27. This property is owned by the Shipyard Associates LP and is located on the northeast end of the city. Specifically four of the twenty-seven inspection days set aside for this work have been completed.

Lastly, the inspection shave been completed at Block 268.1, Lot 4. This property is owned by Toll Brothers. Results from the inspections did not raise any immediate items of concern. However, a final report providing a more detailed summary of the findings will be provided upon project completion. If upon closer review there are items the City should be made aware of, we will be sure to provide immediate notification.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.



MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E. 

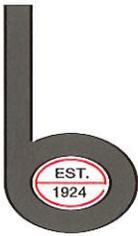
CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: January 3, 2011

RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project since the last status report. The work for this follows the items outlined in our proposals dated November 15, 2010. Utilizing two crews of three divers each, eighteen of the twenty-seven days of inspection work were completed on Block 262.1, Lot 1. This property is owned by the Shipyard Associates LP and is located on the northeast end of the city. Preliminary findings have shown that sections of this pier are in need of a more detailed structural evaluation. A detailed summary of the conditions found will be provided in the final report.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.



MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E. 

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: January 7, 2011

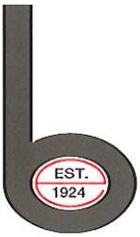
RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project since the last status report. The work for this follows the items outlined in our proposals dated November 15, 2010. Utilizing two crews of three divers each, twenty-three of the twenty-seven days of inspection work were completed on Block 262.1, Lot 1. This property is owned by the Shipyard Associates LP and is located on the northeast end of the city. The timber cribbing in this area shows signs of deterioration. It is our understanding that Shipyard is aware of the situation and working with their engineers, Birdsall Engineering to remediate. We are verifying with them the work that is proposed.

In addition, four of the ten days of inspection work have been completed on Block 263. This property is owned by the NY Waterway Pier and is located in the northeast quadrant of the City, just east of 14th Street.

A detailed summary of the conditions found will be provided in the final report.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E.



January 14, 2011

Mayor Dawn Zimmer
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Re: Waterfront Properties Inspection Status Report
City of Hoboken
Our File No. HO-417

Dear Mayor Zimmer:

As requested, please find following a summary of the work completed to date regarding the underwater inspections/projects currently in progress with Hoboken's waterfront properties. In addition, a location map has been attached for reference.

Condition Survey of City Owned Waterfront Structure –Our Project No. BUE-1009

The following structures were included in the underwater evaluation of City Owned waterfront structures:

- A. Masonry gravity wall/sea wall/steel sheet pile bulkhead which extends from south of Sinatra Field to the NJT property (Noted as "A" on the attached location map)
- B. Approximately 1000 linear feet of existing seawall north of the Castle Point location (Noted as "B" on the attached location map)
- C. Pier A including all piles, pile caps beams utilities and under deck (Noted as "C" on the attached location map)

Our total anticipated "in-water" inspection duration was estimated to be 18 days of which 17 days of inspection have been completed. To date the remaining outstanding inspection to be completed is the 1,000 linear feet of seawall north of Castle Point, noted as Item C above, which will be completed during the week of January 17th.

Based on the preliminary assessments made by our diving crew(s) there are several areas of the sea wall specified in Item A that require repair. In this specific area of concern, there is intermittent exposure of the timber cribbing at the mud line which has evidence of deterioration and marine borer infestation. Our initial estimates are approximately 600 linear feet of intermittent repair throughout the entire reach, which is approximately 1,700 linear feet in length.

Based on our evaluation, there are two types of repair that may be utilized in rehabilitating the seawall. The first would be the installation of rip-rap fill (large stone material) in front of the exposed cribbing to isolate the in-situ timber cribbing, effectively stifling the marine borer infestation advancement and protecting the substructure from exposure to the river. This repair method is considered the more economical repair methodology. The second alternative would be the construction of a concrete closure wall in front of the intermittent repair locations which consists of excavation in front of the existing timber cribbing, installation of sheet piles to serve as the concrete formwork for the installation of cast in place concrete, which is utilized to cover and protect the area from exposure. This repair methodology is more involved and considered the more expensive option.

From our dive crews' preliminary report information, a combination of these techniques can be utilized but, for budgeting purposes, we will assume the repair will be completed utilizing the more costly and effective approach. Based on our experience with previous projects of this nature, the City should budget approximately \$700.00 per linear foot of repair for the seawall rehabilitation work at a total estimated construction cost of \$ 420,000, say \$ 450,000. The City should also budget for and anticipate additional costs for permitting, design and inspection costs of approximately 100,000.00 for a total anticipated budget of approximately \$ 550,000.00 for Item A listed above.

With respect to the 1,000 linear feet of seawall north of the Castle Point location, this area appears to be a high level reinforced concrete platform on steel pipe piles and consists of relatively new construction. Our inspection of this structure is estimated at one day of inspection, and initially it is our understanding based on the young age of the structure that very limited, if any, work would need to be completed. Our inspection will focus on the bulkhead structure to the west of the promenade which consists of a concrete bulkhead with a rip-rap berm protecting the bulkhead face. Anticipated rehabilitation would be minimal in nature, and not as involved as the work to be undertaken as noted in Item A listed above. The work would consist of surface repairs, spalling repairs, rip-rap reinstallation and the like. For budgetary consideration, the City may wish to include additional funding of say 25% of the estimated costs for Item A to ensure representation in the budget if in fact rehabilitation needs to be completed. For budgeting purposes, we would recommend an estimated budget of \$137,500 for possible rehabilitation under this task. Upon completion of the field inspections for this item, we will revise our estimates accordingly.

With respect to Pier A, the main construction on this pier was accomplished by driving piles into the river bed. Simply described, each pile consists of a steal I-beam that is driven into the ground. The portion of beam left above the mudline is then encased in concrete.

The results from the underwater inspection on this pier showed that current field conditions differ from those shown on the plans entitled "Hoboken South Waterfront Development – Pier A Rehabilitation" prepared by the Port Authority of New York and New Jersey.

These plans showed 1,354 piles having been driven for this structure. Of these, 67 piles were not inspected for the following reasons:

- 30 piles were never encased and are severely corroded
- 26 piles are completely buried beneath the mudline
- 10 piles were entirely inaccessible
- 1 pile was shown on the aforementioned repair plans but does not appear to have been installed

There are also 894 piles that have an exposed I-beam below the concrete jacket. This would have occurred because the mudline in that area has receded: said differently, any pile that originally did have a concrete encasing all the way down to the river bed is now exposed because the mudline itself has ebbed away.

These 894 piles now have an exposed I-beam, with the average length of exposed pile below the concrete jacket being 1.6 feet. The maximum exposure found, however, was 8.5 feet. Having been subjected to the elements, these exposed I-beams have now lost cross-sectional area. For example, each I-beam should have a flange thickness of 0.615 in according to the aforementioned plans. Based on micrometer readings on all four flanges of 45 representative piles, the flange thickness ranged from 0.240 inches to 0.582 inches. The result has been an average loss of cross-sectional area of 37% for all of the piles combined, with a maximum section loss being 48% for some and a minimum section loss being 25% for others.

The remaining 393 piles, which make up 29% of the piles, are encased in the mudline. These are functioning as designed and pose no immediate concern.

Given these results, we performed a structural analysis on the entire pier to determine that it was still capable of supporting the loads imposed on it (mainly that of people and small trucks in addition to items already installed). Under the current scenario (with the section losses noted above, etc.) the pier is able to support the loads. However, the deterioration on these piles is significant and requires immediate attention. Choosing to do nothing now will not only exacerbate the situation but also ensure that future repairs become even more costly, since all beam exposure and sectional loss will only worsen with time.

Our cost estimate for the construction work to repair the piles is \$3 million with an additional \$600,000 estimated for design, construction inspection, and permitting, bringing the total for all the work to \$3.6 million.

Condition Survey of Privately Owned Waterfront Structure –Our Project No. BUE-1010

The following structures were included in the underwater evaluation of Privately Owned waterfront structures:

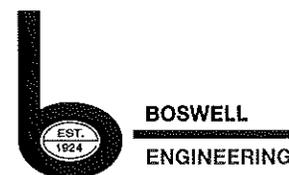
- A. Block 258, Lot 1 - Stevens Institute.
- B. Block 261.05, Lot 1 – PT Maxwell LLC c/o Toll Brothers.
- C. Block 262.1, Lot 1 – Shipyard Associates LP c/o Applied Development
- D. Block 263, Lot 1 – NY Waterway Pier
- E. Block 268.1, Lot 1 Toll Brothers (Tea Building)

Our total anticipated "in-water" inspection duration was estimated to be 53 days of which 49 days of inspection have been completed. To date we are in the process of completing Task C listed above which will be completed during the week of January 17th.

With regard to the condition survey of these specific areas, the conditions vary from fair to poor. The area in the best condition is the PT Maxwell LLC property which was fully inspected both above and below the water prior to the City's recent acquisition of the park and pier areas. The dive engineers are currently completing the "in-water" inspections and compiling the field data for the final report. Due to the nature of the properties, Boswell will reserve comment on the specific condition of the individual structures until all data is evaluated. With respect to budget impacts, given the structure are privately owned and maintained it is not anticipated that the City of Hoboken will need to budget for any possible rehabilitation projects for these structures. We have therefore not included construction estimates for budgetary consideration at this time.

Sinatra Field and Castle Point Rehabilitation – Our Project Nos. HO-420 A and B

Sinatra Field and Castle Point are currently in the design phase and permit applications are in the review process. Boswell continues to refine the construction drawings to ultimately provide the final contract drawings for the bidding and construction phases which follow the NJDEP review. All comments from NJDEP will be incorporated as required. Boswell required additional time to modify designs based on additional field data and input from the community obtained at the Community Outreach meeting in early December. Our design is based on replacement in kind utilizing upgraded materials (i.e. reinforced concrete platform, concrete filled steel pipe piles). Boswell has had the opportunity to update the initial engineer's estimates prepared by the previous City Engineer for both Castle Point and Sinatra Field, based on field investigations and actual design work. Originally, the City bonded \$ 12,000,000.00 for both projects. Based on our revised engineer's estimates the City should budget an additional 25% or 3,000,000 for both projects, primarily due to increased piles and platform costs at Sinatra Field given the more accurate shoreline/bulkhead information.



Cost Summary

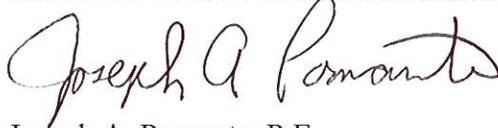
A table summarizing the costs discussed in the preceding pages has been included for reference below:

| City Owned Waterfront Property | | |
|--------------------------------|---|-----------------------|
| Item | Project | Estimated Cost |
| | Masonry gravity wall/sea wall/steel sheet pile bulkhead from south of Sinatra Field to New Jersey | |
| A | Transit Property | \$550,000.00 |
| B | Existing sea wall north of Castle Point | \$137,500.00 |
| C | Pier A | \$3,600,000.00 |
| | Total for Items A - C: | \$4,287,500.00 |
| | Castle Point and Sinatra Field | \$15,000,000.00 |
| | Previously Bonded Amount | \$12,000,000.00 |
| | Total for Castle Point and Sinatra Field: | \$3,000,000.00 |
| | Total for City-Owned Waterfront Improvements: | \$7,287,500.00 |
| | Say: | \$7,300,000.00 |

Should you have any questions or require additional information, please do not hesitate to contact Rebecca Mejia, P.E. or me.

Very truly yours,

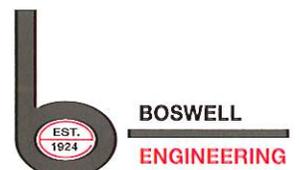
BOSWELL McCLAVE ENGINEERING



Joseph A. Pomante, P.E.
City Engineer Representative

REM

CC: Director Jennifer Wenson Maier, Environmental Services





MEMORANDUM

TO: City of Hoboken Mayor and Council

FROM: Joe Pomante, P.E.

CC: Jennifer Maier, Director of Environmental Services
Rebecca Mejia, P.E.

DATE: January 24, 2011

RE: Status Report – Waterfront Inspections
City of Hoboken

Below is a brief summary of the tasks that have been completed to date on this project since the last status report. The work for this follows the items outlined in our proposals dated November 15, 2010. Utilizing two crews of three divers each, all twenty-seven days of inspection work were completed on Block 262.1, Lot 1. This property is owned by the Shipyard Associates LP and is located on the northeast end of the city. The timber cribbing in this area shows signs of deterioration. It is our understanding that Shipyard is aware of the situation and working with their engineers, Birdsall Engineering to remediate. We are verifying with them to determine the work that is proposed.

In addition, all of the ten days of inspection work have been completed on Block 263. This property is owned by the NY Waterway Pier and is located in the northeast quadrant of the City, just east of 14th Street. Also, nine of the ten days of inspection work have been completed on Block 261.05, Lot 1 owned by PT Maxwell/Toll Brothers.

Boswell Underwater (BUE) has substantially completed the “In Water” field inspection work. BUE will compile and finalize both the publically and privately owned water front structures in accordance with our proposals referenced above.

Should you have any question or comments, please do not hesitate to contact me or Rebecca Mejia, P.E



HOBOKEN DEPARTMENT OF TRANSPORTATION & PARKING

94 Washington Street | Hoboken | New Jersey | 07030 | 201.653.1919 | www.hobokennj.org

COMMUNICATION:

To: Hoboken City Council

From: Ian Sacs, P.E.

Date: 03 February 2011

Re: Proposed Ordinance Amendments to Remove Resident Parking

Council Members,

There are ordinances moving to introduction on the City Council agenda pertaining to parking policy that result in the potential loss of over twenty (20) resident parking spaces and fail to address concerns raised by myself on behalf of the administration. I am concerned that we may be moving too quickly to grant requests to constituents without fully understanding and vetting concerns and potential solutions.

It may be that in the past such requests were granted in an ad-hoc fashion without proper vetting based on consistent standards, but I have made considerable effort to standardize our practices with respect to changes in parking policy, and to substantiate changes with appropriate documentation to support the proposed modifications. Granting these requests would be a distinct departure from our efforts to protect limited on-street parking spaces from exclusive use based on requests from individuals or entities that may not necessarily best represent all constituents in the affected area. Furthermore, such inconsistent changes have a significant impact on the overall parking scheme in Hoboken. These proposed changes alone constitute a potential loss of over twenty (20) resident parking spaces.

Removal of Resident Parking on 16th Street Between Adams and Jefferson Streets:

Fifteen to twenty resident parking spaces are proposed to be removed with an ordinance amendment to accommodate a request by North Hudson Sewage Authority (NHSA) based on "safety concerns". At committee, a NHSA representative complained about an adjacent business double parking delivery vehicles in front of NHSA property. The requested solution was for "No Stopping or Standing" regulations along the entire block of 16th Street between Adams and Jefferson Streets. This request was further supported by noting that the facility is listed as a Homeland Security site.

I don't expect the NHSA representative to be knowledgeable in parking policy; however, I respectfully submit that changing parking regulations as requested to address a double parking concern is not the correct solution. Rather, improved enforcement should be considered before taking away residential parking. Why wasn't this requested as a first step before taking further action that would eliminate more residential parking? Certainly residents do not utilize this area at the moment, but future development plans will make parking here a premium as it is elsewhere, and based on the reasons the Council is agreeing to eliminate these parking spaces without substantiation (i.e. safety/security), it is a certainty that returning this street to residential parking will be very difficult, if not impossible.

It has been my experience working in other municipalities that a request such as this would require some substantiation in the way of a report or other study documentation showing that the requested changes are in fact necessary and appropriate to address the concerns associated with, in this case, Homeland Security

Dawn Zimmer
Mayor

Ian Sacs, P.E.
Director

status. As of yet, I am not convinced that this has been demonstrated, and it is my position that granting this request without proper substantiation is not best practice. It is not clear at this point why the request is being granted without further evaluation of the conditions and substantiation of the needs by the Council.

Removal of Resident Parking on 4th Street Between River and Hudson Streets:

Two to five resident parking spaces are proposed to be removed with an ordinance amendment to accommodate a request by residents based on emergency access concerns. At the January 19, 2011 City Council meeting an elderly constituent raised a legitimate concern that during the recent blizzard she needed ambulance assistance and the paramedics who parked outside her building along 4th Street had trouble carrying the stretcher over the snow bank piled between the cars and the sidewalk. The constituent presented a petition signed by many residents in the same building for an "Emergency Loading Zone" in front of the building for the purposes of emergency vehicle access, and ostensibly, also for pick-ups, drop-offs, and deliveries when not in emergency use.

The committee has sought to move forward in granting the request; however, I submit that this is not the appropriate solution for the concern voiced. This concern is about snow piles blocking emergency access to the building; there was not mention that on every other day of the year emergency access is not available. In fact, a fire zone exists on this block. Since the concern was clearly about the snow, it is not clear why the solution would not involve contacting the property owner and assisting the constituent in achieving conformance to the City Code that requires proper snow removal. If that section of the City Code needs amendments to ensure that a path through snow piles is always kept clear for emergency access, so be it. Instead, there is an effort to unnecessarily eliminate resident parking on this street.

On the subject of emergency loading zones, I have no objections to the concept, but it is always the precedent for something like this that is a major concern. Without a clear set of guidelines established prior to implementation, there is a great risk of inconsistent legislation that will negatively impact residents throughout the city. As such, the following recommendations are provided for consideration before moving forward on this ordinance amendment:

- A formal application and evaluation process should be established prior to acting on this and similar requests
- Clarification must be made that this zone cannot be interchangeably used for emergency and non-emergency uses (i.e. pick-ups, drop-offs, and deliveries) as it is not possible to predict when emergencies will occur. If the concern is emergency access, then the zone must be kept clear at all times (and hence these parking spaces completely lost) to accommodate emergency vehicle response
- The zone must be dimensioned properly to accommodate emergency vehicle turning movements in accordance with federal guidelines
- All residents on the affected block (not just the building requesting the zone) should be asked to participate in a survey that clearly explains the proposed change, and a threshold should be established (i.e. 75%) to determine if the emergency access needs trump loss of parking
- There should be a limit to the number of these zones that are created on each block segment (i.e. one per block side)

cc: Dawn Zimmer, Arch Liston

Dawn Zimmer
Mayor

Ian Sacs, P.E.
Director

CITY OF HOBOKEN
Office of Corporation Counsel

DAWN ZIMMER
Mayor



MARK. A. TABAKIN
Corporation Counsel

To: The City Council of the City of Hoboken
From: Alysia M. Proko-Smickley
Re: Quarterly Report on Pay-to-Play Compliance of City Contractors
Date: February 16, 2011
cc: Dawn Zimmer, Mayor
Mark A. Tabakin, Corporation Counsel
Arch Liston, Business Administrator

Dear Council Members,

Please accept this quarterly report regarding Pay-to-Play compliance, pursuant to Hoboken City Code Section 20A-22. Since November 10, 2010, the following Contractors have been approved for a contract by the City Council and/or contracted with the City of Hoboken and/or updated their contract compliance documents and, therefore, submitted Affirmative Action Forms, Political Contribution Disclosure Forms and Stockholder Disclosure Forms to the City of Hoboken in compliance with Chapters 20A and 20C of the Administrative Code of the City of Hoboken:

Professional Service/EUS/Other

| Contractor | 10% + Interestsolders |
|--|---|
| A&A Curbing Inc. | 1. Elio Lemes |
| Alcazar Communications | 1. Clara Morato |
| Automated Building Controls | 1. Fred Golden 2. Wayne Friedland |
| Boswell Engineering, Inc. | 1. Steven T. Boswell 2. Bruce D. Boswell 3. Kevin J. Boswell |
| Chasan Leyner & Lamparello, PC | 1. Ralph J. Lamparello 2. Robert A. Kaye 3. Steven L. Menaker |
| Execu-Tech | 1. No individual shareholders listed as holding 10% or more of the share in the corporation |
| Lite DePalma Greenberg, LLC | 1. No individual shareholders listed as holding 10% or more of the share in the corporation |
| Mateo Perez | 1. Mateo Perez |
| Scarinci Hollenbeck | 1. Donald Scarinci 2. Kenneth J. Hollenbeck |
| WHL Enterprises, Inc. t/a Bill Leary A/C | 1. Bill Leary |

Redevelopment

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

| Contractor | 10% + Interestholders |
|-------------------|------------------------------|
| NONE | |
| | |

No complaints were filed with the Compliance Officer during the period beginning August 15, 2010 and ending November 15, 2010.

Respectfully Submitted,

Alysia M. Proko-Smickley

February 4, 2011

TO: Hoboken Municipal Hospital Authority

FROM: Tejal Desai

Dear Commissioners and Authority Chair,

Please be informed that I am stepping down from the Board of the Hoboken Municipal Hospital Authority effective immediately. It has been a pleasure for me to work with all of you and I wish you continued success.

Sincerely,



Tejal Desai

RECEIVED
2011 FEB 10 PM 3:48
CITY CLERK
HOBOKEN, NJ 07033

Rcvd Batch Id Range: First to Last Rcvd Date Start: 02/07/11 End: 02/10/11 Report Format: Condensed

| Rcvd Date | Batch Id | PO # | Description | Vendor | Amount | Contract |
|--------------------------|----------|----------|--------------------------------|--------|--------------------------------|----------------------------------|
| 02/08/11 | CHRIS | CY-00218 | AD BASEBALL/SOFTBALL | 00190 | HOBOKEN REPORTER | 645.75 |
| 02/08/11 | CHRIS | CY-00254 | Rutgers- Munic. Bgt. Process | 00237 | RUTGERS UNIVERSITY | 861.00 |
| 02/08/11 | CHRIS | 11-01893 | BIDDY BASKETBALL TROPHIES | 00690 | STAN'S SPORT CENTER | 300.00 |
| 02/08/11 | CHRIS | 11-01804 | THREE FULL SERVICE CAR WASHES | 00806 | RIVERFRONT CAR WASH | 18.00 |
| 02/08/11 | CHRIS | 11-02029 | car wash city vehicles | 00806 | RIVERFRONT CAR WASH | 6.00 |
| 02/08/11 | CHRIS | 11-01278 | BROCHURES | 01417 | NFPA | 1,020.56 |
| 02/08/11 | CHRIS | CY-00267 | ONE TIME PLACEMENT FEE | 01501 | JERSEY PROFESSIONAL MANAGEMENT | 500.00 |
| 02/08/11 | CHRIS | CY-00201 | VEHICLE MAINTENANCE | 01597 | M & G AUTO PARTS, INC. | 162.34 |
| 02/08/11 | CHRIS | CY-00231 | state training fees collected | 01969 | TREASURER, STATE OF NEW JERSEY | 14,571.00 |
| 02/08/11 | CHRIS | CY-00168 | PROFESSIONAL SERVICES | 02147 | ROSENBERG & ASSOCIATES | 721.35 |
| 02/08/11 | CHRIS | 11-02013 | code books for office use | 03065 | NATIONAL FIRE PROTECTION ASSN. | 864.19 |
| 02/08/11 | CHRIS | CY-00282 | Dec 1-Dec 31, 10 CDBG Reimburs | 03591 | HOBOKEN FAMILY PLANNING, INC. | 1,917.00 |
| 02/08/11 | CHRIS | CY-00332 | CDBG REIMB 1/1-1/31/11 | 03591 | HOBOKEN FAMILY PLANNING, INC. | 1,917.00 |
| 02/08/11 | CHRIS | 11-01786 | PATS TICKETS | 03611 | MIAMI SYSTEMS CORPORATION | 4,620.43 |
| 02/08/11 | CHRIS | CY-00330 | SERV REND INTERPRETATION 12/10 | 04492 | ALCAZAR COMMUNICATION, INC. | 5,365.00 |
| 02/08/11 | CHRIS | 11-01448 | OFFICE SUPPLIES ZONING BOARD | 05307 | W. B. MASON CO., INC. | 521.17 |
| 02/08/11 | CHRIS | 11-01756 | PRINTER CARTRIDGE | 05307 | W. B. MASON CO., INC. | 225.99 |
| 02/08/11 | CHRIS | 11-01763 | SUPPLIES FOR VIOLATIONS/COURT | 05307 | W. B. MASON CO., INC. | 205.15 |
| 02/08/11 | CHRIS | 11-01902 | SUPPLIES | 05307 | W. B. MASON CO., INC. | 476.91 |
| 02/08/11 | CHRIS | 11-01961 | AVERY WHITE MAILING LABELS | 05307 | W. B. MASON CO., INC. | 62.98 |
| 02/08/11 | CHRIS | 11-01962 | OFFICE SUPPLIES | 05307 | W. B. MASON CO., INC. | 209.40 |
| 02/08/11 | CHRIS | 11-01970 | OFFICE SUPPLIES | 05307 | W. B. MASON CO., INC. | 257.34 |
| 02/08/11 | CHRIS | 11-02045 | PROFESSIONAL LEGAL SERVICES | 07162 | MCLEROY, DEUTSCH, MULVANEY | 1,091.00 |
| 02/08/11 | CHRIS | CY-00390 | AUDIT 2010 PYMT #2 PROF SERV | 09168 | FERRAIOLI, WIELKOTZ, CERULLO & | 30,000.00 |
| Total for Batch: CHRIS | | | | | | 66,539.56 |
| Total for Date: 02/08/11 | | | | | | Total for All Batches: 66,539.56 |

| | | | | | | |
|------------------------|-------|----------|--------------------------------|-------|---------------------------------|-----------|
| 02/10/11 | CHRIS | CY-00161 | PROFESSIONAL SERVICES | 00262 | JERSEY JOURNAL | 98.87 |
| 02/10/11 | CHRIS | CY-00164 | PROFESSIONAL SERVICES | 00262 | JERSEY JOURNAL | 53.26 |
| 02/10/11 | CHRIS | CY-00228 | COFFEE SUPPLIES | 00287 | METROPOLITAN COFFEE SERVICE | 79.90 |
| 02/10/11 | CHRIS | 11-01854 | ZONING BOARD ESCROW ACCOUNTS | 01049 | VANDOR & VANDOR LTD. | 1,365.00 |
| 02/10/11 | CHRIS | 11-00589 | GRANT WRITING & FUND PROCURING | 01100 | LENOX CONSULTING LLC | 12,000.00 |
| 02/10/11 | CHRIS | CY-00446 | BILLING FOR TEMP ACTING C.O. | 01501 | JERSEY PROFESSIONAL MANAGEMENT | 1,785.00 |
| 02/10/11 | CHRIS | CY-00447 | BILLING FOR TEMP. ACTING C.O. | 01501 | JERSEY PROFESSIONAL MANAGEMENT | 2,380.00 |
| 02/10/11 | CHRIS | 11-01986 | TELEPHONE RECORDING MEDIA | 02918 | OFFICE BUSINESS SYSTEMS, INC. | 140.00 |
| 02/10/11 | CHRIS | 11-01681 | ZONING BOARD ESCROW ACCOUNTS | 03970 | COLE & ASSOCIATES, LLC | 2,590.50 |
| 02/10/11 | CHRIS | CY-00258 | ZONING BOARD ESCROW ACCOUNTS | 03985 | JESAN CONSTRUCTION | 2,858.45 |
| 02/10/11 | CHRIS | CY-00257 | ZONING BOARD ESCROW ACCOUNT | 03987 | FRANK RAI A | 517.50 |
| 02/10/11 | CHRIS | CY-00259 | PLANNING BOARD ESCROW ACCOUNTS | 04037 | BIRDSALL ENGINEERING | 1,145.00 |
| 02/10/11 | CHRIS | 10-02830 | REPAIRS OF DOOR ACCESS | 04395 | MSI SECURITY SYSTEMS INC. | 220.00 |
| 02/10/11 | CHRIS | CY-00234 | KEYBOARD | 04485 | CDWG/MICRO WAREHOUSE | 140.55 |
| 02/10/11 | CHRIS | CY-00261 | ZONING BOARD ESCROW ACCOUNTS | 04660 | KAUFMAN, BERN & DEUTSCH, LLP | 14,567.00 |
| 02/10/11 | CHRIS | 11-00872 | ENGINEERING SERVICES - 9/11 | 08797 | REMI NGTON & VERNI CK ENGINEERS | 1,619.00 |
| 02/10/11 | CHRIS | CY-00354 | TUITION REIMBURSEMENT | 08960 | P.O. DANIEL SIMONE III | 2,923.00 |
| 02/10/11 | CHRIS | CY-00300 | REDEMPTION | 09835 | CRAIG HOTHM | 783.27 |
| 02/10/11 | CHRIS | CY-00301 | REDEMPTION | 09835 | CRAIG HOTHM | 946.58 |
| Total for Batch: CHRIS | | | | | | 46,212.88 |

| Rcvd Date | Batch Id | PO # | Description | Vendor | Amount | Contract |
|-----------|----------|----------|---------------------------------|--------|--------------------------------|------------|
| 02/10/11 | MEM | CY-00287 | PROFESSIONAL SERVICES | 00031 | BOSWELL ENGINEERING | 24,208.75 |
| 02/10/11 | MEM | CY-00328 | IMPROVEMENTS TO HUDSON PLACE | 00031 | BOSWELL ENGINEERING | 12,184.00 |
| 02/10/11 | MEM | CY-00210 | MISC. SUPPLIES - HPU | 00077 | CITY PAINT AND HARDWARE | 899.15 |
| 02/10/11 | MEM | CY-00211 | REPAIRS - MDTOWN GARAGE | 00142 | HOBOKEN LOCK & SUPPLY | 90.00 |
| 02/10/11 | MEM | CY-00285 | SERVICES-GARAGE B | 00142 | HOBOKEN LOCK & SUPPLY | 462.00 |
| 02/10/11 | MEM | CY-00165 | DISPLAY AD | 00190 | HOBOKEN REPORTER | 639.28 |
| 02/10/11 | MEM | 11-01911 | 916 GARDEN REPAIRS | 00260 | J & J ROOFING | 650.00 |
| 02/10/11 | MEM | CY-00172 | TEA/SUPPLIES | 00287 | METROPOLITAN COFFEE SERVICE | 23.95 |
| 02/10/11 | MEM | CY-00106 | SNOW REMOVAL/EQUIP, OPER, LABOR | 00387 | T & M CONTRACTING CO., INC. | 4,590.00 |
| 02/10/11 | MEM | CY-00171 | TALLY COUNTERS FOR HOP BUSES | 00690 | STAN'S SPORT CENTER | 49.75 |
| 02/10/11 | MEM | 11-01973 | CAR WASH | 00806 | RIVERFRONT CAR WASH | 6.00 |
| 02/10/11 | MEM | 11-01881 | MAILING/COPYING SERVICES | 00894 | UNIVERSAL MAILING SERVICE | 3,925.52 |
| 02/10/11 | MEM | CY-00178 | BUS/CABMAPPER SERVICES 1/11 | 01134 | PARKINGMAPPER GROUP, INC. | 2,250.00 |
| 02/10/11 | MEM | CY-00214 | MEDICAL SERVICES/BUS DRIVER | 01297 | CONCENTRA | 60.00 |
| 02/10/11 | MEM | CY-00217 | SUPPLIES/SHUTTLE BUS | 01303 | DIAMOND MANUFACTURING INC | 452.00 |
| 02/10/11 | MEM | CY-00288 | PRINTING SERVICES - HOP | 01354 | MINUTEMAN PRESS - J.C. | 830.00 |
| 02/10/11 | MEM | 11-01882 | TAXI & LIMO PRINTING | 01804 | CONCEPT PRINTING INC. | 700.00 |
| 02/10/11 | MEM | CY-00418 | LD SERVICES | 01961 | AT&T (LD) | 197.36 |
| 02/10/11 | MEM | CY-00150 | REPAIRS HPU VEHICLES | 02202 | DAVES AUTO PARTS & ACCESSORIES | 1,486.26 |
| 02/10/11 | MEM | CY-00212 | REPAIRS - BLUE HOP | 02345 | ROBERT'S AND SON, INC. | 725.00 |
| 02/10/11 | MEM | CY-00149 | REPAIRS/GARAGE G DOOR | 02721 | BOB'S GLASS WORKS | 310.00 |
| 02/10/11 | MEM | 11-01995 | INK CARTRIDGES | 03030 | PITNEY BOWES, INC. | 145.31 |
| 02/10/11 | MEM | CY-00139 | PHONE MAINTENANCE 1/11 | 03342 | ENTERPRISE CONSULTANTS | 112.50 |
| 02/10/11 | MEM | CY-00290 | TRUCK #149 REPAIR | 04420 | DAVE'S AUTO REPAIR | 729.74 |
| 02/10/11 | MEM | CY-00140 | SERVICES/GARAGE G | 04555 | S & B PLUMBING & HEATING | 350.00 |
| 02/10/11 | MEM | CY-00306 | REPAIRS/GARAGE B | 04555 | S & B PLUMBING & HEATING | 165.00 |
| 02/10/11 | MEM | 11-01633 | SUPPLIES W. B. | 05307 | W. B. MASON CO., INC. | 247.18 |
| 02/10/11 | MEM | 11-01876 | SUPPLIES TAXI & LIMO DEPT | 05307 | W. B. MASON CO., INC. | 829.29 |
| 02/10/11 | MEM | 11-01998 | OFFICE FURNITURE | 05307 | W. B. MASON CO., INC. | 580.05 |
| 02/10/11 | MEM | CY-00291 | FUEL - HPU VEHICLES 12/10 | 05470 | EXXONMOBIL FLEET/GECC | 507.19 |
| 02/10/11 | MEM | CY-00155 | SEMINAR/JOE BUCINO | 05990 | RUTGERS-THE STATE UNIV OF NJ | 95.00 |
| 02/10/11 | MEM | CY-00148 | CALCIUM CHLORIDE | 06175 | ALL MAINTENANCE PRODUCTS, INC | 1,562.40 |
| 02/10/11 | MEM | CY-00346 | CALCIUM CHLORIDE PELLETS | 06175 | ALL MAINTENANCE PRODUCTS, INC | 781.20 |
| 02/10/11 | MEM | CY-00138 | TOWING/STORAGE | 06543 | MILE SQUARE TOWING | 2,257.25 |
| 02/10/11 | MEM | CY-00162 | MONITORING/INSPECTION | 07511 | HIGH TECH PROTECTIVE SVS. INC. | 639.02 |
| 02/10/11 | MEM | CY-00224 | GARAGE MAINTENANCE 12/10 | 07512 | CENTRAL PARKING SYSTEM | 84,918.00 |
| 02/10/11 | MEM | CY-00215 | PEO CERTIFICATION SEMINAR | 07519 | NEW JERSEY PARKING INSTITUTE | 855.00 |
| 02/10/11 | MEM | CY-00163 | PROGRAMMING SERVICES | 07798 | NETTECH SOLUTIONS LLC | 720.00 |
| 02/10/11 | MEM | CY-00289 | PROFESSIONAL SERVICES | 08010 | MARY C. BERGIN | 450.00 |
| 02/10/11 | MEM | CY-00213 | CYLINDER RENTAL - 11/20-12/20 | 08198 | 921 WELCO CGI GAS TECH LLC | 29.67 |
| 02/10/11 | MEM | CY-00160 | SUPPORT/MAINTENANCE 916 GARDEN | 08876 | UNITRONICS INC. | 11,500.00 |
| 02/10/11 | MEM | 11-01546 | SUPPLIES G&F ENTERPRISE | 09152 | G & F ENTERPRISE | 2,234.22 |
| | | | | | Total for Batch: MEM | 164,447.04 |
| 02/10/11 | MPG | 11-01869 | PRO. SERVICES MUNICIPAL GARAGE | 00031 | BOSWELL ENGINEERING | 83.00 |
| 02/10/11 | MPG | 11-01870 | PRO. SERVICES THROUGH 11/19/10 | 00031 | BOSWELL ENGINEERING | 8,861.25 |
| 02/10/11 | MPG | 11-02062 | ON CALL ENGR THROUGH 12/03/10 | 00031 | BOSWELL ENGINEERING | 6,075.15 |
| 02/10/11 | MPG | 11-01727 | PARK MAINT SUPPLIES 10,11/10 | 00077 | CITY PAINT AND HARDWARE | 178.74 |
| 02/10/11 | MPG | CY-00229 | BLACKTOP PATCH | 00077 | CITY PAINT AND HARDWARE | 727.44 |
| 02/10/11 | MPG | 11-01982 | REPAIR PARTS SWPR #101 | 00230 | BEYER BROTHERS CORP. | 268.43 |
| 02/10/11 | MPG | 11-01993 | REPAIR SALT PLOW #194 | 00230 | BEYER BROTHERS CORP. | 1,600.09 |
| 02/10/11 | MPG | 11-01350 | EX FANS BATHROOM CHURCH SQ. PK | 00269 | FCA LIGHTING | 2,000.00 |
| 02/10/11 | MPG | 11-01829 | HOLIDAY CRAFT FAIR AD | 00693 | NORTH JERSEY MEDIA GROUP | 435.84 |

| Rcvd Date | Batch Id | PO # | Description | Vendor | Amount | Contract |
|-----------|----------|----------|--------------------------------|--------|---------------------------------|------------|
| 02/10/11 | MPG | 11-00040 | 7-12/10 VISION | 00700 | VISION SERVICE PLAN, INC. | 10,498.82 |
| 02/10/11 | MPG | CY-00037 | CY2011 VISION INSURANCE | 00700 | VISION SERVICE PLAN, INC. | 10,441.18 |
| 02/10/11 | MPG | CY-00312 | REPAIR SNOW PLOW TRUCK #196 | 00794 | JENSON & MITCHELL | 1,218.84 |
| 02/10/11 | MPG | 11-01535 | FULL SERVICE CAR WASH | 00806 | RIVERFRONT CAR WASH | 6.00 |
| 02/10/11 | MPG | 11-01596 | CAR WASH SERV CG 10/10 | 00806 | RIVERFRONT CAR WASH | 18.00 |
| 02/10/11 | MPG | 11-01890 | FULL SERVICE CAR WASH | 00806 | RIVERFRONT CAR WASH | 6.00 |
| 02/10/11 | MPG | 11-00815 | REPAIRS/SUPPLIES 9-12/10 | 01185 | MATERA'S NURSERY | 553.60 |
| 02/10/11 | MPG | 11-01991 | REPAIR COPIER CENTRAL GARAGE | 01400 | EXECUTIVE BUSINESS MACHINES | 226.00 |
| 02/10/11 | MPG | 11-01219 | NEW LIGHTS IN ZONING OFFICE | 01406 | FACILITY SOLUTIONS GROUP | 750.00 |
| 02/10/11 | MPG | 11-01841 | MEDICARE PART "D" SUBSIDY | 01463 | PART D ADVISORS, INC. | 92,234.12 |
| 02/10/11 | MPG | CY-00335 | MECHANIC CNSLT SNOW 1/19-29/11 | 01497 | EURELIS A. PEGUERO | 4,200.00 |
| 02/10/11 | MPG | CY-00182 | REIMBURSEMENT SNOW PLOWING | 01500 | LINCOLN PROPERTY COMPANY, INC. | 321.00 |
| 02/10/11 | MPG | CY-00181 | HOLIDAY DECOR CITY HALL | 01552 | TREE BARN | 590.00 |
| 02/10/11 | MPG | 11-01719 | ADVERTISEMENT CRAFT FAIR | 02482 | VILLAGE VOICE MEDIA, INC. | 500.00 |
| 02/10/11 | MPG | 11-00024 | 7-12/10 CH MAINT | 03342 | ENTERPRISE CONSULTANTS | 408.00 |
| 02/10/11 | MPG | 11-00999 | OFFICE SUPPLIES ENV. SERVICES | 05307 | W. B. MASON CO., INC. | 70.55 |
| 02/10/11 | MPG | 11-01716 | INK CARTRIDGES B&W/COLOR | 05307 | W. B. MASON CO., INC. | 82.45 |
| 02/10/11 | MPG | 11-01840 | OFFICE SUPPLIES | 05307 | W. B. MASON CO., INC. | 68.00 |
| 02/10/11 | MPG | CY-00017 | CY2011 COPIER/PRINTER SUPPLIES | 05307 | W. B. MASON CO., INC. | 339.93 |
| 02/10/11 | MPG | 11-01824 | VEHICLE PROGRAM CENTRAL GARAGE | 06288 | MITCHELL1 | 2,856.00 |
| 02/10/11 | MPG | 11-00008 | 7-12/10 TOWING | 06543 | MILE SQUARE TOWING | 260.00 |
| 02/10/11 | MPG | CY-00006 | CY2011 TOWING SERVICES | 06543 | MILE SQUARE TOWING | 655.00 |
| 02/10/11 | MPG | 11-01710 | Stale Dated Check #1014 | 06602 | ANGELINA LEDESMA | 117.00 |
| 02/10/11 | MPG | CY-00385 | OFFICE ASSISTANCE | 06677 | STEPHANIE SASSOLA | 97.50 |
| 02/10/11 | MPG | CY-00012 | CY2011 LIABILITY INS PREM | 06739 | GARDEN STATE MUNI. JOINT INSURA | 623,857.00 |
| 02/10/11 | MPG | CY-00339 | PETTY CASH | 07064 | CHIEF RICHARD BLOHM | 300.00 |
| 02/10/11 | MPG | CY-00020 | CY2011 LD/TOLL SERV | 07601 | COOPERATIVE COMMUNICATIONS, INC | 806.94 |
| 02/10/11 | MPG | 11-02056 | CRAFT FAIR ASSISTANCE | 09970 | CHRIS MARIN | 22.75 |

Total for Batch: MPG 771,734.62

Total for Date: 02/10/11 Total for All Batches: 982,394.54

| | Batch Id | Batch Total |
|-----------------------|----------|--------------|
| Total for Batch: | CHRIS | 112,752.44 |
| Total for Batch: | MEM | 164,447.04 |
| Total for Batch: | MPG | 771,734.62 |
| Total Of All Batches: | | ===== |
| | | 1,048,934.10 |

| Fund Description | Fund | Budget Total | Revenue Total |
|----------------------|------|--------------|---------------|
| CURRENT FUND | 0-01 | 187,946.75 | 0.00 |
| PARKING UTILITY FUND | 0-31 | 125,268.12 | 0.00 |
| Year Total: | | 313,214.87 | 0.00 |
| CURRENT FUND | 1-01 | 649,466.91 | 0.00 |
| PARKING UTILITY FUND | 1-31 | 39,178.92 | 0.00 |
| Year Total: | | 688,645.83 | 0.00 |
| GRANT FUND | G-02 | 1,619.00 | 0.00 |
| | G-55 | 3,834.00 | 0.00 |
| Year Total: | | 5,453.00 | 0.00 |
| TRUST FUND & OTHER | T-03 | 17,556.39 | 0.00 |
| | T-13 | 1,020.56 | 0.00 |
| Year Total: | | 18,576.95 | 0.00 |
| Total Of All Funds: | | 1,025,890.65 | 0.00 |

| Project Description | Project No. | Project Total |
|-------------------------------|-------------|---------------|
| 711 - 717 GRAND STREET | 010563 | 3,962.00 |
| 202 BLOOMFIELD STREET | 292777 | 517.50 |
| 226 Park Avenue | 292794 | 553.00 |
| 1316 WILLOW AVENUE | 292800 | 5,418.00 |
| 314 MONROE STREET | 292809 | 756.00 |
| 89-91 JEFFERSON STREET | 292810 | 3,388.00 |
| 401 - 403 1st Street | 292835 | 332.50 |
| 300 WASHINGTON STREET | 292841 | 142.50 |
| 615 MONROE STREET | 292843 | 335.00 |
| 78 JEFFERSON STREET | 292847 | 335.00 |
| 734 - 738 WILLOW AVE | 292850 | 140.00 |
| 1201 - 1222 WASHINGTON STREET | 292859 | 315.00 |
| 517 GARDEN STREET | 292860 | 280.00 |
| 1714 WILLOW AVENUE | 292861 | 3,220.50 |
| 313 - 315 FIRST STREET | 45184 | 490.00 |
| 313 JACKSON STREET | 45203 | 2,858.45 |
| | | ===== |
| Total Of All Projects: | | 23,043.45 |

Amendment

Rcvd Batch Id Range: CHRIS to CHRIS Rcvd Date Start: 02/14/11 End: 02/14/11 Report Format: Condensed

Rcvd Date Batch Id PO # Description Vendor Amount Contract

02/14/11 CHRIS CY-00670 1st QTR LIBRARY TEMPORARY BGT 02914 HOBOKEN PUBLIC LIBRARY 586,250.44

Total for Batch: CHRIS 586,250.44

Total for Date: 02/14/11 Total for All Batches: 586,250.44

Amendment

| Batch Id | Batch Total |
|----------|-------------|
|----------|-------------|

Total for Batch: CHRIS 586,250.44

Total Of All Batches: 586,250.44

Amendment

| Fund Description | Fund | Budget Total | Revenue Total |
|---------------------|------|--------------|---------------|
| CURRENT FUND | 1-01 | 586,250.44 | 0.00 |
| Total Of All Funds: | | ===== | ===== |
| | | 586,250.44 | 0.00 |

CITY OF HOBOKEN
REDEMPTION LISTING
2/15/2011

| Account | Account Description | P.O. Id | Vendor Name | Amount |
|-----------------|--------------------------------------|----------------|-------------------------------|----------------------|
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | 11-02059 | MUP-2000 INVESTMENTS | \$ 1,952.50 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00112 | PAM INVESTORS | \$ 682.72 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00113 | PAM INVESTORS | \$ 724.31 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00114 | PAM INVESTORS | \$ 724.31 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00115 | FIDELITY TAX, LLC | \$ 19,904.28 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00115 | FIDELITY TAX, LLC | \$ 100.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00116 | ISAAC MORADI | \$ 401.31 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00117 | YOSIF KOROGODSKY | \$ 1,839.18 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00117 | YOSIF KOROGODSKY | \$ 400.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00118 | US BANK CUST FOR CCTS CAPITAL | \$ 16,100.42 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00118 | US BANK CUST FOR CCTS CAPITAL | \$ 3,500.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00119 | TOWER LIEN LLC | \$ 14,071.01 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00119 | TOWER LIEN LLC | \$ 13,900.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00120 | JMAM INVESTMENT | \$ 12,281.70 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00120 | JMAM INVESTMENT | \$ 10,100.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00121 | JMAM INVESTMENT | \$ 7,039.73 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00121 | JMAM INVESTMENT | \$ 2,900.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00123 | ZAK'S ENTERPRISE, INC. | \$ 684.31 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00126 | PAM INVESTORS | \$ 726.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00127 | PAM INVESTORS | \$ 726.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00128 | PAM INVESTORS | \$ 726.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00129 | PAM INVESTORS | \$ 726.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00130 | PAM INVESTORS | \$ 726.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00131 | ZAK'S ENTERPRISE, INC. | \$ 686.17 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00235 | YOSIF KOROGODSKY | \$ 3,503.32 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00235 | YOSIF KOROGODSKY | \$ 500.00 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00238 | ISAAC MORADI | \$ 13,932.58 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00240 | PAM INVESTORS | \$ 70.49 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00379 | MED NET, INC. | \$ 1,653.94 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00380 | MUP-2000 INVESTMENTS | \$ 7,003.90 |
| T-03-40-000-033 | Reserve for Tax Collector REDEMPTION | CY-00381 | LANDICO REALTY, INC. | \$ 839.28 |
| T-03-40-000-034 | Reserve Tax Collector's PREMIUM | CY-00381 | LANDICO REALTY, INC. | \$ 500.00 |
| | | | | <u>\$ 139,626.31</u> |

RESOLVED, THAT WARRANTS DRAWN ON THE CITY TREASURER, TO THE ORDER OF THE CITY TREASURER, IN PAYMENT OF SERVICES OF OFFICERS AND EMPLOYEES OF THE CITY OF HOBOKEN, FOR THE PERIOD:

| 20-Jan-11 | TO | 02-Feb-11 | Paydate | 2/9/2011 | |
|------------------------|-----------------------|-------------------------|---------------------|-----------------------|------------------|
| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (11)</u> | <u>O/T PAY (14)</u> | <u>OTHER PAY (11)</u> | <u>TOTAL PAY</u> |
| PERSONNEL | 1-01-20-105 | 9,141.96 | 0.00 | 0.00 | 9,141.96 |
| MAYOR'S OFFICE | 1-01-20-110 | 9,155.78 | 0.00 | 0.00 | 9,155.78 |
| CITY COUNCIL | 1-01-20-111 | 8,445.45 | 0.00 | 0.00 | 8,445.45 |
| BUS ADMINISTRATOR | 1-01-20-112 | 8,637.81 | 0.00 | 0.00 | 8,637.81 |
| ABC BOARD | 1-01-20-113 | 0.00 | 0.00 | 153.75 | 153.75 |
| PURCHASING | 1-01-20-114 | 5,456.86 | 0.00 | 0.00 | 5,456.86 |
| GRANTS MANAGEMENT | 1-01-20-116 | 0.00 | 0.00 | 0.00 | 0.00 |
| CITY CLERK'S OFFICE | 1-01-20-120 | 14,959.08 | 2,124.64 | 0.00 | 17,083.72 |
| ELECTIONS | 1-01-20-122 | 0.00 | 0.00 | 0.00 | 0.00 |
| FINANCE OFFICE | 1-01-20-130 | 24,231.40 | 0.00 | 0.00 | 24,231.40 |
| ACCOUNTS/CONTROL | 1-01-20-131 | 0.00 | 0.00 | 0.00 | 0.00 |
| PAYROLL DIVISION | 1-01-20-132 | 0.00 | 0.00 | 0.00 | 0.00 |
| TAX COLLECTION | 1-01-20-145 | 8,848.81 | 0.00 | 1,125.00 | 9,973.81 |
| ASSESSOR'S OFFICE | 1-01-20-150 | 13,494.27 | 0.00 | 0.00 | 13,494.27 |
| CORPORATE COUNSEL | 1-01-20-155 | 11,987.88 | 0.00 | 0.00 | 11,987.88 |
| COMMUNITY DEVELOPMENT | 1-01-20-160 | 3,980.77 | 0.00 | 0.00 | 3,980.77 |
| TREASURER | 1-01-20-146 | 0.00 | 0.00 | 0.00 | 0.00 |
| PLANNING BOARD | 1-01-21-180 | 5,865.00 | 298.55 | 0.00 | 6,163.55 |
| INFORMATION TECHNOLOGY | 1-01-20-147 | 4,305.46 | 4,298.63 | 0.00 | 8,604.09 |
| ZONING OFFICER | 1-01-21-186 | 7,056.19 | 0.00 | 0.00 | 7,056.19 |
| HOUSING INSPECTION | 1-01-21-187 | 5,489.84 | 486.12 | 0.00 | 5,975.96 |
| CONSTRUCTION CODE | 1-01-22-195 | 21,863.88 | 0.00 | 0.00 | 21,863.88 |
| POLICE DIVISION | 1-01-25-241 | 523,934.72 | 29,489.18 | 2,465.30 | 555,889.20 |
| CROSSING GUARDS | 1-01-25-241 | 9,985.73 | 0.00 | 0.00 | 9,985.73 |
| EMERGENCY MANAGEMENT | 1-01-25-252 | 4,437.50 | 2,832.00 | 250.00 | 7,519.50 |

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (01)</u> | <u>O/T PAY (02)</u> | <u>OTHER PAY (01)</u> | <u>TOTAL PAY</u> |
|-------------------------|-----------------------|-------------------------|---------------------|-----------------------|------------------|
| FIRE DIVISION | 1-01-25-266 | 414,413.89 | 45.44 | 9,005.92 | 423,465.25 |
| STREETS AND ROADS | 1-01-26-291-011 | 22,685.39 | 6,631.96 | 1,000.00 | 30,317.35 |
| ENV SRVCS DIR OFFICE | 1-01-26-290 | 9,973.76 | 0.00 | 0.00 | 9,973.76 |
| RECREATION SEASONAL EMP | 1-0128370016 | 2,905.00 | 0.00 | 337.50 | 3,242.50 |
| CENTRAL GARAGE | 1-01-26-301 | 3,199.00 | 3,751.69 | 0.00 | 6,950.69 |
| SANITATION | 1-01-26-305 | 26,777.99 | 4,714.83 | 525.00 | 32,017.82 |
| LICENSING DIVISION | 1-31-55-501-101 | 3,732.34 | 0.00 | 0.00 | 3,732.34 |
| HUMAN SRVCS DIR OFFICE | 1-01-27-330 | 6,668.07 | 0.00 | 0.00 | 6,668.07 |
| BOARD OF HEALTH | 1-01-27-332 | 18,632.69 | 0.00 | 0.00 | 18,632.69 |
| CONSTITUENT SRCS | 1-01-27-333 | 0.00 | 0.00 | 0.00 | 0.00 |
| SENIOR CITIZENS | 1-01-27-336 | 16,072.83 | 0.00 | 0.00 | 16,072.83 |
| RENT STABILIZATION | 1-01-27-347 | 7,352.96 | 0.00 | 0.00 | 7,352.96 |
| TRANSPORTATION | 1-01-27-348 | 0.00 | 0.00 | 0.00 | 0.00 |
| RECREATION | 1-01-28-370 | 13,506.88 | 0.00 | 30.00 | 13,536.88 |
| PARKS | 1-01-28-375 | 18,362.16 | 1,955.58 | 0.00 | 20,317.74 |
| PUBLIC PROPERTY | 1-01-28-377 | 29,114.98 | 3,306.16 | 1,924.00 | 34,345.14 |
| PUBLIC LIBRARY | 1-0129-390-021 | 0.00 | 0.00 | 0.00 | 0.00 |
| PUBLIC DEFENDER | 1-01-43-495 | 2,623.81 | 0.00 | 0.00 | 2,623.81 |
| MUNICIPAL COURT | 1-01-43-490 | 38,301.77 | 0.00 | 0.00 | 38,301.77 |
| PARKING UTILITY | 1-31-55-501-101 | 78,568.46 | 15,515.90 | 1,250.00 | 95,334.36 |
| MUN COURT OVERTIME | T-0340000-037 | 0.00 | 2,355.48 | 0.00 | 2,355.48 |
| GRANT# | T0340000004 | 112.50 | 0.00 | 0.00 | 112.50 |
| GRANT# | G-02-44-701-380 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT# | G-02-44-701-392 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT# | T-03-40-000-003 | 0.00 | 0.00 | 0.00 | 0.00 |
| FIRE EDUCATION | T-13-10-000-000 | 0.00 | 379.44 | 0.00 | 379.44 |
| CULTURAL AF AFFAIRS | 1-01-271-760-11 | 2,961.54 | 0.00 | 0.00 | 2,961.54 |

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>REGULAR PAY (01)</u> | <u>O/T PAY (02)</u> | <u>OTHER PAY (01)</u> | <u>PAY</u> |
|------------------------------|---------------------------|-----------------------------|-------------------------|---------------------------|--------------|
| OTHER: | | | | | |
| SALARY SETTLEMENT | 1-01-36-479-000 | 0.00 | 0.00 | 66,706.36 | 66,706.36 |
| POLICE OUTSIDE EMPL. | T-03-40-000-006 | 0.00 | 0.00 | 22,457.50 | 22,457.50 |
| RESERVE FOR POAA | T-03-40-000-032 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRANT | G-02-44-701-310 | 0.00 | 0.00 | 0.00 | 0.00 |
| POLICE HOUSING AUTHORITY OEP | 1-01-25-241-017 | 0.00 | 0.00 | 0.00 | 0.00 |
| GRAND TOTAL | | 1,417,244.41 | 78,185.60 | 107,230.33 | 1,602,660.34 |
| | | | | | 1,602,660.34 |

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

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT
WITH HUTCHINS, FERRAIOLI, WIELKOTZ, CERNILO & CUVA, P.A.
FOR GENERAL MUNICIPAL AUDITING SERVICES FROM JANUARY 1,
2011 TO DECEMBER 31, 2011 IN AN AMOUNT NOT TO EXCEED EIGHTY
THOUSAND (\$80,000.00) DOLLARS**

WHEREAS, the City put out an RFP for auditing services, pursuant to Article I of Chapter 20A of the Hoboken City Code, which Ferraioli, Wielkatz, Cernilo & Cuva, P.A. responded to by proposal dated January 20, 2011; and,

WHEREAS, Ferraioli, Wielkatz, Cernilo & Cuva, P.A. 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,

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, funds will be available for this purpose after adoption of the CY 2011 budget.

NOW THEREFORE, BE IT RESOLVED that a professional services contract be authorized in an amount not to exceed Eighty Thousand (\$80,000.00) Dollars with the firm of **Ferraioli, Wielkatz, Cernilo & Cuva, P.A.** for general auditing services for a one year term commencing January 1, 2011 and expiring December 31, 2011; and,

BE IT FURTHER RESOLVED that this firm shall bill the City in accordance with its proposal, dated January 20, 2010, attached hereto; 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.

Meeting Date: February 16, 2011

Approved:

Approved as to Form:

**Arch Liston
Business Administrator**

**Mark A. Tabakin, Esq.
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 \$80,000.00 is available in the following appropriations:

O/E Annual Audit
10120135020

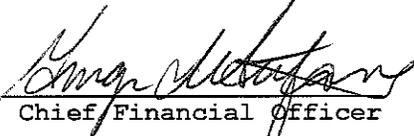
These funds, the amount within the proposed CY 2011 budget, are sufficient to meet the contractual commitment providing for:

**GENERAL MUNICIPAL AUDITING SERVICES FROM
JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

For payment to be submitted to the following contractor:

Ferraioli, Weilkotz, Cernilo & Cuva, P.A.
401 Wanaque Avenue
Pompton Lakes, New Jersey 07442-1804

I further certify that, subject to adoption of the CY 2011 budget, this commitment together with all previously made commitments do not exceed the appropriation balance available for this purpose.


Chief Financial Officer

Date: 2/14/2011

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

**RESOLUTION AUTHORIZING APPOINTMENT OF WALLACE ROBERTS
AND TODD, LLC AS PROFESSIONAL PLANNER FOR THE
REDEVELOPMENT AT HOBOKEN TERMINAL AND RAIL YARDS**

WHEREAS, the City put out an RFP for professional redevelopment planning services, pursuant to Article I of Chapter 20A of the Hoboken City Code, which Wallace Roberts and Todd, LLC responded to by proposal dated September 27, 2010; and,

WHEREAS, Wallace Roberts and Todd, LLC 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) prior to the City entering into any binding contract for said services; 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, funds have not been appropriated by the City Council for said services, but the City Council wishes to appoint the above mentioned planner subject to appropriation of funds.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby appoints Wallace Roberts and Todd, LLC as the professional redevelopment planner for the redevelopment plans at Hoboken Terminal and Rail Yards, and a professional services contract shall be authorized when and if the City Council appropriates the necessary funds to fund these professional services;

BE IT FURTHER RESOLVED, that the City Council shall authorize a contract consistent with Wallace Roberts and Todd, LLC’s proposal and any subsequent negotiations upon certification, which may occur only after the City Council appropriates the necessary funds to finance the project; 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.

Meeting Date: February 16, 2011

Approved:

**Arch Liston
Business Administrator**

Approved as to Form:

**Mark A. Tabakin, Esq.
Corporation Counsel**

CITY OF HOBOKEN
Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

MEMORANDUM

DATE: February 4, 2011

TO: Hoboken City Council

CC: Dawn Zimmer, Mayor
Arch Liston, Business Administrator
Mark Tabakin, Corporation Counsel

FROM: Brandy Forbes, Community Development Director *BF*

RE: Redevelopment Planner Professional Service Contract - Hoboken Terminal & Rail Yards

Per the NJ Redevelopment and Housing Law, the City shall undertake the preparation of a redevelopment plan for a designated redevelopment area. Since the Hoboken Terminal and Rail Yards has been designated an area in need of redevelopment, the next step is to prepare a redevelopment plan for the site.

The City issued a Request for Qualifications earlier this fall that were due on September 27, 2010. The submittals were distributed to a review team, including the City Council's Planning, Zoning and Economic Development Subcommittee, the Community Development Director, a member of the Quality of Life Coalition who also is on the City's Green Team, and a member of a community Task Force that was established to address this particular project. The review team held two meetings to go through the submittals and narrow down the list, using a range of criteria relevant to this project. The review team selected four of the consultant groups to invite for interviews. The interviews were held in late December and early January.

Following the interviews, the City provided a scope of work for the four firms to submit cost proposals. As you are aware, NJ Transit has requested that the City consider a phased approach to the redevelopment plan in order to address their immediate situation with a potential tenant. Thus, we prepared two scopes of work for the firms to submit cost estimates—one for the full site redevelopment plan, and one for the Phase I site that is adjacent to the Hoboken Terminal.

In addition to getting the cost proposals, I followed up with contacting references for each of the firms. The responses were very thorough and helpful in the process of the final evaluation of the firms. The review team reconvened on Thursday, February 3, 2011 to review all of the documents, cost proposals and references in order to make a recommendation on the preferred planning firm. After lengthy discussion and consideration of several criteria, the review team unanimously agreed to recommend Wallace Roberts & Todd, LLC for the planner to conduct the redevelopment plan for the Hoboken Terminal and Rail Yards Redevelopment Area. Their proposal documents and cost proposal are attached to this memo for your review.

As I had informed you previously, the City may present the redevelopment plan in multiple phases. NJ Transit has requested that a redevelopment plan for Phase I be completed first. The City Council's Planning, Zoning and Economic Development Subcommittee agreed at the meeting on February 3rd to recommend awarding the contract to Wallace Roberts & Todd, LLC to conduct the redevelopment plan for the Phase I scope of work (see attached) for an amount not to exceed \$77,000.00. A resolution for such will be on the agenda for the February 16, 2011 City Council meeting for consideration.

If you have any questions regarding the submittals, presentation materials, responses from references or the process in general, please feel free to call or email me. Thank you.

CITY OF HOBOKEN

Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

RECEIPT OF RFQ DOCUMENTATION

RFQ Title: Planner for Hoboken Terminal and Rail Yards Redevelopment Plan
Date: Original due date September 2, 2010—Extended to September 27, 2010
Time: 4:00 p.m.
Location: Community Development Director Office

At 4:00 p.m. on September 27, 2010, I collected the RFQs for submittal on the above titled project, including those that had been submitted by the previous September 2, 2010 deadline yet unopened. There were 11 proposals submitted from the following vendors:

PROPOSALS RECEIVED ON SEPT 2nd TO BE CONSIDERED

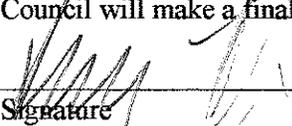
1. Regional Plan Association
2. Jonathan Rose Companies
3. BFJ Planning
4. Richard A Alaimo
5. Group Melvin Design
6. Hever Gruel & Associates PA
7. CME Associates
8. Remington & Vernick Engineers and Affiliates

PROPOSALS RECEIVED ON SEPT 27th TO BE CONSIDERED

9. McCormick Taylor
10. SHoP
11. Wallace Roberts & Todd

Beacon Planning and Consulting Services, LLC submitted on SEPT 2nd, but when the extended deadline was announced they subsequently submitted written correspondence that they were withdrawing their firm from consideration. Thus, they are not in consideration.

Please let it be noted that the City will be reviewing the proposals in the near future and City Council will make a final decision at a future date.



Signature
Brandy Forbes
Name

10/1/10

Date
Community Development Director
Title

NJ TRANSIT SCOPE OF WORK PHASE I

Evaluation of Site Conditions and Constraints

The City will coordinate obtaining site information from NJ Transit regarding developable area, site development constraints, geotechnical and environmental information, existing infrastructure, and other relevant information regarding the Phase I site (see map).

The consultant will evaluate the existing documentation provided by NJ Transit, tax maps, existing land use and development plans, neighborhood character, infrastructure and circulation, and other pertinent information.

Visioning & Consensus Building Meetings

The consultant should anticipate meetings and coordination on visioning and consensus building as follows:

Internal

- Meetings with City officials throughout the project as needed (a minimum of four (4) such meetings).
- The City will be coordinating with the studio class hosted by NJ Transit on data collection for the use of the terminal. It is expected that the consultant will coordinate with the class in order to utilize this information in the preparation of the redevelopment plan.

Stakeholders

- One-on-one interviews with individual stakeholder groups (estimated 4 stakeholder groups).
- Meetings of stakeholder committee throughout the public process - consisting of representatives from multiple stakeholder groups, including NJ Transit and LCOR (a minimum of three (3) such meetings). The consultant will be required to prepare the presentation and interactive materials for these meetings.

Public Outreach

- Coordinating dissemination of project information and meeting notices to the public. Innovative, effective, and low cost methods are encouraged.

Community Meetings

- Meetings with the public to determine the vision for the redevelopment area, obtain feedback on options, and present the final vision (a minimum of three (3) such meetings).

Official Public Meetings

- One (1) presentation to the City Council of the draft redevelopment plan to be forwarded to the Planning Board after introduction.
- One (1) meeting with the Planning Board for review, questions, and recommendations on the redevelopment plan.
- One (1) official public hearing of the City in compliance with local regulation requiring such.
- Presentation to the City Council of the final redevelopment plan for their approval of such.

Exhibit/Mapping Preparation

Preparation of maps and exhibits for the various stakeholders and public community meetings. NJ Transit and LCOR have offered to allow their architect prepare and provide renderings/drawings for our purposes on this Phase I project at no additional cost to the City.

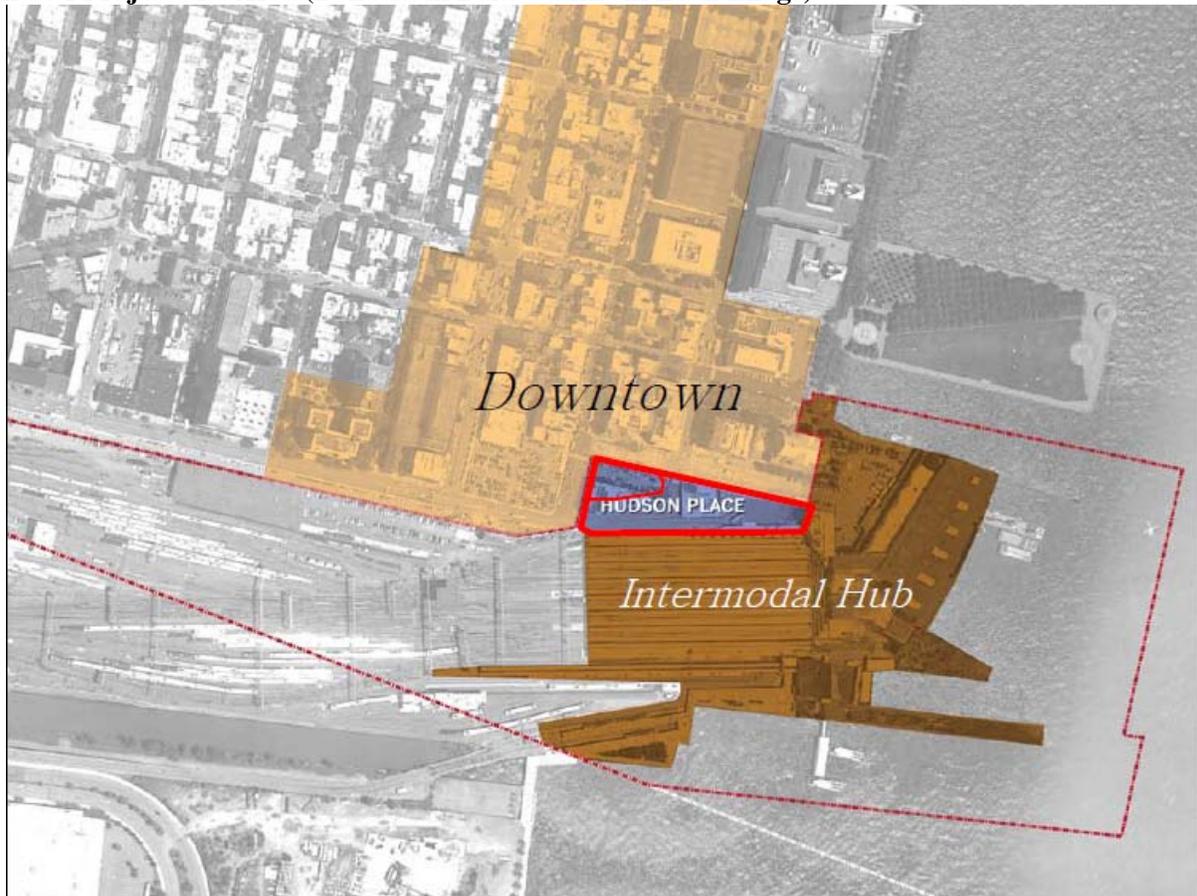
Economic Analysis

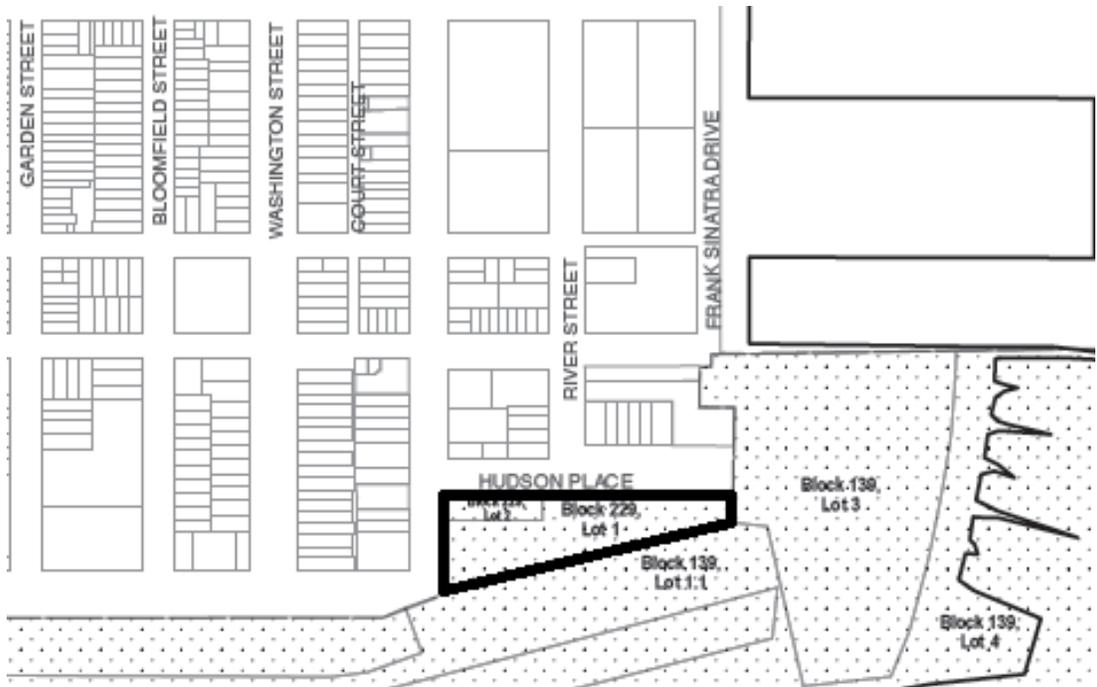
As the vision for the redevelopment is created, the consultant is to conduct an economic analysis of the proposed mix of uses to ensure the financial viability of a project derived from the draft redevelopment plan. This item should be noted as a separate line item in the cost proposal.

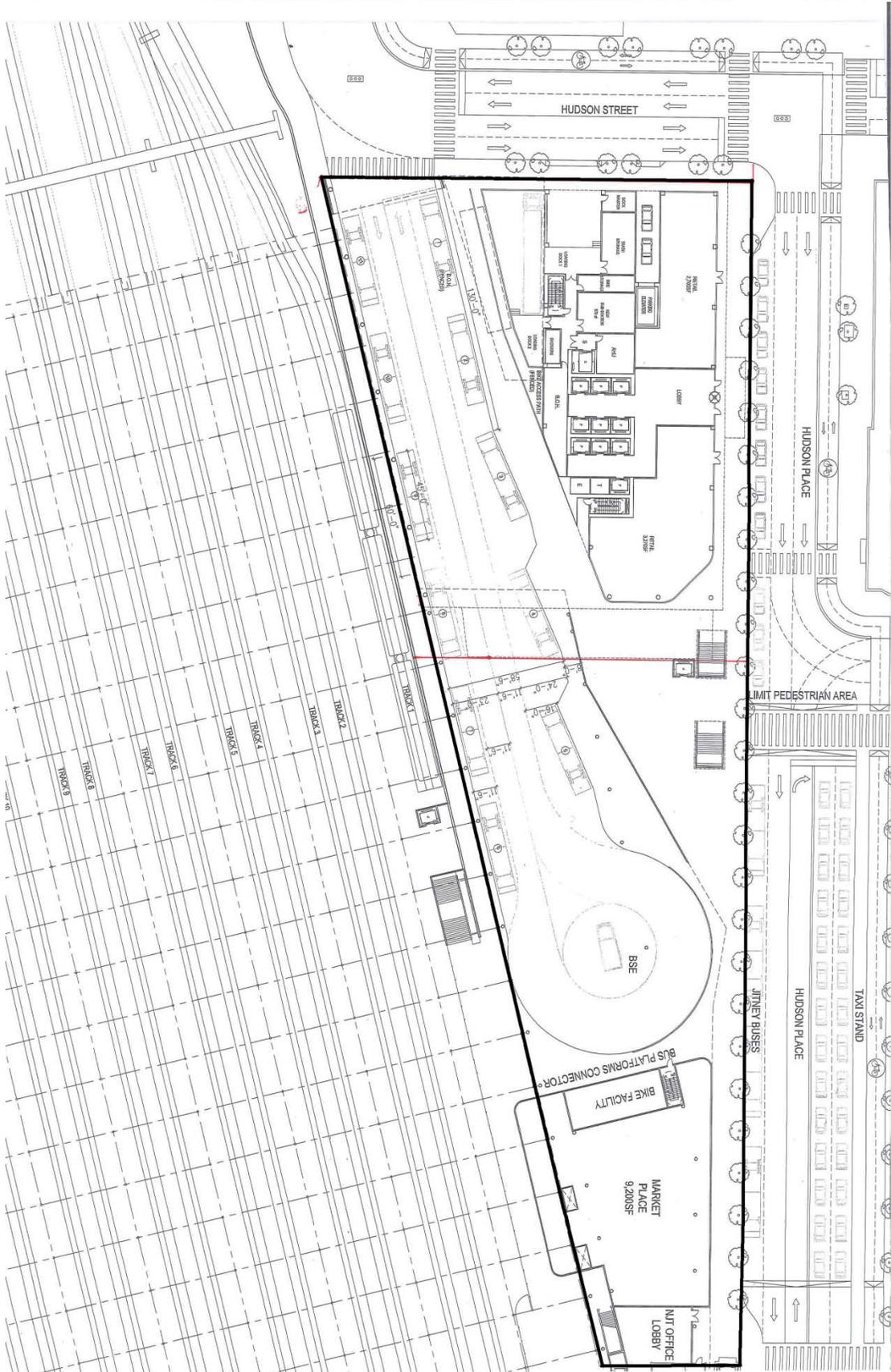
Redevelopment Plan Preparation

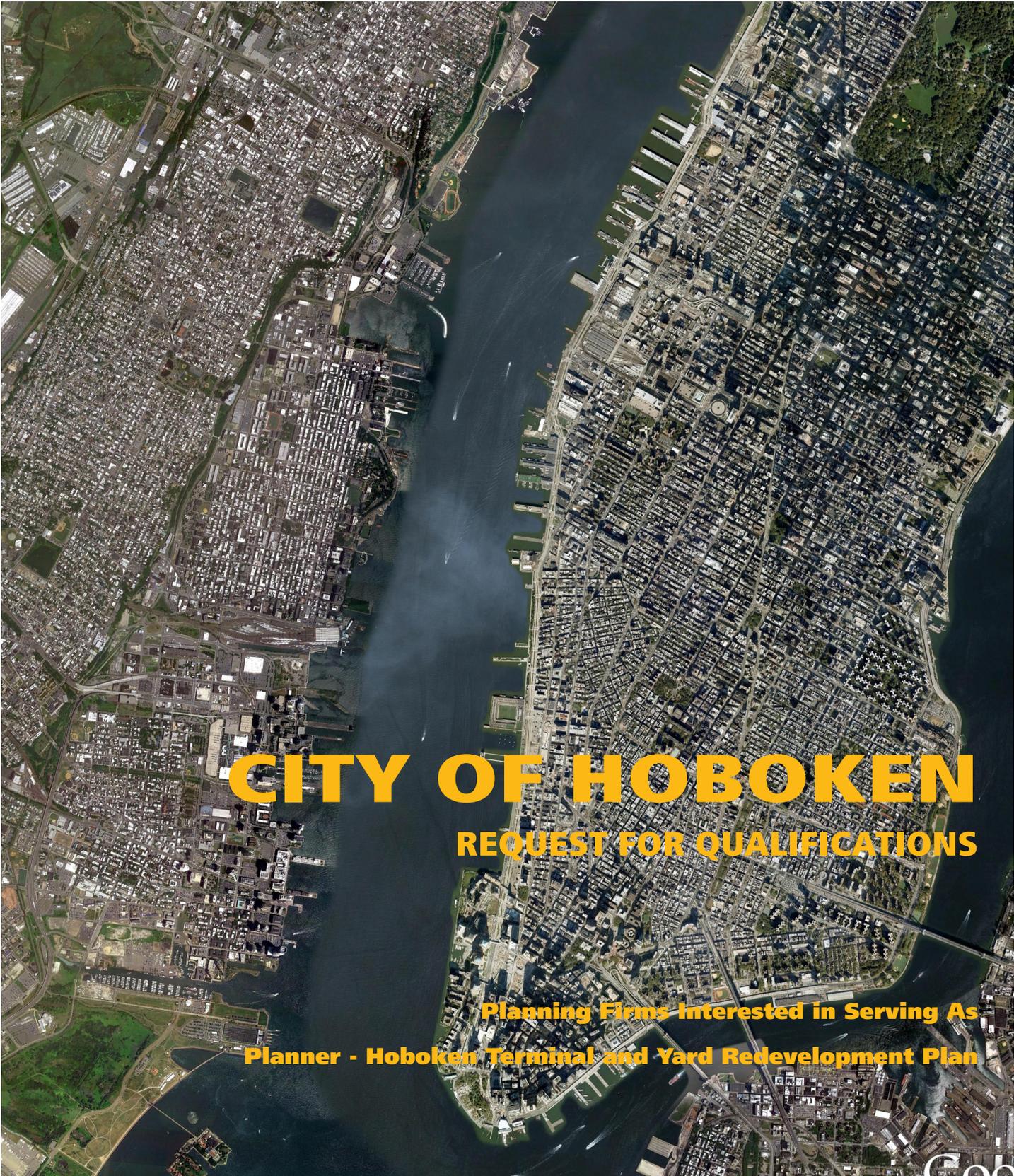
Once consensus is built around the vision for the redevelopment, the consultant is to write the redevelopment plan language, including necessary support documentation and images. This redevelopment plan should meet the requirements of the Local Redevelopment and Housing Law regarding the necessary elements of a redevelopment plan. The final document should be made available in a reproducible hard copy and a digital copy to be made available to the public via the City's website.

Phase I Project Site Area (Denoted in Bold Outline in Each Image)









CITY OF HOBOKEN

REQUEST FOR QUALIFICATIONS

**Planning Firms Interested in Serving As
Planner - Hoboken Terminal and Yard Redevelopment Plan**



Submitted by:
Wallace Roberts & Todd

9.27.2010

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11
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Baltimore Inner Harbor | Baltimore, MD | WRT

1

FIRM INTRODUCTION

Wallace Roberts & Todd, LLC was founded in 1963 as Wallace McHarg Roberts and Todd “for the practice of architecture, landscape architecture, urban and ecological planning.” Since its founding, WRT has grown to a multi-disciplinary nationwide practice with a reputation for environmental responsibility and professional excellence.

From the earliest days, WRT has been a planning leader. The first three projects the firm undertook remain milestones today: The Plan for the Valleys (recipient of APA’s Landmark Plan Award in 2009), the Master Plan for Baltimore’s Inner Harbor (winner of numerous awards), and the award-winning Lower Manhattan Plan. Indeed since its founding WRT has received more than 300 awards from national, state, and local organizations, including over 150 awards for planning. The firm has continued to build upon its legacy as a practice leader; over half of WRT’s 50 national planning awards have been won in the past decade, including six from APA, three from AIA, four from ASLA, five from CNU, and three from the Waterfront Center.

Innovation has been a hallmark of the firm’s planning practice. The development of the environmental planning method described in founding partner Ian McHarg’s Design with Nature and its application and acceptance throughout the world; the use of alternatives analysis during the NEPA compliance process to design major public investments, initially performed by the firm in the early 1970s during the preliminary engineering design of the Washington Metrorail System; the invention and application of the “susceptibility to change” analysis in urban planning; and the development of “values-based” planning and its application in numerous comprehensive planning assignments across the country, are significant examples of the influence of the firm’s planning practice.



Liberty Walk at Liberty State Park | Jersey City, NJ | WRT

The firm champions the idea of a collaborative practice, integrating planning with landscape architecture, urban design, and architecture, resulting in a broad understanding of the implications of city and regional planning for the built environment. Five decades of work have been grounded in two ethical stances. First is the belief that there are principles of planning that derive from nature. This belief is reflected in WRT's focus on sustainable planning and design. Second is the belief in the moral role and professional planner's responsibility as agent for the general public welfare, helping people to make our environments better places in which to live and work.



RiverWinds Community Center | West Deptford, NJ | WRT

WRT has extensive experience in New Jersey with waterfront redevelopment planning and design. The firm's projects include Wiggins waterfront park in Camden, Lincoln Harbor in Weehawken, the master plan for Liberty State Park and the design of Liberty Walk in Jersey City, the South Amboy Station Area Plan, the redevelopment of the Elizabethport neighborhood in Elizabeth, the design of the Atlantic City Convention Center and Rail Terminal, and Riverwinds in West Deptford. Principals in the firm are licensed to practice architecture and landscape architecture and are certified as Professional Planners in the State of New Jersey.

Understanding the Assignment

In October 2005 NJ Transit named LCOR as “Master Planner and Developer” for the 65-acre Hoboken Terminal Property. The site, one of the state’s mass transit hubs, has spectacular views of Manhattan, and is an obvious candidate for “transit-oriented development.”

Fifty-two acres of the property (including 16.29 acres under water) are located in the City of Hoboken; the balance is located in Jersey City. Approximately two years ago, redevelopment plans prepared by an architecture and planning firm hired by the City using funds provided by NJT and LCOR, were presented to the public. The plans, which included 9.25 million square feet of new development including an estimated 3,200 apartments and a line of 18-78-story buildings along Observer Highway, were heavily criticized in a public hearing in Hoboken. Citizens felt that the proposal was out of scale with Hoboken and inconsistent with the City’s 2003 Master Plan. In contrast, the portion of the NJT site in Jersey City, to the south of the Terminal and railyard, permits very dense development, without a height limit—a pattern of development that is consistent with the adjacent Newport development. But Hoboken clearly views itself as a place with a different scale and character. The purpose of this RFQ is to find a planning consultant that can work effectively with the City to develop a plan that is acceptable to the City and its citizens, NJ Transit, and LCOR.

Given the history of the past thirty years in Hoboken, it is not surprising that the most recent redevelopment plan met with “sarcasm, frustration and finally raw outrage” (Jersey Journal, September 28, 2008) at the public hearing two years ago.

In the 1980's the Port Authority of New York and New Jersey proposed a massive redevelopment of Hoboken Waterfront north of the Terminal, a plan that never came to fruition. What was ultimately adopted and developed was a more modest level of development, leaving the waterfront free for use as public open space. The City's 2003 Master Plan is also consistent with this vision of the city. The Master Plan refers to Hoboken as a "Historic Urban Village." How this is translated into a redevelopment plan for the Terminal is the key issue. It involves determination of appropriate building heights, massing, density, and image. Hoboken's existing character is dense, but with building heights that hover around six stories. Most of the historic, as well as the newer, buildings in Hoboken are masonry-not the shiny glass curtain walls conceptually represented in the Hoboken Terminal Master Plan of 2008.

This challenge-to develop a plan for the Terminal site that integrates well with the character of Hoboken-must be met with the active input of Hoboken's citizens, who tend to be involved and outspoken. The plan must also address economic realities facing LCOR, NJT and Hoboken. The 2008 redevelopment plan included public benefits of \$550 million, funds needed for a variety of public purposes such as street and utility improvements, affordable housing subsidies, and public open space. Balancing the cost of public improvements with development density will be needed in the new plan. Other impacts, related to traffic, parking and public transportation, will also need to be taken into account in finding an appropriate level of development program for the Terminal site.

2

PRINCIPLE PLACE OF BUSINESS AND ASSIGNED PLANNERS

Wallace Roberts & Todd, LLC

1700 Market Street, 28th Floor

Philadelphia, PA 19103

(215) 732-5215

(215) 732-2551

www.wrtdesign.com

3

PERSONNEL QUALIFICATIONS

The following WRT staff will be assigned to work with the City of Hoboken on this project. Resumes for each professional follow this page.

Ferdinando Micale, AICP, FAIA, PP

Principal in Charge

Yogesh Saoji, AICP, AIA, LEED AP

Project Manager

Senior Professional Resources

Richard Bartholomew, AICP, FAIA, PP – Urban Design

Antonio Fiol-Silva, AICP, FAIA, LEED AP – Green Building

Mami Hara, AICP, ALSA – Green Infrastructure

Staff Resources

Nancy Templeton, AICP, PP – Planner/Zoning Expert

Woo Kim, AICP, LEED AP – Planner/Urban Designer

Kyle Gradinger – Transportation Planner

David Witham – Urban Designer

Brian Michner – Architectural Designer



NANDO MICALE, FAIA, AICP, PP

PRINCIPAL / URBAN DESIGNER & PLANNER

ROLE ON PROJECT: PRINCIPAL IN CHARGE

As group leader for planning and urban design in WRT's Philadelphia office, Nando oversees a diverse practice that ranges from large-scale comprehensive planning to waterfront planning, suburban smart growth strategies, mixed-use and transit-oriented development, and urban infill projects. With over 20 years of professional experience, Nando's commitment to urbanism and environmentalism is the cornerstone of his practice. Educated as an architect and urban designer, his recent planning efforts include Omaha by Design—the urban design element of that city's master plan—transit-oriented development plans for Philadelphia's Port Authority and the award-winning Civic Vision for the Central Delaware Riverfront in Philadelphia.

EDUCATION

Master of Architecture
Harvard University

Bachelor of Architecture
Temple University

Rome Art & Architecture Program
Tyler School of Art

PROFESSIONAL EXPERIENCE

1994-present
Wallace Roberts & Todd

1991-1994
Harvard Planning Group

1992-1993
Chadborne & Associates

1992
Manchester Housing & Redevelopment

1984-1991
Lammy & Giorgio

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

The American Institute of Architects - Fellow
American Planning Association - APA / AICP
The Congress for the New Urbanism - CNU
The Waterfront Center – Executive Board Member
Urban Land Institute – ULI

REPRESENTATIVE PROJECTS

Pacific Court Community
Jersey City, NJ

PATCO TOD Master Plan Study
Camden County, NJ

Ironbound Gateway Master Plan
Newark, NJ

Riverside Neighborhood Master Plan
Newark, NJ

Roosevelt Plaza Redevelopment Plan
Camden, NJ

Elizabethport Development Handbook
Elizabeth, NJ

Harbor Station District Master Plan
Bayonne, NJ

Downtown Redevelopment Plan
Highland Park, NJ

APM Neighborhood Revitalization Plan
Philadelphia, PA

Paterson Waterfront Redevelopment Plan
Paterson, NJ

NJ Transit MLK Drive Station Area Plan
Jersey City, NJ

Lafayette Gardens Neighborhood Plan
Jersey City, NJ

Ferry Avenue Transit Plan
Camden, NJ



YOGESH SAOJI, AIA, AICP, LEED AP

ASSOCIATE / LANDSCAPE ARCHITECT

ROLE ON PROJECT: PROJECT MANAGER

Yogesh has more than a decade of combined experience in urban planning, urban design, and architecture. His experience includes working on master plans, campus plans, civic center master plans, open space restoration, neighborhood revitalization and various design guidelines, working with city and state governments, private sector and neighborhood associations. His academic and professional work has been consistently awarded. Yogesh brings unique ability to synthesize complex urban issues and problems with his background and experience in architecture, urban planning and design.

EDUCATION

Master of Community Planning
University of Cincinnati

Bachelor of Architecture
Nagpur University

PROFESSIONAL EXPERIENCE

2002-present
Wallace Roberts & Todd

2000-2002
Redstone Architects

1999
Intern Planner, University of Cincinnati

1996-1998
Rahul Mehrotra Associates

1993-1994
Arvind D. Saoji Architects

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

The American Institute of Architects
American Institute of Certified Planners
American Planning Association

REPRESENTATIVE PROJECTS

New Jersey Capital Park Master Plan
Trenton, NJ

Sector 21 Station TOD Plan
Dwarka, New Delhi, India

Market Street and Frankford Avenue
Corridor TOD Plans
Philadelphia, PA

Alexandria Landmark Van Dorn Area Plan
Alexandria, VA

Camden County Strategic Plan
Camden, NJ

Camden Strategic Revitalization Plan
and Capital Improvement Infrastructure
Master Plan
Camden, NJ

Roosevelt Manor/Centerville Neighborhood
Plan
Camden, NJ

Gloucester County Campus Master Plan
Gloucester County, NJ

South Jersey Technology Park Master Plan
Glassboro, NJ

New Township Concept Plan
Greater Noida, India



RICHARD W. BARTHOLOMEW, FAIA, AICP, PP

PRINCIPAL / URBAN DESIGNER / ARCHITECT / PLANNER

ROLE ON PROJECT: URBAN DESIGN

Richard is an urban designer, architect and planner with over 40 years of wide-ranging experience. He is the Director of WRT's Philadelphia Office and has served as Principal-in-Charge and directed major WRT assignments in comprehensive planning, major waterfront sites master planning, campus planning, and redevelopment site planning. From 1974 to 1992 he taught at the University of Pennsylvania's Graduate School of Fine Arts and has been on the faculty of the Wharton School's Real Estate Unit. He has served on the Board of Advisors of the Waterfront Center in Washington and is a Fellow of the American Institute of Architects, and the American Academy in Rome.

EDUCATION

Fellow in Architecture
American Academy in Rome

Research Student in Town
Planning
University of Cambridge

Master of Architecture
University of Pennsylvania

Bachelor of Architecture
University of Pennsylvania

PROFESSIONAL EXPERIENCE

1978-present
Wallace Roberts & Todd

1975-1978
The Kling Partnership

1972-1973
Brown and Goldfarb

1972-1973
Geddes Brecher Qualls Cunningham

1967-1971
David A. Crane and Associates

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

The American Institute of Architects Fellow
American Institute of Certified Planners
Licensed Professional Planner, NJ 2002, License # - 33LI00571100
National Council of Architectural Registration Boards, NCARB Certificate

REPRESENTATIVE PROJECTS

Hoboken Waterfront Development Plan
Hoboken, NJ

Hoboken Ferry Terminal Joint
Development Proposal
Hoboken, NJ

Bayonne MOT Development Proposal
Bayonne, NJ

Jersey City Master Plan
Jersey City, NJ

Harrison Redevelopment Area Plan
Harrison, NJ

Ft. Trumbull Peninsula Redevelopment Plan
New London, CT

Lincoln Harbor Master Plan
Weehawken, NJ

New Jersey Transit Transit System
Bergen County, NJ

Newark Economic Development, Land Use
and Transportation Plan
Newark, NJ

Paragon Park Master Plan
Toms River, NJ

Stevens Institute of Technology
Innovation Park
Hoboken, NJ



ANTONIO FIOL-SILVA, FAIA, AICP, LEED AP

PRINCIPAL / ARCHITECT / PLANNER / URBAN DESIGNER

ROLE ON PROJECT: GREEN BUILDING

Antonio has 24 years of practice in architecture, urban design and planning. His career encompasses a broad range of cross-disciplinary skills and experiences, with particular emphasis on project-specific master planning and implementation. He has a talent for applying his creative problem-solving approach to a wide range of projects that has earned him several national design awards, along with other recognition. Antonio has been responsible for the design and coordination of many other large and complex projects and has managed multiple interdisciplinary teams. He has a proven track record in the successful execution of various projects and initiatives in the fields of architecture, planning, urban design and management, both in the public and in the private sector.

EDUCATION

Master of Architecture in
Urban Design
Harvard University

Bachelor of Architecture
Cornell University

Fulbright Fellowship Program

PROFESSIONAL EXPERIENCE

1998-present

Wallace Roberts & Todd

1997-1998

Executive Director, Department of
Urbanism, City of San Juan, PR

1994-1997

Domenech Hicks & Krockmalnic

1994

Goody Clancy & Associates

1989-1992

Boston Redevelopment Authority

1985-1987

Bower Lewis Throver Architects

1983-1985

Wallace Roberts & Todd

1981-1983

The Kling Partnership

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

The American Institute of Architects Fellow

American Institute of Certified Planners

American Planning Association

National Council of Architectural Registration Boards

Urban Land Institute

REPRESENTATIVE PROJECTS

US House of Representatives Facilities Plan
and South Capitol District Master Plan
Washington, DC

Taller Puertorrique Market and
Development Study
Philadelphia, PA

Downtown Public Space Design
Charlottesville, VA

GMAEC/Tren Urbano
San Juan, PR

Boston Redevelopment Authority
Boston, MA

Department of Urbanism, City of San Juan
San Juan, PR

Newark Intl Airport Business Center
Newark, NJ

Phoenix Light Rail Transit System - Urban
Design Guidelines
Phoenix, AZ

City Hall Plaza/Roosevelt Park
Camden, NJ

Unity Plaza at Cityplace West
Dallas, TX



MAMI HARA, ASLA, AICP

PRINCIPAL / LANDSCAPE AND URBAN DESIGNER

ROLE ON PROJECT: GREEN INFRASTRUCTURE

Mami brings more than two decades of experience ranging from regional planning to project implementation, through all phases of physical planning and landscape design. Her career has focused on planning and design of large scale civic projects and planning for urban sustainability. Her work offers incisive research and analysis, effective sustainability frameworks, commitment to the highest level of quality and collaborative working processes. Mami collaborates with clients to integrate green infrastructure and urban development to enhance ecological function, economic health and civic life.

EDUCATION

Master of Landscape Architecture
Harvard University

Bachelor of Arts in Design of the
Environment
University of Pennsylvania

PROFESSIONAL EXPERIENCE

1997-present
Wallace Roberts & Todd

1996
Olson & Olson

1987-1995
Wallace Roberts & Todd

1978-1985
Kobo Group

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

American Society of Landscape Architects
American Institute of Certified Planners
Community Design Collaborative Board Member

REPRESENTATIVE PROJECTS

AMP Revitalization Plan
Philadelphia, PA

Central Delaware Vision Plan
Philadelphia, PA

Elizabethport Neighborhood Master Plan
Elizabeth, NJ

GreenPlan Philadelphia
Philadelphia, PA

Grove Street Transit Hub
Jersey City, NJ

Ironbound Neighborhood Open Space and

Recreation Planning
Newark, NJ

Liberty Walk / Liberty State Pak
Jersey City, NJ

North Camden Waterfront Park Plan
Camden, NJ

Philadelphia Water Dept Green
Infrastructure Program
Philadelphia, PA

Red Bank Waterfront Vision Plan
Red Bank, NJ

Water Resources Element
Recommendations for the
Valleys Planning Council
Baltimore County, MD

West Deptford Riverfront Master Plan
West Deptford, NJ



NANCY TEMPLETON, AICP, PP

ASSOCIATE / SENIOR PLANNER

ROLE ON PROJECT: PLANNER/ZONING EXPERT

Nancy brings more than 14 years of experience in the field of urban planning in a variety of fields. Her work has concentrated on community planning, comprehensive planning, zoning code revisions, design guidelines, transit-oriented development, and geographic information systems. Nancy has served as project director for WRT’s current and recent planning efforts in Upper Darby Township, PA, Upper Macungie, PA, and Somerset County, NJ.

EDUCATION

Master of City Planning
University of Pennsylvania

Bachelor of Science in Urban
Planning
Michigan State University

**PROFESSIONAL
EXPERIENCE**

1988-present
Wallace Roberts & Todd

1984-1988
Principal, The Collaborative, Inc

1978-1984
Principal, Dell R. Cook & Associates

1976-1978
Landscape Architect, RTKL
Associates, Inc.,

1975-1976
Landscape Architectural Designer
/Draftsperson, University of Virginia
Planning Office

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

Licensed Professional Planner in New Jersey, October, 2006, #33LI00594900
American Planning Association
American Institute of Certified Planners

REPRESENTATIVE PROJECTS

Action Plan to Rebuild New Orleans
New Orleans, LA

Lancaster County Growth
Management Plan
Lancaster County, PA

Somerset County TOD Development Study
Somerville, NJ

Lansdale Business Overlay District
Lansdale, PA

Containing Sprawl in New Jersey
Trenton, NJ

Schuylkill Valley Metro Station Area
Design Study
Philadelphia, PA

Lancaster County Land Use Study
Lancaster, PA

Kansas City Codes Revision
Kansas City, MO

Upper Darby Township Zoning Ordinance
Upper Darby, PA



WOO KIM, AICP, LEED AP

SENIOR ASSOCIATE / LANDSCAPE ARCHITECT

ROLE ON PROJECT: PLANNER/URBAN DESIGNER

Woo's education in architecture, planning and urban design as served him well in his work as an urban designer, working very successfully on several large-scale projects both nationally and internationally. He is particularly interested in inner-city revitalization and community and economic development. His architectural experience includes affordable housing, historic preservation, and institutional buildings. Woo's professional experience in planning includes neighborhood plans, site plans, redevelopment plans, campus master plans, and transit-oriented developments.

EDUCATION

Master in City Planning
University of Pennsylvania

Bachelor of Arts in Architecture
University of California at Berkeley

PROFESSIONAL EXPERIENCE

2004-present
Wallace Roberts & Todd

2003-2004
Jack L. Gordon Architects

2001-2003
Stephen Tilly Architect

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

American Institute of Certified Planners

REPRESENTATIVE PROJECTS

Montgomery Gardens Revitalization Plan
Jersey City, NJ

US House Office Buildings Master Plan
Washington, DC

Millburn Downtown Redevelopment Plan
Millburn, NJ

Kaighn and Haddon Urban Design Study
Camden, NJ

Gwanggyo Lakeside Park Competition
Sewon, Korea

Gloucester County Educational Campus
Sewell, NJ

Whitman Park Neighborhood Plan
Camden, NJ

Zocalo de Santiago
Monterrey, Mexico

Scranton Southside Neighborhood Plan
Scranton, PA

Miller Homes Revitalization Plan
Trenton, NJ

Paragon Park at Toms River
Toms River, NJ

City of Biloxi Comprehensive Plan
Biloxi, MS

Lackawanna River Corridor Master Plan
Scranton, PA



KYLE GRADINGER

URBAN PLANNER / TRANSPORTATION PLANNER

ROLE ON PROJECT: TRANSPORTATION PLANNER

Kyle’s education in Urban Planning and Geography has yielded a specialty in regional and national spatial planning, transit-oriented development, community revitalization, site planning and the design of urban public spaces. Mr. Gradinger has over a decade of experience with Geographic Information Systems (GIS) software. He is particularly well-versed in issues of public transportation, non-motorized transportation and sustainability and has assisted in the development of transportation and planning policy in Philadelphia. Kyle is a devoted advocate for alternative transportation modes and volunteers his time to bicycle and pedestrian advocacy efforts in the Philadelphia region.

EDUCATION

Master of City Planning
University of Pennsylvania

Bachelor of Urban Geography
Architecture
University of Wisconsin/Madison

PROFESSIONAL EXPERIENCE

2005-present
Wallace Roberts & Todd

2003-2005
Brown & Keener Urban Design

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

Board Member, Bicycle Coalition of Greater Philadelphia
Member, Transportation Policy Committee, City of Philadelphia
Chair, Pedestrian and Bicycle Policy Sub-Committee, City of Philadelphia

REPRESENTATIVE PROJECTS

Pennsylvania Intercity Passenger and Freight Rail Plan
Harrisburg, PA

Master Transportation Plan
Portsmouth, VA

Transportation Master Plan Policy and Objectives
Portsmouth, VA

Eastern Lancaster County Comprehensive Plan Update
Lancaster County, PA

South Walnut Street Urban Renewal Plan
Wilmington, DE

New Orleans Action Plan
New Orleans, LA

Market-Frankford TCDI
Philadelphia, PA

Scranton Cedar Avenue Area Development Strategy
Scranton, PA

Center City Transit Wayfinding
Philadelphia, PA

Gleisdreieck
Berlin, Germany



DAVID WITHAM

URBAN DESIGNER

ROLE ON PROJECT: URBAN DESIGNER

David is highly skilled in sketch-based 3D computer modeling and design process that allows for design and modeling to happen simultaneously in a collaborative setting. This process is able to incorporate many more voices in a meaningful way into the early design process. This process is useful for both in-house, and client-based charettes.

EDUCATION

Master of Architecture
North Dakota State University

PROFESSIONAL EXPERIENCE

2007-present
Wallace Roberts & Todd

2005-2007
Cunningham Group Architecture

REPRESENTATIVE PROJECTS

| | |
|---|--|
| Amtrak Baltimore Lanvale Baltimore, MD | Trenton Capitol Park Design Trenton, NJ |
| Newark Passaic Riverfront Deveopment Newark, NJ | Camden Waterfront Park Camden, NJ |
| PATCO Ferry Avenue TOD Planning Camden, NJ | Philadelphia Water Dept GreenStreets Philadelphia, PA |
| Millburn Downtown Redevelopment Plan Millburn, NJ | Pompano Beach Downtown Design Guidelines Pompano Beach, FL |
| Stevens Institute Planning and Design Hoboken, NJ | Louisville Metro Centers Design Plan Louisville, KY |
| Montgomery Gardens Mixed Use Plan Jersey City, NJ | |
| Cramer Hill Waterfront Master Plan Cramer Hill, NJ | |



BRIAN MICHENER, AIA Associate, LEED AP

ARCHITECT

ROLE ON PROJECT: ARCHITECTURAL DESIGNER

Brian is a talented architect whose conceptual urban design and architecture work has been a fresh value to WRT. He is currently working on two large-scale projects, the Department of Homeland Security New Campus North Parcel Master Plan in and the National Museum of the American Latino, both in Washington, DC. His academic focus on both urban design and architecture create an unusual understanding and application to the complex work to which he is assigned.

EDUCATION

Master of Architecture
Master of Urban Design
Washington University

Bachelor of Arts in English
Bachelor of Arts in Art History
Williams College

PROFESSIONAL EXPERIENCE

2009-present
Wallace Roberts & Todd

2007-2009
Cannon Design

2009
Adjunct Professor/Architecture
Washington University

2002-2005
Esocoff & Associates

PROFESSIONAL MEMBERSHIPS/REGISTRATIONS

The American Institute of Architects/Associate

REPRESENTATIVE PROJECTS

Department of Homeland Security North
Campus Master Plan
Washington, DC

Vienna TOD
Vienna, VA

Virginia State Capitol Master Plan Update
Richmond, VA

National Museum of the American Latino
Master Plan
Washington, DC



PATCO Transit Oriented Development Plans | Camden County, NJ | WRT

4 EXPERIENCE WITH PUBLIC ENTITIES

WRT has a long history working with public entities in developing and implementing redevelopment plans all over the country, beginning with Baltimore's Inner Harbor. Success on these efforts takes decades to show the "proof," but WRT's 47 year history has borne successes with cities such as Richmond, Norfolk, Miami, San Francisco, Seattle, New Orleans, and in the New York Metro Area with redevelopment in Weehawken, Harrison, South Amboy, Jersey City, and Elizabeth.

Our work for the South Amboy train station resulted in the State's first transit village designation. WRT's master plan was instrumental in the City of South Amboy's successful effort to obtain \$14.5 million in federal funding for the rail/bus/ferry transportation center that is the centerpiece of the mixed-use development initiative along the South Amboy waterfront. Following this success WRT continued to work on New Jersey TOD redevelopment efforts in Somerset County for NJTransit and most recently in Camden County for Philadelphia's port authority's transit line – PATCO. This recent work for the Collingswood and Ferry Avenue Transit Stations has resulted in developer designation processes that are moving forward this year.

Our recent work with cities and public agencies that have been adopted but not implemented include the multi award-winning redevelopment vision for the Central Delaware River in Philadelphia and the district plan for the US House of Representatives in DC. In new Jersey, WRT is engaged in redevelopment planning around Jersey City's historic WPA-era hospital (now known as The Beacon), a downtown redevelopment plan for State agency land in Trenton, and has most recently completed planning and conceptual design work for Stevens Institute of Technology.

5 REFERENCES

Ms. Monique King-Viehland

Executive director
Capital City Redevelopment Corporation
135 West Hanover Street
PO Box 203
Trenton, NJ 08625
609.984.5664
monique.king-viehland@ccrc.state.nj.gov

Mr. Michael Gorman

Director of Project Development
NK Architects
95 Washington Street
Morristown, NJ 07960
973.539.5353
gormanm@nkarchitects.com

Mr. Robert Cotter

Director, Division of Planning
30 Montgomery Street
Suite 416
Jersey City, NJ 07302-3821
201.547.5050
bobcotter@hotmail.com

Mr. Phil Economou

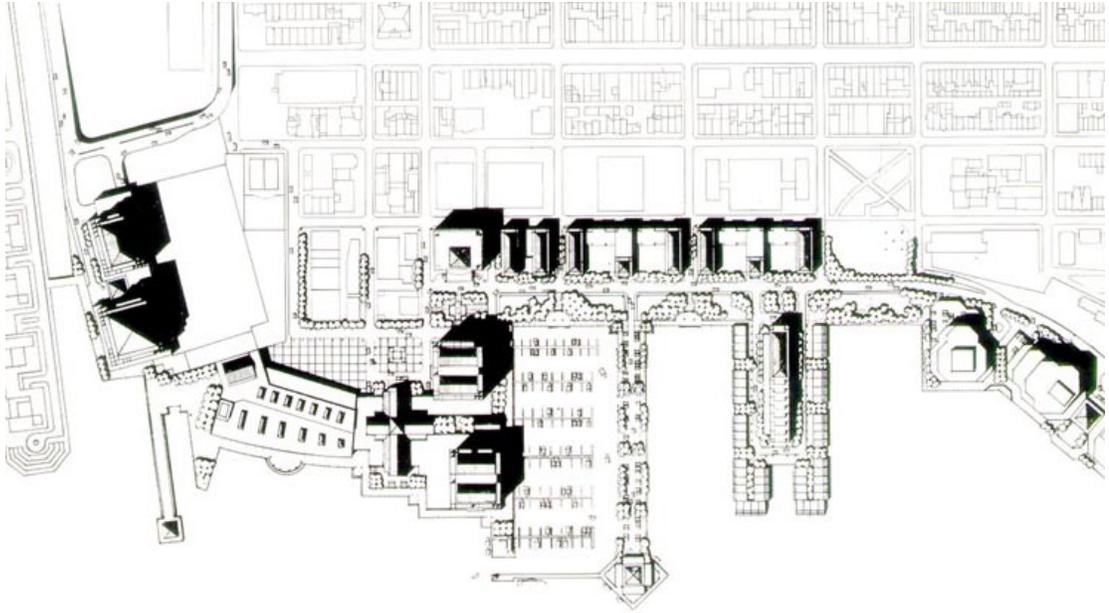
Senior Director, Real Estate Development
Amtrak National Railroad Passenger Corp
30th Street Station / 5S-026, Box 25
Philadelphia, PA 19104
215.349.1948
economou@amtrak.com

Mr. Hank Dobbelaar

Vice President for Facilities and Support
Services
Stevens Institute of Technology
Castle Point on Hudson
Hoboken, NJ 07030
201.216.5340

6 REDEVELOPMENT EXAMPLES

On the following pages, please see 10 representative projects illustrating WRT's redevelopment work.



Hoboken Waterfront Redevelopment Plan

Hoboken, NJ

WRT prepared, on behalf of Hartz Mountain Industries, a master plan for the redevelopment of the Hoboken, NJ, waterfront. The plan is based on a program developed for the Port Authority of New York and New Jersey and includes four million square feet of offices, 1,200 dwelling units, 150,000 square feet of retail, a marina, a hotel and 5,700 parking spaces.

Office, hotel and retail services are concentrated around the historic Hoboken Terminal, which accommodates commuter rail and bus systems and has subway connections to Lower and Mid-Manhattan. Residential uses are located in the central portion of the plan, and R&D/office facilities related to Stevens Institute of Technology are located to the north.

A more-detailed proposal for 600,000 square feet of hightech office and research space also was prepared for Hartz and Stevens Institute by WRT.



South Amboy Station Area Planning Project

South Amboy, NJ

Wallace Roberts & Todd is preparing an integrated public/private development master plan for the City of South Amboy station area (defined as the area within 1/2-mile of the existing commuter rail station).

The plan includes the following components:

- Station area plan for the mix of land uses, infrastructure and roadway network that will both enhance and maximize the private development benefits to accrue to South Amboy from the intermodal transportation improvements.
- Concept plans for an intermodal transportation center which will include a new commuter ferry terminal, a 1200-space commuter parking deck, upgraded rail station with high-level platforms, a bus terminal, new pedestrian bridge and transit plaza on the City's main commercial street, Broadway.
- Retail, residential, and ferry service market demand analyses.
- Traffic and environmental impact analyses.



Waterfront Area Redevelopment Plan

Town of Harrison, NJ

Wallace Roberts & Todd was selected by the Town of Harrison, as part of a team to prepare a redevelopment study for the Town's 200-acre underutilized waterfront area. As task leader for urban design/development planning, WRT prepared a vision plan and guidelines for creation of a major mixed-use urban entertainment oriented waterfront destination on the site. The entertainment center would capitalize on the success of the New Jersey Performing Arts Center, which is located in Newark directly across the river from the Harrison waterfront site, by providing complimentary after theater activities. WRT recommended a physical framework of public elements which would provide opportunities, in the form of appropriately sized development parcels, for mixed-use private development on the waterfront. The framework includes a hierarchy of public boulevards and accessways, a waterfront walkway, gateways, waterfront public open spaces, and a development-oriented flood protection system.

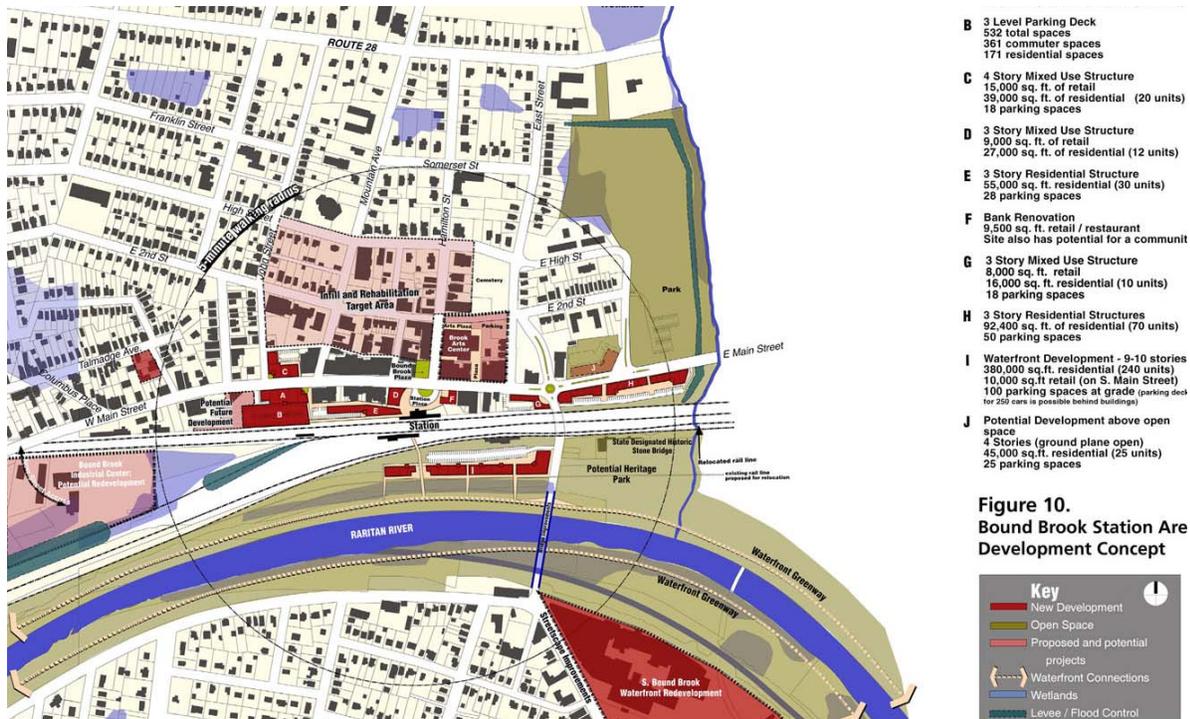


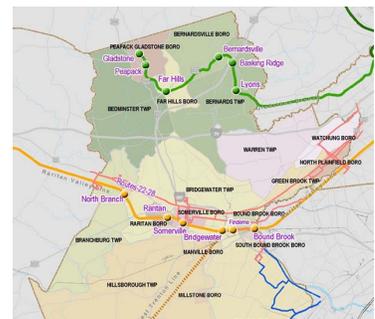
Figure 10.
Bound Brook Station Area
Development Concept

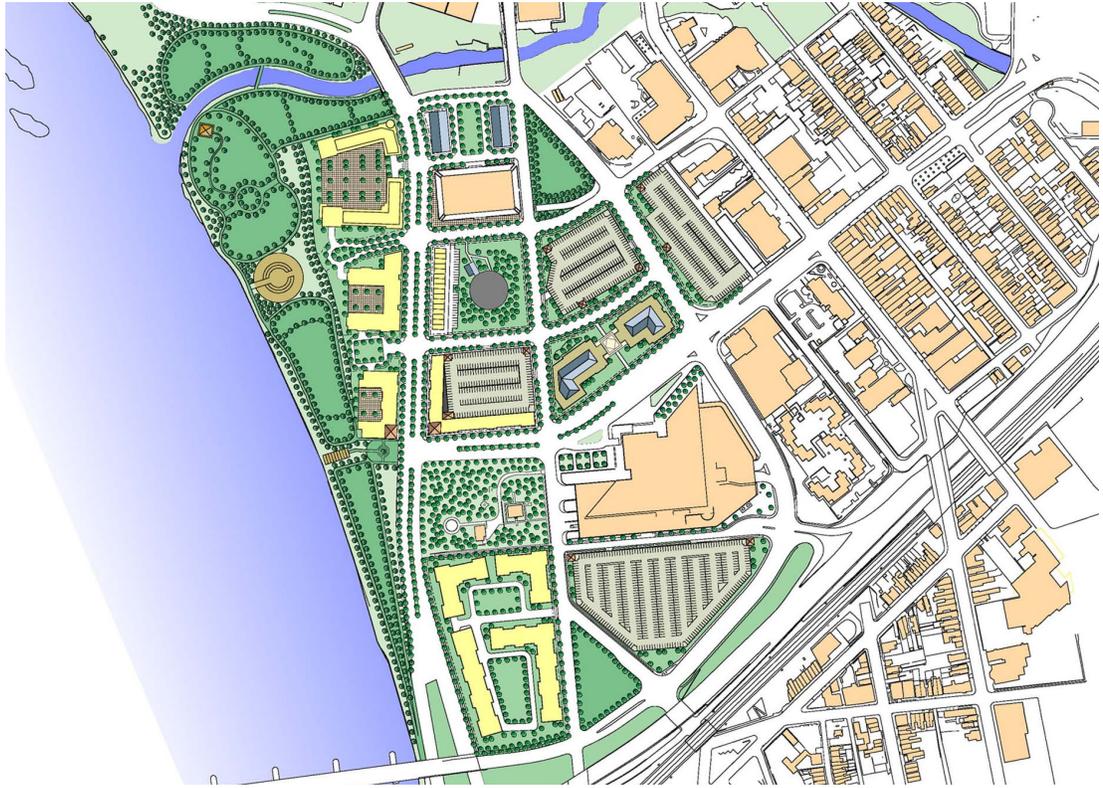
Somerset County Transit Oriented Development Plans

Somerset County, NJ

WRT's study of transit oriented development opportunities in Somerset County, NJ, focused on two outcomes: 1. Advance the New Jersey Office of Smart Growth policies at the municipal level by enhancing and creating linkages between mixed-use, high-density areas and a transit, bicycle, and pedestrian friendly transportation network. 2. Create an effective framework for private investment. WRT worked closely with a steering committee composed of key county, economic development, and municipal and transportation leaders to identify three pilot TOD project sites. Selection criteria included land availability, environmental suitability, market potential, transit ridership, and institutional support.

The final product includes a master plan for each TOD site to guide both public and private investment. The plans provide site-specific programs of short- and long-term access and transit improvements, pedestrian and roadway improvements, urban design guidelines, land use and program recommendations, and zoning and other implementation requirements, including administrative and environmental clearances.





Trenton Downtown Riverfront Redevelopment Plan

Trenton, NJ

WRT was engaged by a private developer to prepare a redevelopment concept for an area of downtown Trenton bounded by the Northeast rail corridor, the Delaware River, the Assumpink Creek and South Warren Street. This underdeveloped area, currently occupied by state office building and surface parking lots, has the potential to become a vital part of the city. NJDOT has plans to convert Route 29 from an elevated limited access roadway to a surface boulevard, and to reconnect it to the city grid. The existing road prevents access to the Delaware riverfront, but its relocation will allow development of a new waterfront park. WRT's plan proposes development of a new mixed-use urban neighborhood by reestablishing the street grid, development of new offices, retail and residential buildings, structured parking, and a connected system of open spaces and a riverfront park and walkway.



Stevens Institute of Technology–Campus Center

Hoboken, NJ

The expansion of the campus center at Stevens Institute creates a new dining facility at grade overlooking the Hudson River, adds an auditorium with views of Manhattan, significantly adds to student services and activity spaces, and improves circulation and accessibility in the Howe building with two new elevators. The new facility will have improved adjacencies of loading to kitchen and dining, while making it possible for occupants to reside in an extraordinary site on the river, which is currently underutilized. The auditorium will be accessible from grade on the campus side, and the upper floor will have access to a roof garden over the dining expansion on the river. The massing of the addition continues the massing of the low wing of the Howe building, making it a seamless intervention which provides much needed and critical spaces to the campus.



Ferry Avenue Transit Village / Haddon Avenue Corridor Study

Camden, NJ

WRT and a South Jersey-based market and real estate expert worked with the Greater Camden Partnership to develop a transit village concept for the Ferry Avenue PATCO Station along the Haddon Avenue corridor, connection the Route 130, the station, and the Lourdes Medical Center and Nursing School. Working closely with stakeholders, city and state agencies, and financing interests the WRT team develop a mixed-use master plan that will utilize county stimulus money to create a multi-modal transit boulevard that will be the main spine of a mixed-use neighborhood that includes: 220,000 square feet of office; 500 units of workforce and marketrate housing; and support retail services, utilizing New Jersey's Urban Transit Hub Tax Credit Program, New Market Tax Credits, and other financing. Land owners and institutional interests worked together to formulate a program of investment that is viewed as mutually beneficial and was tested by the planning team in a very difficult market condition but with excellent locational advantages. The target market for the housing was based on both typical TOD market niches of empty-nesters and young professional and the need for workforce housing with access to employment centers in the suburban reaches of PATCO, locally in Camden, and in Philadelphia.



PATCO **Transit Oriented Development Plans**

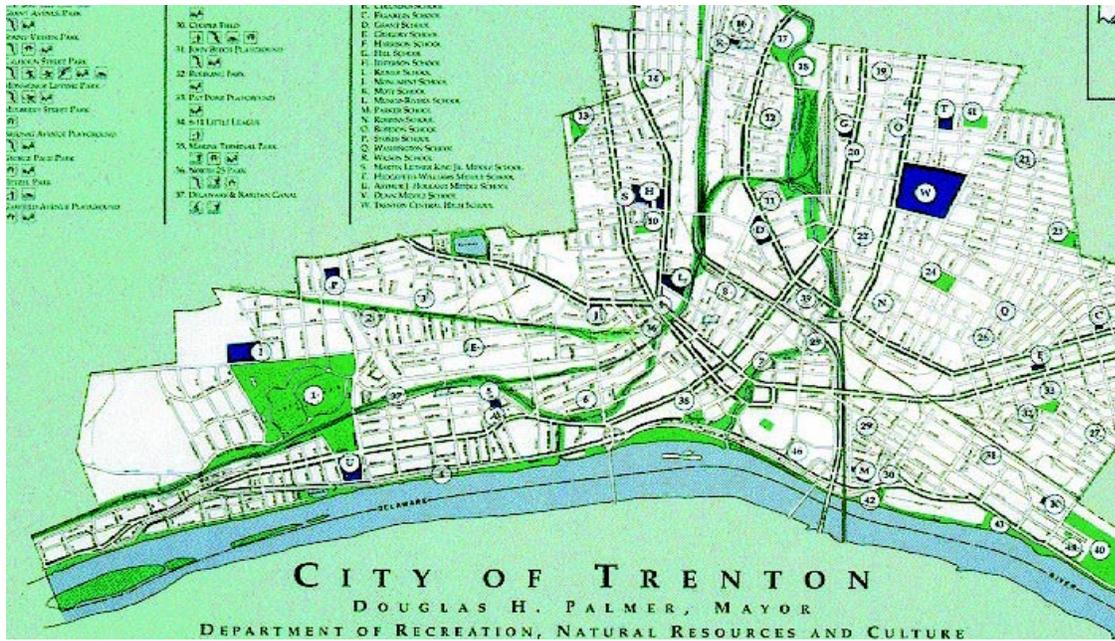
Camden County, NJ

PATCO operates a very successful high speed rail line connecting downtown Philadelphia with its New Jersey commuter shed. The authority needed a well-conceived response to frequent developer requests for rights to their surface parking lots. WRT's plans for the seven station areas address the multiple goals of enhancing the transit experience, increasing ridership, and supporting redevelopment in the host communities. Detailed evaluation of property characteristics, access and parking needs, transit operations, the real estate market, and host community goals informed development of specific plans for each station area. Development programs vary from station to station and include residential, mixed use, and institutional users. Each plan includes pre-schematic building design, access, circulation and parking, with an urban design guide to incorporate the development within the fabric of the community. The plans are being used in negotiations with private sector and institutional investors in coordination with the municipalities.



Stevens Institute of Technology
Center for Engineering and Science Innovation
Hoboken, NJ

The Center for Engineering and Science Innovation at Stevens Institute is a 48,000-square-foot classroom and research facility on a site overlooking the Hudson River Park along Sinatra Drive in Hoboken, NJ. The project provides space for faculty offices, seminar rooms, and computational lab space—along with an extensive landscaped roof terrace framing sweeping views of Lower Manhattan and 170 spaces of fully-enclosed, structured parking. Aspiring to a LEED Gold rating, the project features several sustainable design strategies, including excellent daylighting, a high-performance envelope utilizing terracotta rain screen cladding, photovoltaics, operable windows, a landscaped roof, and displacement ventilation.



Common Ground: Trenton Open Space Master Plan

Trenton, NJ

Trenton’s open space resources include the Delaware Riverfront, the Delaware and Raritan Canal, the Assumpink Creek, numerous neighborhood parks including historic Cadwalader Park, key streets designated as gateways to the city and linkages between neighborhoods, and abandoned railroad rights-of-way to become linear parks. WRT was retained by The Open Space Coalition, Inc. and the City of Trenton to inventory resources and make recommendations for the treatment and management of existing and proposed open spaces. The client also required coordination with several major concurrent planning efforts to place open space priorities in perspective as the city enters an ambitious period of redevelopment with a limited budget. The central idea in preparation of the Open Space Master Plan was to view it as a system consisting of three major elements: The Riverfront; the Neighborhoods; and the Capital District; all interconnected by a regional network and major street linkages. Critical to the Master Plan was the development of capital and operating budgets for all existing and proposed open spaces, and a prioritized implementation strategy based on a creative management structure involving State, County, and private participation.



7 STATEMENT OF TIMELINESS

WRT can perform the master planning services in a timely fashion. While we are a firm with a national practice, all of our key staff are based in our principal office in Philadelphia. Over the years, WRT has been responsible for numerous projects in northern New Jersey, including:

- The Master Plan and Design Guidelines for the Hudson Waterfront Walkway
- The Master Plan for Jersey City (date)
- The Master Plan for Lincoln Harbor (1982-1989)
- Master Plans for Stevens Institute (2004 and 2009)
- Master Plan for Kean University, Union
- Urban Design Guidelines for the Hudson Bergen Light Rail Transit Line
- Elizabethport Redevelopment, NJ
- Waterfront Redevelopment Plan, Harrison
- Newark International Airport Business Center, Waverly Yards, Newark
- Downtown Millburn Redevelopment Plan, Millburn Township
- Master Plan for Liberty State Park, and design of Liberty Walk, Jersey City

WRT is very familiar with Hoboken. Recently, during 2008-10, WRT has worked with Stevens Institute on campus planning, and served as the architects for the proposed Center for Engineering and Science Innovation (CESI), which received approvals in 2009 from Hoboken's Zoning Board.

8 COST DETAILS

WRT's hourly rates are:

| | |
|---------------------------------------|----------|
| Principal | \$200.00 |
| Senior Project Manager/Director | \$175.00 |
| Professional Level IV/Project Manager | \$150.00 |
| Professional Level III | \$125.00 |
| Professional Level I | \$100.00 |
| Professional Level I | \$ 75.00 |
| Intern | \$ 60.00 |
| Technical/Admin Support | \$ 75.00 |

It is not yet possible to estimate the number of hours collectively that will be needed for the project until the scope of services and level of detail, including the timeframe and number of meetings, are determined. However, typically WRT's Principal-in-Charge and Project Manager will be heavily involved. This will be especially important in this assignment, given the need to balance various factors to achieve a recommended approach and plan. In addition, we anticipate the need to add specialist consultants (e.g., real estate economics, civil engineering, traffic and transportation) to complement WRT's in-house capabilities in planning, urban design, architecture, and landscape architecture.

9

AFFIRMATIVE ACTION CERTIFICATE

Please find WRT's Affirmative Action Certificate on the following pages.



Planning & Design

WALLACE ROBERTS & TODD, LLC EEO POLICY STATEMENT

The following policies affirm WRT's dedication to equal employment opportunity. This non-discriminatory employment policy, covered by Executive Order, has been in effect throughout the Firm since it was formed, and is set out below:

- It is our policy to give equal opportunity to all qualified persons without regard to race, color, creed, religion, ancestry, national origin, citizenship status, veteran's status, age, sex, sexual orientation, affectional orientation, gender identity and expression, marital status, domestic partner status, mental or physical disability, AIDS, ARC or HIV status, source of income, or any other status protected under the law.
- All employment practices are to provide that all qualified individuals be recruited, hired, assigned, trained, advanced, compensated, retained, transferred, demoted, laid-off, terminated or experience any other employment action without regard to race, color, creed, religion, ancestry, national origin, citizenship status, veteran's status, age, sex, sexual orientation, affectional orientation, gender identity and expression, marital status, domestic partner status, mental or physical disability, AIDS, ARC or HIV status, source of income, or any other status protected under the law.
- All qualified individuals with a disability are protected against discrimination by the American with Disabilities Act (ADA).
- It shall be the responsibility of every supervisory employee to actively support the implementation of the Equal Employment Opportunity Policy and insure conformance by those he or she supervises.
- Responsibility for seeing that this policy is implemented and continuously followed is vested in the Office Director. He or she works with the Principals and Associates in furthering its implementation and monitoring progress being made.

WRT's Director of Human Resources has been designated as the EEO/AA Officer, who is responsible for overall implementation of the Affirmative Action Program, as well as compliance with the administrative and reporting procedures to insure adherence at WRT.

Helen F. Bidol
Director of Human Resources,
EEO/AA Officer

Wallace Roberts & Todd, LLC

FIRM/ORGANIZATION NAME

May 10, 2010

DATE

Philadelphia
Coral Gables
Dallas
Lake Placid
New York City
San Diego
San Francisco

Form AA-302
Rev. 6/97

State of New Jersey

AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT

IMPORTANT: READ INSTRUCTIONS ON BACK OF FORM CAREFULLY BEFORE COMPLETING FORM. TYPE OR PRINT IN SHARP BALL POINT PEN. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM MAY DELAY ISSUANCE OF YOUR CERTIFICATE

SECTION A - COMPANY IDENTIFICATION

| | | |
|---|--|--|
| 1. FID. NO OR SOCIAL SECURITY 23-1615241 | 2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG. <input checked="" type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER | 3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY 134 |
| 4. COMPANY NAME Wallace Roberts & Todd, LLC | | |
| 5. STREET 1700 Market St., 28th Floor | CITY Philadelphia | COUNTY Philadelphia |
| | STATE PA | ZIP CODE 19103 |
| 6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE) N/A | | STATE PA |
| | | ZIP CODE 19103 |
| 7. DOES THE ENTIRE COMPANY HAVE A TOTAL OF AT LEAST 50 EMPLOYEES? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | |
| 8. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input checked="" type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER | | |
| 9. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN N.J. <input type="text" value="0"/> | | |
| 10. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT <input type="text"/> | | |
| 11. PUBLIC AGENCY AWARDED CONTRACT | | |

OFFICIAL USE ONLY

| | |
|-------------------------|-------------------------------|
| DATE RECEIVED-MO/DAY/YR | ASSIGNED CERTIFICATION NUMBER |
|-------------------------|-------------------------------|

SECTION B - EMPLOYMENT DATA

12. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority categories, in columns 1, 2 & 3.

| JOB CATEGORIES | ALL EMPLOYEES | | | MINORITY GROUP EMPLOYEES (Permanent) | | | | | | | |
|--|--------------------------------|----------------|------------------|--------------------------------------|----------|-----------------|----------|----------|----------|-----------------|-----------|
| | Col. 1 TOTAL (Cols. 2&3) | Col. 2 MALE | Col. 3 FEMALE | MALE | | | | FEMALE | | | |
| | | | | BLACK | HISPANIC | AMERICAN INDIAN | ASIAN | BLACK | HISPANIC | AMERICAN INDIAN | ASIAN |
| Officials and Managers | 60 | 42 | 18 | 0 | 3 | 0 | 4 | 1 | 1 | 0 | 4 |
| Professionals | 51 | 25 | 26 | 0 | 3 | 0 | 2 | 1 | 0 | 0 | 5 |
| Technicians | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Sales Workers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Office and Clerical | 13 | 2 | 11 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Craftworkers (Skilled) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Operatives (Semi-skilled) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laborers (Unskilled) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Service Workers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 126 | 70 | 56 | 0 | 6 | 0 | 6 | 3 | 1 | 0 | 11 |
| Total employment from Previous Report (If any) | 190 | 98 | 92 | 1 | 6 | 1 | 11 | 4 | 3 | 0 | 19 |

The data below shall NOT be included in the figures for the appropriate categories above.

| | | | | | | | | | | | |
|-----------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| Temporary and Part-time Employees | 8 | 2 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
|-----------------------------------|---|---|---|---|---|---|---|---|---|---|---|

| | | |
|---|--|---|
| 13. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. VISUAL SURVEY <input checked="" type="checkbox"/> 2. EMPLOYMENT RECORD <input type="checkbox"/> 3. OTHER (Specify) | 15. IS THIS THE FIRST EMPLOYEE INFORMATION REPORT (AA-302) SUBMITTED? 1. YES <input type="checkbox"/> 2. NO <input checked="" type="checkbox"/> | 16. IF NO, DATE OF LAST REPORT SUBMITTED 01 08 2010 MO. DAY YEAR |
| 14. DATES OF PAYROLL PERIOD USED FROM: 9/6/2010 TO: 9/19/2010 | | |

SECTION C - SIGNATURE AND IDENTIFICATION

| | | | |
|--|---------------------------------|--------------------------------|---|
| 17. NAME OF PERSON COMPLETING FORM (Print or Type) (CONTRACTOR EEO OFFICER) Helen Bidol | SIGNATURE <i>Helen Bidol</i> | TITLE Director of HR | DATE 09 24 2010 MO. DAY YEAR |
| 18. ADDRESS (NO. & STREET) (City) 1700 Market St., 28th Fl Philadelphia | (State) PA | (Zip Code) 19103 | Phone (Area Code, No., Extension) 215-430-5005 |

Affirmative Action Office Public Agency Contractor

10

NJ BUSINESS REGISTRATION CERTIFICATE

Please find WRT's NJ Business Registration Certificate on the next page.



STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: WALLACE ROBERTS & TODD LLC

Trade Name:

Address: 1700 MARKET STREET 28TH FL
PHILADELPHIA, PA 19103

Certificate Number: 0089109

Effective Date: January 01, 1986

Date of Issuance: August 05, 2008

For Office Use Only:

20080805112853637

11 REQUIRED PROFESSIONAL LICENSES

Please find the required professional licenses on the next page.

THIS DOCUMENT IS PRINTED ON WATERMARKED PAPER, WITH A MULTI-COLORED BACKGROUND AND MULTIPLE SECURITY FEATURES. PLEASE VERIFY AUTHENTICITY.

State Of New Jersey
New Jersey Office of the Attorney General
Division of Consumer Affairs



THIS IS TO CERTIFY THAT THE
Board of Professional Planners

HAS LICENSED

FERDINANDO MICALE
106 FERN AVENUE
COLLINGSWOOD NJ 08108-1921

FOR PRACTICE IN NEW JERSEY AS A(N): Professional Planner

04/15/2010 TO 05/31/2012
VALID

33LI00579800
LICENSE/REGISTRATION/CERTIFICATION #

Ferdinando Micale
Signature of Licensee/Registrant/Certificate Holder

Sharon Johnson
ACTING DIRECTOR

New Jersey Office of the Attorney General
Division of Consumer Affairs
THIS IS TO CERTIFY THAT THE
Board of Professional Planners
HAS LICENSED
FERDINANDO MICALE
Professional Planner

04/15/2010 TO 05/31/2012
VALID
SIGNATURE
Ferdinando Micale
33LI00579800
License/Registration/Certificate #
ACTING DIRECTOR
Sharon Johnson

PLEASE DETACH HERE
IF YOUR LICENSE/REGISTRATION/
CERTIFICATE ID CARD IS LOST
PLEASE NOTIFY:
Board of Professional Planners
P.O. Box 45016
Newark, NJ 07101

BACKGROUND AND MULTIPLE SECURITY FEATURES. PLEASE VERIFY AUTHENTICITY.

State Of New Jersey
New Jersey Office of the Attorney General
Division of Consumer Affairs

THIS IS TO CERTIFY THAT THE
Board of Architects

HAS LICENSED

FERDINANDO MICALE
106 FERN AVENUE
COLLINGSWOOD, NJ 081081921

FOR PRACTICE IN NEW JERSEY AS A(N): Registered Architect

06/10/2009 TO 07/31/2011
VALID

21AI01221500
LICENSE/REGISTRATION/CERTIFICATION #

Ferdinando Micale
Signature of Licensee/Registrant/Certificate Holder

David Sze
DIRECTOR

New Jersey Office of the Attorney General
Division of Consumer Affairs
THIS IS TO CERTIFY THAT THE
Board of Architects
HAS LICENSED
FERDINANDO MICALE
Registered Architect

06/10/2009 TO 07/31/2011
VALID
SIGNATURE
Ferdinando Micale
21AI01221500
License/Registration/Certificate #
DIRECTOR
David Sze

PLEASE DETACH HERE
IF YOUR LICENSE/REGISTRATION/
CERTIFICATE ID CARD IS LOST
PLEASE NOTIFY:
Board of Architects
P.O. Box 45001
Newark, NJ 07101

PLEASE DETACH HERE



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www.wrtdesign.com

Hoboken Terminal and Yard Redevelopment Plan

HOBOKEN, NEW JERSEY

COST PROPOSAL



Submitted by:

Wallace Roberts & Todd

2.3.2011



February 3, 2011

Brandy A. Forbes, AICP, PP
Community Development Director
City of Hoboken
94 Washington Street
Hoboken, NJ 07030
201-420-2233
bforbes@hobokennj.org

Re: Hoboken Terminal and Yard Redevelopment Plan
WRT #P6888.01

PHILADELPHIA
MIAMI
DALLAS
LAKE PLACID
SAN DIEGO
SAN FRANCISCO

Dear Ms Forbes:

I am pleased to submit the WRT team's response to the questions and our fee proposal based on the scope of work sent by your office on January 31st.

We trust that you will find our response and fee proposal further evidence of the high qualifications, interest, and energy that we propose to bring to the job. Both I and the entirety of the team very much look forward to the opportunity to work on the redevelopment plan project.

Sincerely,

Nando Micale, FAIA, AICP PP
Principal



Highland Park Redevelopment Plan and Streetscape Master Plan | Highland Park, NJ | WRT

1. RESPONSE TO QUESTIONS

What interested you in including commuters as stakeholders in this planning effort?

Effective community participation and consensus building in any planning effort is outreach to a wide audience of stakeholders to get input and understand specific concerns. In the case of Hoboken Terminal redevelopment for the full site or a Phase I site, we feel it is necessary to include the commuters to understand their service needs and concerns as they experience the Terminal and the adjacent area daily. Doing this will help the redevelopment plan gain a wider acceptance , ensuring success for the City and for NJ Transit, and testing out potential retail or commercial uses that could serve as a gateway to Washington Avenue.

The Cost Proposal does not include specific outreach for commuters because we believe NJ Transit should be involved in determining that effort. Various options that could be considered to get commuter input include using special survey tools, hiring outreach consultants, outreach to existing commuter associations etc. Another option could include using the studio class hosted by NJ Transit that the City will be coordinating with to gather input from the commuters for the use of the terminal. Using this data collected from the studio class will be very useful for the preparation of the redevelopment plan. If NJ Transit has already been through a process of commuter engagement, their data would be useful in determining the needs for this effort.



Cramer Hill Waterfront Park Plan | Camden, NJ | WRT



In your mapping, what is the reasoning for having 5 stories for the delineation of under and over in size?

Understanding the existing neighborhood character is a key to develop a distinct place that integrates with Hoboken building character and massing. Based on the visual survey conducted by the WRT team prior to interview, we did preliminary analysis and mapping of the issues that was presented as our general understanding of the terminal site to discuss our approach to the project. The building heights map was our attempt to classify predominant building height using over 5 stories or under 5 stories delineation.

Also, with our understanding of development types and their costs, 5 stories is the height limit for lower cost residential construction – light frame or “stick-built”. Above 5 stories steel and concrete construction is required under the building code and drive financial feasibility of the redevelopment plan. Final analysis and recommendation of the redevelopment plan will be based on urban design criteria, economic feasibility and incorporating community concerns.

2. COST PROPOSAL

| FULL SITE COST PROPOSAL | | | | | | | | |
|-------------------------|---|-------------|-------------|-------------|-------------|-------------|---------------------|---------------------------------|
| | | LABOR | | | | | | |
| TASKS | | Micale | Bartholomew | Saoji | Planner | Support | | |
| | | 200 | 200 | 125 | 100 | 75 | | |
| 1.0 | Evaluation of Site Conditions and Constraints | 16 | 2 | 20 | 30 | 0 | \$9,100.00 | |
| 2.0 | Visioning & Consensus Building Meetings | 64 | 12 | 72 | 56 | 72 | \$35,200.00 | |
| 2.1 | <i>Internal (6 City Meetings and Studio Coordination)</i> | 8 | 0 | 18 | 8 | 8 | \$5,250.00 | |
| 2.2 | <i>Stakeholders (4 Groups and 5 Committee Meetings)</i> | 24 | 0 | 24 | 16 | 16 | \$10,600.00 | |
| 2.3 | <i>Public Outreach (Website and Mailers)</i> | 4 | 0 | 10 | 24 | 24 | \$6,250.00 | |
| 2.4 | <i>Community Meetings (3 Community Feedback Meetings)</i> | 12 | 12 | 12 | 8 | 24 | \$8,900.00 | |
| 2.5 | <i>Official Public Meetings (4 to Council and Planning Board)</i> | 16 | 0 | 8 | 0 | 0 | \$4,200.00 | |
| 3.0 | Exhibit/Mapping Preparation | 40 | 14 | 120 | 200 | 100 | \$53,300.00 | |
| | Alternatives Development / Draft | 24 | 8 | 80 | 120 | 60 | \$32,900.00 | |
| | Final Plan | 16 | 6 | 40 | 80 | 40 | \$20,400.00 | |
| 4.0 | Redevelopment Plan Preparation | 16 | 4 | 40 | 60 | 16 | \$16,200.00 | |
| Total Cost by Personnel | | \$35,200.00 | \$9,200.00 | \$46,500.00 | \$54,600.00 | \$21,600.00 | \$113,800.00 | WRT Labor Fee |
| | | | | | | | \$7,000.00 | Direct Costs |
| | | | | | | | \$120,800.00 | WRT Full Site Cost Proposal |
| | | | | | | | NA | Optional Engineering Consulting |
| | | | | | | | \$20,000 - \$30,000 | Optional Economic Feasibility |

| PHASE 1 SITE | | | | | | | | |
|--------------|---|-------------|-------------|-------------|-------------|------------|-------------|--|
| | | LABOR | | | | | | |
| TASKS | | Micale | Bartholomew | Saoji | Planner | Support | | |
| | | 200 | 200 | 125 | 100 | 75 | | |
| 1.0 | Evaluation of Site Conditions and Constraints | 8 | 2 | 8 | 22 | 0 | \$5,200.00 | |
| 2.0 | Visioning & Consensus Building Meetings | 48 | 12 | 50 | 50 | 66 | \$28,200.00 | |
| 2.1 | <i>Internal (4 City Meetings and Studio Coordination)</i> | 2 | 0 | 12 | 6 | 6 | \$2,950.00 | |
| 2.2 | <i>Stakeholders (4 Groups and 3 Committee Meetings)</i> | 16 | 0 | 16 | 12 | 12 | \$7,300.00 | |
| 2.3 | <i>Public Outreach (Website and Mailers)</i> | 2 | 0 | 8 | 24 | 24 | \$5,600.00 | |
| 2.4 | <i>Community Meetings (3 Community Feedback Meetings)</i> | 12 | 12 | 12 | 8 | 24 | \$8,900.00 | |
| 2.5 | <i>Official Public Meetings (4 to Council and Planning Board)</i> | 16 | 0 | 2 | 0 | 0 | \$3,450.00 | |
| 3.0 | Exhibit/Mapping Preparation | 2 | 0 | 24 | 40 | 40 | \$10,400.00 | |
| 4.0 | Redevelopment Plan Preparation | 8 | 2 | 40 | 40 | 16 | \$12,200.00 | |
| | | \$13,200.00 | \$3,200.00 | \$15,250.00 | \$15,200.00 | \$9,150.00 | \$56,000.00 | WRT Labor Fee |
| | | | | | | | \$6,000.00 | Direct Costs |
| | | | | | | | \$62,000.00 | WRT Phase 1 Cost Proposal |
| | | | | | | | | NA Optional Engineering Consulting |
| | | | | | | | | \$10,000 - \$15,000 Optional Economic Feasibility |



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is an internationally recognized firm practicing with a holistic approach to designing with nature, context, and culture.

www.wrtdesign.com

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

**RESOLUTION TO INVOKE THE “DOCTRINE OF NECESSITY” TO ALLOW
CONFLICTED MEMBERS OF THE CITY COUNCIL TO VOTE ON AN
ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 155 OF THE
CITY CODE, ENTITLED “RENT CONTROL”**

WHEREAS, the New Jersey Local Government Ethics Law (the “Law”), *N.J.S.A. 40A:9-22.2 to 22.25*, provides that no local government officer shall take official action in any matter in which said member may have or has a conflict of interest from voting on the matter before the governmental agency; and

WHEREAS, a majority of the City Council members have or may have conflicts of interest as defined by the Law relative to the Rent Control Ordinance, as disclosed herein:

1. Council member Angelo Giacchi owns rental property within the City.
2. Council member Peter Cunningham owns rental property within the City.
3. Council member Theresa Castellano owns rental property within the City.
4. Council member Elizabeth Mason owns rental property which may become subject to the Rent Control Ordinance; and, she has a family member that rents property within the City.
5. Council member Michael Russo’s family member owns rental property within the City.
6. Council member Timothy Occhipinti rents property within the City.

WHEREAS, as a result of the foregoing, the listed Council members are prohibited from voting on whether or not the City Council will accept the proposed changes to the Rent Control Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby invokes the Doctrine of Necessity for the purpose of permitting all Council members to vote on whether or not the City Council will accept the proposed changes to the Rent Control Ordinance; and

BE IT FURTHER RESOLVED that this Resolution be read at the regularly scheduled public Council meeting, posted where the City Council normally posts public

notices for thirty (30) days and forwarded to the Department of Community Affairs by the City Clerk.

MEETING: February 16, 2011

REVIEWED BY:

Arch Liston
Business Administrator

APPROVED TO FORM:

Mark A. Tabakin
Corporation Counsel

Sponsored By: _____

Seconded By: _____

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC.
TO CONDUCT ITS 85th ANNUAL FEAST IN HONOR OF MADONNA DE
MARTIRI**

WHEREAS, The Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday, September 8, 2011 through and inclusive to Sunday, September 11, 2011 on Sinatra Drive and Sinatra Park; and,

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

- (1) To solicit contributions from the general public, to be used solely to pay part of the expenses and religious contributions.
- (2) To have a procession with the statue of “Madonna Dei Martiri” – “Mother of Martyrs” through the streets of Hoboken.
- (3) To install electric lights on Sinatra Drive from the corner of Fourth Street and River Street up to the Union Dry Dock Property.
- (4) To erect a bandstand in Sinatra Park to hold nightly concerts between Thursday, September 8, 2011 through Sunday, September 11, 2011. The hours of live music will be limited to the following schedule: Thursday, September 8th from 5:00 pm to 10:00 pm, Friday, September 9th from 5:00 pm to 11:00 pm, Saturday, September 10th from 12:00 noon to 11:00 pm and Sunday, September 11th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and speakers positioned not to disturb area residents and will be discontinued at 11:00 pm. The bandstand will be directed in a northern direction in an effort to minimize the noise levels in the southern waterfront residential areas.
- (5) To erect concession stands and trucks on Sinatra Drive, for vendors of food, novelties, games and rides.
- (6) To hold a raffle to be drawn on Sunday, September 11th, 2011.
- (7) To have a procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotees on Saturday, September 10th, 2011 to begin at 10:00 am.
- (8) On Saturday, September 10th, 2011 at about 9:00 pm to shoot a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and local Fire Permits.
- (9) To have the streets cleared of all vehicles and traffic, and
- (10) To maintain two lanes of traffic with a minimum of 12 feet for each lane of

travel when streets are to be open to traffic.

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

NOW THEREFORE, BE IT RESOLVED, The City Council hereby grants permission to the Hoboken Italian Festival, Inc. to conduct its feast and fireworks display on the above dates subject to the applicant's compliance with all State and Federal laws, City ordinances, and all requirements regarding permits, licenses and insurance and further subject to the approval of the U.S. Coast Guard; and,

BE IT FURTHER RESOLVED, the City's Signal & Traffic Division shall prepare the necessary traffic regulations.

Meeting Date: February 16, 2011

Reviewed:

Approved As to Form:

Arch Liston
Business Administrator

Mark Tabakin, Esq.
Corporation Counsel

Sponsor: _____

Second: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE ADMINISTRATION TO APPLY
FOR STATE RECYCLING GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the City of Hoboken to apply for such tonnage grants will memorialize the commitment of the City of Hoboken to recycling and to indicate the assent of the Mayor and Council of the City of Hoboken to the efforts undertaken by the City of Hoboken and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and filed in a timely manner.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The Mayor or his designee is authorized to execute and submit a recycling tonnage grant application to the New Jersey Department of Environmental Protection for tonnage of recyclables collected in CY 2010 and designates the Director of the Department of Environmental Services to ensure that the application is timely filed.
4. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.
5. Furnish such documents as may be required.
6. Act as authorized correspondent of the City of Hoboken.

7. Execute necessary contracts, if funding is awarded.

This Resolution is effective immediately.

Reviewed:

Approved as to form:

Arch Liston, Business Administrator

Mark Tabakin, Corporation Counsel

Meeting Date: February 16, 2011

Sponsored By: _____

Seconded By: _____

RESOLUTION NO.: _____

**APPROVAL OF LOCATION AND CONCEPTUAL DESIGN OF A SEPTEMBER 11
MEMORIAL TO BE LOCATED ON PIER A**

WHEREAS, the City of Hoboken has been awarded a grant from the Department of Community Affairs for the Construction of a September 11th Memorial; and

WHEREAS, a design had been selected by the September 11th Committee which would have constructed a walkway from Pier A to a newly constructed Pier on which the Memorial would be constructed of tempered glass with the names of the 57 Hoboken residents lost on 9/11; and

WHEREAS, preliminary cost estimates received by the Committee to construct such walkway and new Pier would far exceed the remaining available grant funds of \$250,000; and

WHEREAS, due to the original concept being cost-prohibitive, the City of Hoboken September 11th Committee desires the placement of a modified Memorial on Pier A; and

WHEREAS, the City Council desires to make the decision on the final location of the memorial, being respectful of the September 11th Committee's public process on such; and

WHEREAS, the City Ordinance DR-363 requires that a public hearing be held for a change in purpose or use of parkland; and

WHEREAS, the public hearing was held on Tuesday, November 30, 2010 at 7:00 p.m.; and

WHEREAS, in compliance with City Ordinance DR-363, following the public hearing the City Council Quality of Life Subcommittee discussed the public comments and recommendations at a meeting open to the public held on Wednesday, January 26, 2011 at 5:00 p.m. and subsequently presented recommendations at the new business portion of the City Council agenda at the next regularly scheduled meeting on Wednesday, February 2, 2011; and

WHEREAS, per City Ordinance DR-363, said recommendations are required to be presented as a Resolution advising of the same.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken does hereby approve the attached proposed conceptual design and placement of the September 11 Memorial to be located on Pier A; and

BE IT FURTHER RESOLVED by the Council of the City of Hoboken in the County of Hudson that this resolution shall take effect immediately.

Meeting Date: **February 16, 2011**

REVIEWED BY:

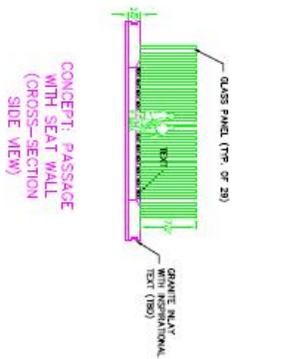
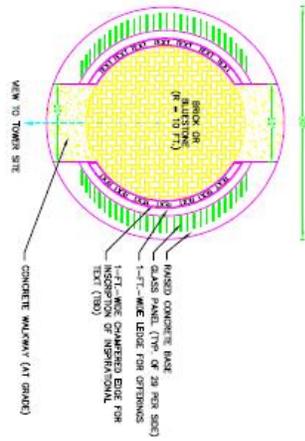
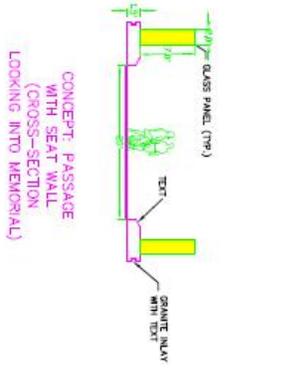
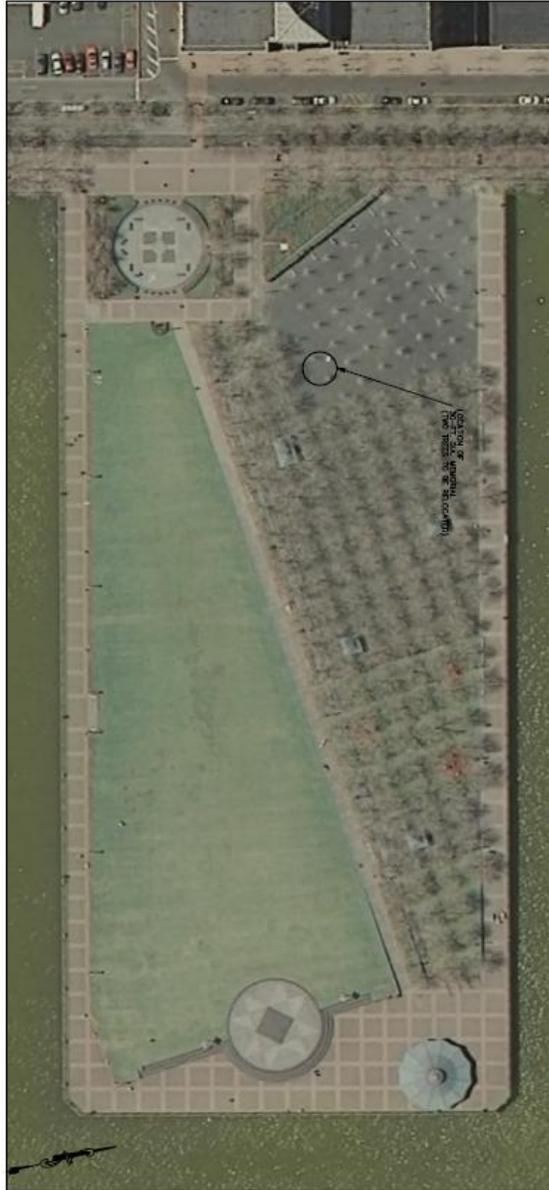
APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

James Farina, RMC
City Clerk

**ATTACHMENT TO RESOLUTION NO. _____
 PROPOSED CONCEPTUAL DESIGN AND PLACEMENT OF
 SEPTEMBER 11 MEMORIAL**



**9-11 MEMORIAL ON PARK A
 CITY OF HOUSTON
 OFFICE OF THE CITY CLERK
 1001 FOSTER FRIER DRIVE, SUITE 1000
 HOUSTON, TEXAS 77002
 TEL: 713.224.2000
 WWW.CITYOFHOUSTON.GOV**

Introduced By: _____

Seconded By: _____

**CITY OF HOBOKEN
RESOLUTION No. _____**

**RESOLUTION AUTHORIZING ENVIRONMENTAL
SERVICES, CENTRAL GARAGE, FIRE
DEPARTMENT AND TAX COLLECTOR TO
MAINTAIN PETTY CASH AND CHANGE FUNDS**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of petty cash and change funds in any county or municipality; and

WHEREAS, various petty cash and change funds were previously established by resolution of the City Council and approval of the Director of the Division of Local Government Services; and

WHEREAS, the departments listed herein wish to continue the use of petty cash and change funds under the supervision of the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, County of Hudson, State of New Jersey that the following petty cash and change funds be and are hereby authorized for use during the CY 2011:

| <u>Department</u> | <u>Amount</u> | <u>Use</u> | <u>Custodian</u> |
|------------------------|---------------|---------------|---------------------------------------|
| Environmental Services | \$150.00 | Miscellaneous | Director Environmental Services |
| Central Garage | \$500.00 | Miscellaneous | Director Environmental Services |
| Fire Department | \$300.00 | Miscellaneous | Fire Chief |

Tax Collector

\$300.00

Change Fund Tax Collector

MEETING DATE: February 16, 2011

REVIEWED BY:

APPROVED BY:

**Arch Liston
Business Administrator**

**Mark A. Tabakin
Corporation Counsel**

BUDGET FORM

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

APPLICATION TO ESTABLISH A PETTY CASH FUND

City OF Hoboken COUNTY OF Hudson

Pursuant to the provisions of N.J.S. 40A:5-21 application is hereby made for permission to establish a petty cash fund for the following office or department and amount:

ENVIRONMENTAL Service Director CENTRAL GARAGE \$ 500.00

The petty cash fund will be used by the aforementioned office or department to pay claims specifically described as follows:

PARTS + ACCESSORIES NOT TO EXCEED \$75.00

It is estimated that the maximum amount of such claims to be paid in any one month will be:

\$ 1000.00

It is estimated that the maximum amount of such claims to be paid in any fiscal year will be:

\$ 5000.00

Certification is hereby made that the person having custody of the fund will be bonded with corporate surety in an amount not less than \$1,000 or the amount of the fund, whichever is greater.

The custodian of such fund and the amount of surety bond will be as follows:

JENNIFER MAIER ENVIRONMENTAL SVC Director 1000.00

Petty Cash Funds Currently In Existence and Approved By The Division of Local Government Services

| | | |
|------------------------|------------------|----------|
| <u>FIRE DEPARTMENT</u> | \$ <u>500.00</u> | \$ _____ |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |

This application was authorized at a meeting of the CITY COUNCIL of the CITY of Hoboken, County of Hudson held

on the _____ day of _____, _____ and upon approval of the Director of Local Government Services, authorization will be given for the issuance of a check to the fund custodian in the amount set forth in the application.

I hereby certify that the above charges are for emergency purchases and are not of such nature that should be processed through an encumbrance system.

CFO

Date

I hereby certify that this application was authorized by the governing body as indicated in the application.

Clerk

Date

Approved by: _____

Duly Appointed Designee of the Director, Division of Local Government Services

Date

BUDGET FORM

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

APPLICATION TO ESTABLISH A PETTY CASH FUND

CITY OF Hoboken COUNTY OF Hudson

Pursuant to the provisions of N.J.S. 40A:5-21 application is hereby made for permission to establish a petty cash fund for the following office or department and amount:

ENVIRONMENTAL SERVICE Director \$ 150.00

The petty cash fund will be used by the aforementioned office or department to pay claims specifically described as follows:

Supplies + Accessories NOT To Exceed \$50.00

It is estimated that the maximum amount of such claims to be paid in any one month will be:

\$ 300.00

It is estimated that the maximum amount of such claims to be paid in any fiscal year will be:

\$ 2000.00

Certification is hereby made that the person having custody of the fund will be bonded with corporate surety in an amount not less than \$1,000 or the amount of the fund, whichever is greater.

The custodian of such fund and the amount of surety bond will be as follows:

JENNIFER MAIER ENVIRONMENTAL SVC Director \$ 1000.00

Petty Cash Funds Currently In Existence and Approved By The Division of Local Government Services

FIRE DEPARTMENT \$ 500.00

\$

\$

This application was authorized at a meeting of the City Council Meeting of the City of Hoboken, County of Hudson held on the _____ day of _____, _____ and upon approval of the Director of Local Government Services, authorization will be given for the issuance of a check to the fund custodian in the amount set forth in the application.

I hereby certify that the above charges are for emergency purchases and are not of such nature that should be processed through an encumbrance system.

CFO

Date

I hereby certify that this application was authorized by the governing body as indicated in the application.

Clerk

Date

Approved by:

Duly Appointed Designee of the Director, Division of Local Government Services

Date

BUDGET FORM

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

APPLICATION TO ESTABLISH A PETTY CASH FUND

CITY OF HOBOKEN COUNTY OF HUDSON

Pursuant to the provisions of N.J.S. 40A:5-21 application is hereby made for permission to establish a petty cash fund for the following office or department and amount:

Hoboken Fire Department \$ 300.00

The petty cash fund will be used by the aforementioned office or department to pay claims specifically described as follows:

Parts & Accessories NOT To Exceed \$50.00

It is estimated that the maximum amount of such claims to be paid in any one month will be:
\$ 375.00

It is estimated that the maximum amount of such claims to be paid in any fiscal year will be:
\$ 4000.00

Certification is hereby made that the person having custody of the fund will be bonded with corporate surety in an amount not less than \$1,000 or the amount of the fund, whichever is greater.

The custodian of such fund and the amount of surety bond will be as follows:

FIRE CHIEF RICHARD BLOHN \$ 1000.00

Petty Cash Funds Currently In Existence and Approved By The Division of Local Government Services

| | |
|----------|----------|
| \$ _____ | \$ _____ |
| \$ _____ | \$ _____ |
| \$ _____ | \$ _____ |

This application was authorized at a meeting of the CITY COUNCIL of the CITY of HOBOKEN, County of HUDSON held on the _____ day of _____, _____ and upon approval of the Director of Local Government Services, authorization will be given for the issuance of a check to the fund custodian in the amount set forth in the application.

I hereby certify that the above charges are for emergency purchases and are not of such nature that should be processed through an encumbrance system.

I hereby certify that this application was authorized by the governing body as indicated in the application.

CFO Date

Clerk Date

Approved by: _____
Duly Appointed Designee of the Director, Division of Local Government Services Date

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

RESOLUTION DESIGNATING DEPOSITORIES FOR THE CITY OF HOBOKEN FUNDS

WHEREAS, the following were by resolution heretofore adopted by the governing body of the City of Hoboken designated as legal depositories of said City of Hoboken for CY 2011:

Bank of America
Capital One
Haven Savings Bank
PNC Bank
Sovereign Bank
Valley National Bank

BCB Community Bank
Citi Bank
J P Morgan Chase Bank
Provident Savings Bank
TD Bank
Wachovia

Now, therefore, be it

RESOLVED, that said legally designated depositories be and they are hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the corporate name of the City of Hoboken, including those payable to the individual order of any person or persons whose names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature or signatures of any of the following:

Dawn Zimmer, Mayor
George DeStefano, CMFO

and, be it further -

RESOLVED, that said legal depositories as above stated shall be entitled to honor and charge to the specified accounts of the City of Hoboken such checks, drafts, or other regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto if such signature or signatures resemble the facsimile specimens duly certified to or filed with the depositories; and, be it further –

RESOLVED, that all previous authorizations for the signing and honoring of checks, drafts, and other orders for the payment of money drawn on said City of Hoboken and signed by

Dawn Zimmer, Mayor
George DeStefano, CMFO

are hereby ratified and confirmed and are hereby continued in full force and effect as amplified hereby; and, be it further –

RESOLVED, that all previous authorization for the signing and honoring of checks, drafts and other orders for the payment of money drawn on said City of Hoboken are hereby continued in full force and effect as amplified hereby; and, be it further –

RESOLVED, that the banks mentioned in the first paragraph hereof be furnished with a certified copy of this resolution.

MEETING: February 16, 2011

REVIEWED BY:

Arch Liston
Business Administrator

APPROVED TO FORM:

Mark A. Tabakin
Corporation Counsel

Introduced by: _____

Seconded by: _____

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

**RESOLUTION ADOPTING CASH MANAGEMENT PLAN
FOR THE CITY OF HOBOKEN**

WHEREAS, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan," and,

WHEREAS, the City must deposit its funds pursuant to the plan;

NOW, THEREFORE, BE IT RESOLVED that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the following "Cash Management Plan" to be utilized by the City of Hoboken for the CY 2011; and,

BE IT FURTHER RESOLVED that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, City Auditor, and the Chief Financial Officer of the City of Hoboken (Hudson County).

**CASH MANAGEMENT PLAN OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
AND STATE OF NEW JERSEY**

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis of deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the City of Hoboken, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to.

The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. DEFINITIONS

“Arbitrage” refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

“Certificate of Eligibility” is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

“GUDPA” requires a bank that accepts public funds to be a public depository. A “Public Depository” is defined as a state bank, a national bank, a savings bank or association that is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation, and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks that are located in New Jersey and which meet the requirements of the GUDPA.

“The New Jersey Cash Management Fund.” The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the”Fund”). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a “common trust” fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA-protected deposits by Local Units.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the City:

- Current Fund
- Grant Fund
- Trust Assessment Fund
- General Trust Fund
- Animal Control Fund
- Unemployment Insurance Trust Fund
- Serial Bonds Refunding Trust Fund
- General Capital Fund
- Parking Utility Operating Fund
- Parking Utility Capital Fund
- Public Assistance Fund

Bond & Interest Fund
Affordable Housing Trust Fund
Open Space Trust Fund
Acquisition and Preservation of Historical Structures Account
Green Acres Trust Account
Employee Payroll Deduction Account
Municipal Court General Account
Municipal Court Bail Account
Tax Collector's Revenue Account
Tax Collector's PILOT Account
Tax Collector's Lien Redemption Account
Payroll Account
Workers Compensation Account
Claims Account
Developers Escrow Account

B) The Plan is not intended to cover the deposit and/or investment of the following Funds and Accounts of the City:

1. Petty Cash Funds

2. Cash drawn from a Federal Agency under a letter of credit which cash has to be paid out within 5 working days to a vendor?

3. Deposit, retainage, or amounts posted by way of bond, held by the City for such things as faithful performance, if the City would be required by law to pay back any interest earned to the provider of the deposit, except where the City is required by law or court decision to invest the fund.

4. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

IV. DESIGNATION OF OFFICIALS OF THE CITY OF HOBOKEN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS

The Chief Financial Officer and the Business Administrator (the "Designated Officials") are hereby authorized and directed to deposit and/or invest the Funds referred to in the Plan.

V. STANDARDS OF CARE

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. The Chief Financial Officer, under the direction of the Business Administrator, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the City are protected from loss, theft, or misuse.

VI. PROCEDURES FOR THE RECEIPT OF MONIES

A. Department Procedures

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the receiving department shall maintain the duplicate. All payments and receipts must be recorded.

2. All monies collected or received from any source by or on behalf of the Township shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A:5-15.

3. All monies received shall be placed in a secured place until forwarded for deposit.

4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

B. Chief Financial Officer (Designated Official)

1. The Chief Financial Officer shall:

- a. Deposit all monies collected or received from any source by or on behalf of the City within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
- b. Ensure that all monies deposited are in interest bearing accounts.
- c. Make recommendations of legal public depositories to the City Council who shall by resolution designate said depositories at the first meeting of the calendar year.
- d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
- e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and

Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed semi-annually in the Department of Banking as of January 1 and December 31 of each year.

VII. DESIGNATION OF DEPOSITORIES

The City Council approved a resolution on January 19, 2011, which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in “Permitted Investments” as provided for in this Plan:

BANK OF AMERICA
CAPITAL ONE
COMMERCE BANK
HSBC
JP MORGAN CHASE
PROVIDENT
TD BANKNORTH
WACHOVIA
WELLS FARGO
BCB COMMUNITY
CITIBANK
FIRST AMERICANO
HAVENS SAVINGS
PNC
SOVEREIGN
VALLEY NATIONAL
WASHINGTON MUTUAL

VIII. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
2. Government Money Market Mutual Funds.
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.

4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment pools.
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).
8. Agreements for the repurchase of fully collateralized securities if:
 - a. The underlying securities are permitted investments pursuant to paragraphs “1” and “3” of this subsection a;
 - b. The custody of collateral is transferred to a third party;
 - c. The maturity of the agreement is not more than 30 days;
 - d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and
 - e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “Government Money Market Mutual Fund” and “Local Government Investment Pool” shall have the following definitions:

“Government Money Market Mutual Fund”

An Investment company or Investment Trust:

- a. Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec, 270. 2a-7 and
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and
- c. Repurchase agreements that are collateralized by such U.S. Government Securities; and
- d. Which has:

- (i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
- (ii) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

“Local Government Investment Pool”

An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization?
- c. Which is limited to U.S. Government securities that meet the definition of “eligible security” pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities;
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

IX. SAFEKEEPING CUSTODY PAYMENT

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the City of Hoboken, then such instrument or security shall be covered by

all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the City of Hoboken or by a third party custodian prior to or upon the release of the City of Hoboken’s funds.

X. CITY AUDITOR

The City investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the City Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

XI. SURETY BONDS

a. The Chief Financial Officer shall be covered by a surety bond. During the annual audit, the City Auditor shall examine said bond to determine that proper coverage has been obtained.

b. Staff members of the Chief Financial Officer’s office, who are employees of the City, shall be covered by a public employee’s faithful performances bond in the minimum amount of \$10,000.

XII. TERM OF PLAN

This Plan shall be in effect from July 1, 2010 to December 31, 2010. Attached to this Plan is a resolution of the City Council of the City of Hoboken approving this Plan for such period of time, which may be amended from time to time? To the extent that the Council adopts any amendment, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

CERTIFICATION

I, George DeStefano, Chief Financial Officer of the City of Hoboken, have prepared this plan and submitted same to Corporation Counsel and City Council for approval.

George DeStefano
Chief Financial Officer

Date:

CITY OF HOBOKEN

RESOLUTION NO. _____

A RESOLUTION APPROVING PARTICIPATION WITH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION THROUGH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY'S FY2012 PEDESTRIAN SAFETY GRANT PROGRAM

WHEREAS, the **City of Hoboken** is interested in participating in a program with the N.J. Division of Highway Traffic Safety to reduce pedestrian injuries through education, enforcement, and engineering, and

WHEREAS, the **City of Hoboken** wishes to receive approved funding for a project under the New Jersey Division of Highway Traffic Safety in an undetermined amount **for the FY2012 Walk Safe Hoboken Program.**, and

WHEREAS, the **Hoboken City Council** has reviewed and supports the application process for the above mentioned Pedestrian Safety Grant, and

WHEREAS, the project is a joint effort between the Division of Highway Traffic Safety and the **City of Hoboken** for the purpose described in the application;

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

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

- 2) As a matter of public policy, the **City of Hoboken**, wishes to participate to the fullest extent possible with the N.J. Division of Highway Traffic Safety.

Approved as to Form:

Mr. Mark A. Tabakin, Corporation Counsel

Mr. Arch Liston, Business Administrator

Dated:

Sponsored By: _____

Cosponsored By: _____

RESOLUTION NO:

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

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

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

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

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

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

FURTHER RESOLVED, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal; **and be it –**

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

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

RESOLVED, that:

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

Meeting Date: February 16, 2011

Department of Community Development

Approved as to form:

Brandy A. Forbes, Director

Mark A. Tabakin, Corporation Counsel

CITY OF HOBOKEN
DEPARTMENT OF COMMUNITY DEVELOPMENT
2011 CDBG APPLICATION SUMMARY

| <u>Project</u> | <u>Budget</u> |
|--|----------------------|
| Child Care Services | \$100,000 |
| Family Planning Services | 20,000 |
| City Recreation (Boys & Girls Club, Hoboken Unit) | 10,000 |
| United Cerebral Palsy | 2,000 |
| Jubilee Center | 25,000 |
| Hoboken PAL | 25,000 |
| Hoboken Police Headquarters HVAC Replacement | 350,000 |
| General Program Administration | <u>50,000</u> |
| TOTAL CDBG REQUEST | \$582,000 |

Sponsored By: _____

Cosponsored By: _____

RESOLUTION NO:

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

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

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

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

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

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

FURTHER RESOLVED, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal; **and be it –**

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

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

RESOLVED, that:

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

Meeting Date: February 16, 2011

Department of Community Development

Approved as to form:

Brandy A. Forbes, Director

Mark A. Tabakin, Corporation Counsel

Sponsor: Beth Mason

Second: Tim Occhipinti

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

**RESOLUTION DIRECTING ZIMMER ADMINISTRATION TO PROVIDE THE
CITY COUNCIL WITH REQUESTED FINANCIAL INFORMATION**

WHEREAS, the City Council of the City of Hoboken exercises the legislative power of the municipality pursuant to the Faulkner Act, N.J.S.A. 40:69A-1 et seq.; and,

WHEREAS, in order to provide for the effective exercise of that legislative power, the Council is granted the authority to make legislative inquiries and investigations into all aspects of City of government; and,

WHEREAS, pursuant to N.J.S.A. 40:69A-37, the Council has the specific power to require any City officer to prepare sworn statements regarding his or her official duties in the performance thereof, and to otherwise investigate the conduct of any City department, office or agency; and,

WHEREAS, pursuant to N.J.S.A. 40:69A-37.1, any Council member has the right to at any time to make a written request that the Mayor provide a report on any aspect of City government; and,

WHEREAS, also pursuant to N.J.S.A. 40:69A-37.1, the Council may require the Mayor or her designee to appear before the Council and to bring before the Council all necessary records and reports to allow the Council to perform the legislative and oversight functions for which it is responsible by law; and,

WHEREAS, members of this City Council have requested certain critical financial information from the Administration in order to exercise their legislative and oversight responsibilities; and,

WHEREAS, the Administration has ignored these requests, in violation of the spirit and letter of the Faulkner Act, and the Council believes that more formal measures have become necessary; and,

WHEREAS, more specifically, this Council seeks the financial and accounting records maintained by the City utilizing the Edmunds municipal finance software system in an Excel spreadsheet format that can be easily searched, analyzed and reviewed, but the Administration has refused to provide this information; and,

WHEREAS, this action represents a continued effort by this Administration to keep from the public and the Council the operations of City government.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, specifically exercising its authority pursuant to the Faulkner Act, including, but not limited to, N.J.S.A. 40:69A-37 and 37.1, hereby directs the Business Administrator of the City of Hoboken to provide the financial and accounting records maintained by the City utilizing the Edmunds municipal finance software system in a searchable Excel Spreadsheet format. The Business Administrator is directed to deliver this information to the Council President within three (3) business days following the date this resolution is adopted, and to provide a sworn statement attesting to the information contained therein.

BE IT FURTHER RESOLVED that if the Business Administrator fails to comply with this resolution within three (3) business days following adoption of this resolution, the City Clerk and Corporation Counsel are authorized and directed to prepare and serve a legislative subpoena duces tecum on the Business Administrator and the Mayor of the City of Hoboken directing their appearance at the next regularly-scheduled meeting of the City Council in order to provide the requested information to the Council.

BE IT FURTHER RESOLVED that the City Clerk shall immediately provide a copy of this Resolution to Mayor Dawn Zimmer and Business Administrator Arch Liston.

APPROVED AS TO FORM:

Corporation Counsel

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION APPOINTING A FUND COMMISSIONER AND ALTERNATE
FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT
INSURANCE FUND**

WHEREAS, the City of Hoboken is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the City of Hoboken to have representation on the Board of Commissioners for Fund year January 1, 2011 to December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, on this 16th day of February 2011 by the City Council of the City of Hoboken, County of Hudson, State of New Jersey that:

1. Michael J. Korman is hereby re-appointed as Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners; and
2. Arch Liston is hereby appointed as Alternate Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

Date of Meeting: **February 16, 2011**

APPROVED AS TO FORM:

Mark A. Tabakin
Corporation Counsel

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 **\$ 15,278.97**

| <u>NAME</u> | <u>BL/LT/UNIT</u> | <u>PROPERTY</u> | <u>QTR/YEAR</u> | <u>AMOUNT</u> |
|--|-------------------|-----------------|-----------------|---------------|
| Met Life Home Loans c/o Total Mortgage Solutions LP 1555 W. Walnut Hill Lane Ste 200A Irving, Tx 75038 | 28/27/C0004 | 116 Madison St | 4/10 | \$ 7,058.95 |
| N V E Bank 75 Engle Street Englewood, NJ 07631 | 78/31/C0008 | 604-606 Grand | 4/10 | \$ 8,220.02 |

Meeting: February 16, 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 January 5, 2011, Special meeting on January 10, 2011, and the regular meeting of January 19, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: February 16, 2011

Introduced by: _____

Seconded by: _____

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

**RESOLUTION TO ADOPT THE MINUTES FROM CLOSED
EXECUTIVE SESSIONS OF THE CITY COUNCIL OF THE CITY
OF HOBOKEN DATED: MAY 5, 2010; MAY 19, 2010; JUNE 16,
2010; AND, JUNE 22, 2010**

WHEREAS, the Council of the City of Hoboken went into closed executive sessions for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12 on the following dates: May 5, 2010; May 19, 2010; June 16, 2010; and, June 22, 2010; and

WHEREAS, minutes from each of these closed executive sessions were created, and those minutes are now complete and ready for adoption; and

WHEREAS, the Council must vote to adopt said minutes as true and accurate minutes of the discussions held during each closed session.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby adopts the minutes of the following closed executive sessions as true and accurate minutes of the discussion held: May 5, 2010; May 19, 2010; June 16, 2010; and, June 22, 2010; and

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists, the minutes for each of the above mentioned meetings shall be made available to the public according to OPRA.

MEETING: February 16, 2011

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE XXIII
ENTITLED “PARKING FOR SNOWPLOWING, SNOW REMOVAL”
WITHIN CHAPTER 190 OF THE GENERAL CODE OF THE CITY OF
HOBOKEN ENTITLED “VEHICLES AND TRAFFIC”**

WHEREAS, pursuant to Title 39 of the New Jersey Statutes, the City of Hoboken is entitled to create, repeal and amend ordinances relating to parking on municipal rights of way; and,

WHEREAS, the recent snow storms have demonstrated the City’s current parking regulations during snow are inadequate to effectuate proper and efficient clean-up efforts; and,

WHEREAS, the Administration, in conjunction with police and fire officials, conducted an evaluation of existing Snow Emergency Routes in order to provide efficient safety measures for the City; and,

WHEREAS, the General Code of the City of Hoboken, at Article XXIII of Chapter 190 deals specifically with snow emergencies and specific parking regulations during snow emergencies; and,

WHEREAS, the Administration has requested the City Council to amend the Snow Emergency Routes to better regulate vehicle parking during snow emergencies to increase efficiency in snow clean-up efforts.

NOW, THEREFORE, BE IT ORDAINED by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~striketrough~~, additions noted by underline):

Section One: Article XXIII of Chapter 190 – Amendments

ARTICLE XXIII Parking for Snowplowing, Snow Removal

§ 190-36. Snow emergencies.

- A. Whenever snow has fallen and the accumulation is such that it covers the street or highway, or whenever a snow emergency has been declared by the municipality, an emergency shall exist and no vehicle shall be parked on the following street or highways or portion thereof.

| Name of Street | Side | Location |
|-----------------------|-------------|-----------------|
|-----------------------|-------------|-----------------|

| | | |
|---------------------------|--------------|---|
| Fifth Street | South | Clinton Street to Hudson Street <u>River Street</u> |
| Fourth Street | South | River Street to Jackson Street |
| Third Street | North | Jackson Street to River Street |
| Thirteenth Street | North | Washington Street to Willow Avenue |
| Washington Street | Both | Observer Highway to northern boundary |
| Willow Avenue | West | Observer Highway to Eleventh Street |
| <u>Ninth Street</u> | <u>North</u> | <u>Jackson Street to River Street</u> |
| <u>Seventeenth Street</u> | <u>Both</u> | <u>Willow Avenue to Jefferson Street</u> |

B. The above parking prohibitions shall remain in effect after the snow has ceased, until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

§ 190-37. Removal.

Any unoccupied vehicle parked or standing in violation of this Article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer, ~~and~~ or parking enforcement officer may provide for the removal of such vehicles. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

§ 190-38. Erection of signs.

The effectiveness of this Article is contingent upon signs being erected as required by law.

§ 190-39. Violations and penalties.

In addition to any vehicle owner's responsibility for the payment of costs related to the removal and storage of the vehicle, ~~U~~nless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation or provision of this Article or any supplement thereto shall be liable to a penalty of not more than fifty-one dollars (\$51.).

Section Two: Repeal of Inconsistent Provisions

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

Section Three: 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 Four: Effective Date

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

Section Five: 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.

Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

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.

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

Date of Introduction: February 16, 2011

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
Ordinance No. _____

**AN ORDINANCE TO ESTABLISH SPECIFIC PARKING SPACES AND RELATED RULES
FOR "HOBOKEN CORNER CARS"**

WHEREAS, at the May 19, 2010 meeting of the Hoboken City Council a resolution was passed granting "Hoboken Corner Cars" a ninety (90) day pilot period, which was extended for an additional ninety (90) days by a second Resolution of the Hoboken City Council on September 1, 2010, which was thereby extended for an additional two hundred (200) days by a third Resolution of the Hoboken City Council on December 1, 2010;

WHEREAS, the initial success of the "Hoboken Corner Car" program has necessitated creating established specific parking spaces and related rules for said cars on a permanent basis along the public rights of way;

WHEREAS, the City Council has the authority to change the spaces herein designated, by ordinance, should the need arise; and,

WHEREAS, pursuant to N.J.S.A. 39:4-8c and N.J.S.A. 39:4-197 the City Council is authorized to set rules and regulations related to parking on municipal streets.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, that Chapter 190 of the Administrative Code of the City of Hoboken shall be amended as following:

SECTION ONE: AMENDMENTS

Article XXXIV is hereby added to Chapter 190 of the Code of the City of Hoboken as follows:

ARTICLE XXXIV

Section 190-47 Definitions

CORNER CAR: shall mean a vehicle located on-street by the City of Hoboken or its designee for the purposes of car sharing amongst residents and businesses, where Corner Cars are distinguishable by the logo on the side of the car as well as the temporary parking permit on the dashboard of the vehicle

Section 190-48 Locations Designated

| Name of Street | Side | Location |
|-----------------------|-------------|--|
| Seventh Street | South | Beginning at a point 35 feet west of the westerly curbline of Clinton Street and extending for 32 feet westerly therefrom |
| Clinton Street | East | Beginning at a point 35 feet south of the southerly curbline of Ninth Street and extending for 32 feet southerly therefrom |

| | | |
|-------------------|-------|---|
| Fourth Street | South | Beginning at a point 35 feet east of the easterly curbline of Jefferson Street and extending for 32 feet easterly therefrom |
| Bloomfield Street | East | Beginning at a point 35 feet south of the southerly curbline of Fourth Street and extending for 32 feet southerly therefrom |
| Garden Street | East | Beginning at a point 35 feet north of the northerly curbline of Eighth Street and extending for 32 feet northerly therefrom |
| First Street | South | Beginning at a point 35 feet west of the westerly curbline of Jefferson Street and extending 32 feet westerly therefrom |
| Sixth Street | South | Beginning at a point 35 feet east of the easterly curbline of Park Avenue and extending for 32 feet easterly therefrom |
| Harrison Street | East | Beginning at a point 35 feet north of the northerly curbline of Second Street and extending for 32 feet northerly therefrom |
| Harrison Street | East | Beginning at a point 35 feet south of the southerly curbline of Fourth Street and extending for 32 feet southerly therefrom |
| Jefferson Street | East | Beginning at a point 35 feet north of the southerly curbline of Third Street and extending 32 feet southerly therefrom |
| Monroe Street | West | Beginning at a point 35 feet north of the northerly curbline of Eighth Street and extending for 32 feet northerly therefrom |
| Adams Street | East | Beginning at a point 35 feet south of the southerly curbline of Eighth Street and extending for 32 feet southerly therefrom |
| Sinatra Drive | North | Beginning at a point 115 feet east of the easterly curbline of Hudson Street and extending 32 feet easterly therefrom |
| Twelfth Street | South | Beginning at a point 35 feet west of the westerly curbline of Grand Street and extending for 32 feet westerly therefrom |
| Clinton Street | East | Beginning at a point 35 feet north of the northerly |

| | | |
|----------------|-------|--|
| | | curbline of Newark Street and extending for 32 feet northerly therefrom |
| First Street | South | Beginning at a point 35 feet west of the westerly curbline of Washington Street and extending for 32 feet westerly therefrom |
| Willow Avenue | East | Beginning at a point 35 feet north of the northerly curbline of Tenth Street and extending for 32 feet northerly therefrom |
| Clinton Street | East | Beginning at a point 35 feet north of the northerly curbline of Fourth Street and extending for 32 feet northerly therefrom |
| Hudson Street | East | Beginning at a point 35 feet south of the southerly curbline of Fifteenth Street and extending for 32 feet southerly therefrom |
| Tenth Street | South | Beginning at a point 35 feet west of the westerly curbline of Jefferson Street and extending for 32 feet westerly therefrom |
| Vezzetti Way | North | Beginning at a point 43 feet west of the southerly curbline of Observer Highway and extending 32 feet westerly therefrom |
| Vezzetti Way | North | Beginning at a point 12 feet east of the easterly curbline of Observer Highway and extending 32 feet easterly therefrom |

Section 190-49 Rules

No person shall park a vehicle at any time upon the locations designated in Section 190-48 unless such vehicle is a “Corner Car”

Section 190-50 Violations and Penalties

Failure to comply with this Article XXXIV shall result in towing at the vehicle owner’s expense.

Section 190-51 Sunset Clause

The establishment of Corner Car parking spaces as described herein and labeled “Article XXXIV” of Chapter 190 of the General Code of the City of Hoboken, shall sunset immediately at 11:59 pm as of the date of termination of the City of Hoboken’s September 26, 2010 contract with Hertz Connect. This sunset clause shall take effect without further municipal action unless Article XXXIV is readopted by the City Council, upon the presentation and recommendation of the Business Administrator or his or her designee.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: 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 FOUR: EFFECTIVE DATE

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

SECTION FIVE: 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.

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Corporation Counsel

Date of Introduction: February 16, 2011

Sponsor: _____

Second: _____

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

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
CHAPTER 155 OF THE CITY CODE, ENTITLED "RENT
CONTROL"**

WHEREAS, the City Council Committee on Rent Control & Affordable Housing has conducted public hearings over the course of the past eighteen months in an effort to identify substantive and procedural deficiencies in the legislative and regulatory controls of residential rents through the City's Rent Regulations Office and Rent Leveling and Stabilization Board; and

WHEREAS, this amendatory ordinance is intended to address some of those concerns, recognizing that the work of the Committee is ongoing and intended to address other issues;

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

Section 1. Code Section 155-4., entitled "Controls; increase restrictions" is hereby amended and supplemented to read as follows:

§ 155-4. Controls; increase restrictions.

All rents for rental of housing space and services in dwellings to which this act is applicable are hereby controlled at the base rent level received by the landlord as of October 1, 1985, and no rental increases shall be hereinafter demanded, paid or accepted, except as provided in this chapter. Any rent increases imposed after October 1, 1985, to the extent that such increases are in excess of the rent increases allowed under this ordinance, are hereby declared to be null and void, and subject to the limitations and repose period set forth herein, such excess rents shall be refunded or credited to the tenant by the landlord forthwith. All rents may be rounded up or down to the nearest dollar after making the computations. Landlords shall report all increases of rents imposed after October 1, 1985, to the Rent Leveling and Stabilization Board. Any landlord seeking an increase shall notify the tenant in writing at least thirty (30) days prior to the effective date of the increase and explain in detail the reason for the increase. Determinations under this section shall be made by the Rent Regulation Officer.

A. Disclosure Statement.

Every landlord subject to the provisions of this Chapter shall be required to provide to each tenant a Disclosure Statement, on Board approved forms, available through the Rent Regulation Office or by download from the City's web site. The Disclosure Statement shall include a detailed description of the tenant's rights under this Chapter, including but not limited to the right to request a legal rent calculation to determine the legal base rent; notice that a failure to request a legal rent calculation within two (2) years of service of the Disclosure Statement will result in a bar of a refund and/or credit of an excess or overpayment of rents; notice that a copy of the Landlord's Registration Statement will be on file with the Rent Regulation Office and available to a tenant upon request; and an acknowledgment by the Landlord advising the tenant of the Truth-In-Renting Act N.J.S.A. 46:8-43 et seq., and the Statement/Booklet prepared therein, which can be obtained from the New Jersey Department of Community Affairs Division of Codes and Standards Landlord tenant information service P.O. Box 805 Trenton 08625; the Disclosure Statement is to be signed and dated by the tenant and filed by the landlord with the Rent Regulation Officer. In the absence of a Disclosure Statement that is signed and dated by the tenant, a Landlord may also establish proof of service of the Disclosure Statement by filing both a copy of the Disclosure Statement and a receipt indicating that the Disclosure Statement was delivered and received by the tenant via Certified Mail.

The Rent Regulation Officer shall be authorized to prepare and revise the Disclosure Statement as needed in an effort to comply with the intention and purpose of this section.

B. Two (2) Year Statute of Limitations

A refund and/or credit of excess rents shall be barred if the tenant's request for a legal rent calculation is not made within two (2) years from service of the Disclosure Statement upon the tenant. The statute of limitations commences only upon proper service of the Disclosure Statement in compliance with § 155-4. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

C. Two (2) Year Period of Repose

In no instance shall a tenant be allowed to collect rental overcharges for a period in excess of two (2) years as determined by the Rent Leveling Officer or the Board. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

D. Alternative Proofs of Rents and Vacancies

For the purpose of calculating the earliest date of a verifiable rent and determining the legal rent of the dwelling, including but not limited to the consideration of a vacancy of a dwelling, and in the absence of a filed and timely submitted Registration Statement and/or the absence of a filed and timely submitted vacancy decontrol certificate, a landlord shall be permitted to submit credible alternative proofs for consideration by the Rent Regulation Officer or the Rent Leveling and Stabilization Board to determine the earliest date of a verifiable rent, the legal rent of the dwelling and/or whether vacancies occurred. These alternative proofs may consist of, but are not limited to, leases showing vacancies, and/or statements under oath from reliable sources. In presenting alternative proofs for a vacancy, a certified statement from the Landlord should be submitted indicating that the tenant vacated the apartment voluntarily without harassment, duress, or unreasonable pressure from the landlord or his agents. The Rent Regulation Officer and/or the Rent Leveling and Stabilization Board shall have absolute discretion to determine the reliability of any such alternative proofs.¹

Section 2. Code Section 155-19., entitled “Rights and Authority of Board” is hereby amended and supplemented to read as follows:

§155-19. Rights and Authority of the Board.

The Rent Leveling and Stabilization Board shall have the right to exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purpose of this entire Chapter, including the right to the exercise of equitable authority to depart from the strict interpretation of the provisions of this Chapter in instances where fairness requires equitable intervention. These powers of equity, however, do not permit the Rent Leveling and Stabilization Board to act in contravention to the purposes of this Chapter nor in an arbitrary, capricious, or unreasonable manner. Notwithstanding this general power of equity the Rent Leveling and Stabilization Board shall also have the following powers:

Section 3. Inconsistency

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

¹ The provisions of this section shall also apply to Article VII - Vacancy Decontrol.

Section 4. 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 5. Effective Date

This Ordinance shall take effect after final adoption and approval thereof as provided by law.

Date of Introduction: February ____, 2011

ADOPTED:

James J. Farina, City Clerk

APPROVED:

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Acting Corporation Counsel

REVIEWED:

Arch Liston, Business Administrator

Sponsor: _____

Second: _____

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

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
CHAPTER 155 OF THE CITY CODE, ENTITLED "RENT
CONTROL"**

WHEREAS, the City Council Committee on Rent Control & Affordable Housing has conducted public hearings over the course of the past eighteen months in an effort to identify substantive and procedural deficiencies in the legislative and regulatory controls of residential rents through the City's Rent Regulations Office and Rent Leveling and Stabilization Board; and

WHEREAS, this amendatory ordinance is intended to address some of those concerns, recognizing that the work of the Committee is ongoing and intended to address other issues;

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

Section 1. Code Section 155-4., entitled "Controls; increase restrictions" is hereby amended and supplemented to read as follows:

§ 155-4. Controls; increase restrictions.

All rents for rental of housing space and services in dwellings to which this act is applicable are hereby controlled at the base rent level received by the landlord as of October 1, 1985, and no rental increases shall be hereinafter demanded, paid or accepted, except as provided in this chapter. Any rent increases imposed after October 1, 1985, to the extent that such increases are in excess of the rent increases allowed under this ordinance, are hereby declared to be null and void, and subject to the limitations and repose period set forth herein, such excess rents shall be refunded or credited to the tenant by the landlord forthwith. All rents may be rounded up or down to the nearest dollar after making the computations. Landlords shall report all increases of rents imposed after October 1, 1985, to the Rent Leveling and Stabilization Board. Any landlord seeking an increase shall notify the tenant in writing at least thirty (30) days prior to the effective date of the increase and explain in detail the reason for the increase. Determinations under this section shall be made by the Rent Regulation Officer.

A. Disclosure Statement.

Every landlord subject to the provisions of this Chapter, ~~upon signing of a lease or onset of tenancy without a lease,~~ **shall be required to provide** to each tenant a Disclosure Statement, on Board approved forms, available through the Rent Regulation Office or by download from the City's web site. The Disclosure Statement shall include a detailed description of the tenant's rights under this Chapter, including but not limited to the right to request a legal rent calculation to determine the legal base rent; notice that a failure to request a legal rent calculation within two (2) years of— **service of the Disclosure Statement** will result in a bar of a refund and/or credit of an excess or overpayment of rents; notice that a copy of the Landlord's Registration Statement will be on file with the Rent Regulation Office and available to a tenant upon request; and an acknowledgment by the Landlord advising the tenant of the Truth-In-Renting Act N.J.S.A. 46:8-43 et seq., and the Statement/Booklet prepared therein, which can be obtained from the New Jersey Department of Community Affairs Division of Codes and Standards Landlord tenant information service P.O. Box 805 Trenton 08625; the Disclosure Statement is to be signed and dated by the tenant and filed by the landlord with the Rent Regulation Officer. In the absence of a Disclosure Statement that is signed and dated by the tenant, a Landlord may also establish proof of service of the Disclosure Statement by filing both a copy of the Disclosure Statement and a receipt indicating that the Disclosure Statement was delivered and received by the tenant via Certified Mail.

The Rent Regulation Officer shall be authorized to prepare and revise the Disclosure Statement as needed in an effort to comply with the intention and purpose of this section.

B. Two (2) Year Statute of Limitations

A refund and/or credit of excess rents shall be barred if the tenant's request for a legal rent calculation is not made within two (2) years ~~of the start of his or her tenancy from service of the Disclosure Statement upon the tenant.~~ **The statute of limitations commences only upon proper service of the Disclosure Statement in compliance with § 155-4. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.**

C. Two (2) Year Period of Repose

In no instance shall a tenant be allowed to collect rental overcharges for a period in excess of two (2) years as determined by the Rent Leveling Officer or the Board. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

D. Alternative Proofs of Rents and Vacancies

For the purpose of calculating the earliest date of a verifiable rent and determining the legal rent of the dwelling, including but not limited to the consideration of a vacancy of a dwelling, and in the absence of a filed and timely submitted Registration Statement and/or the absence of a filed and timely submitted vacancy decontrol certificate, a landlord shall be permitted to submit credible alternative proofs for consideration by the Rent Regulation Officer or the Rent Leveling and Stabilization Board to determine the earliest date of a verifiable rent, the legal rent of the dwelling and/or whether vacancies occurred. These alternative proofs may consist of, but are not limited to, leases for comparable housing space, leases showing vacancies, and/or statements under oath from reliable sources. In presenting alternative proofs for a vacancy, a certified statement from the Landlord should be submitted indicating that the tenant vacated the apartment voluntarily without harassment, duress, or unreasonable pressure from the landlord or his agents. The Rent Regulation Officer and/or the Rent Leveling and Stabilization Board shall have absolute discretion to determine the reliability of any such alternative proofs.¹

Section 2. Code Section 155-19., entitled “Rights and Authority of Board” is hereby amended and supplemented to read as follows:

§155-19. Rights and Authority of the Board.

The Rent Leveling and Stabilization Board shall have the right to exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purpose of this entire Chapter, including the right to the exercise of equitable authority to depart from the strict interpretation of the provisions of this Chapter in instances where fairness requires equitable intervention. These powers of equity, however, do not permit the Rent Leveling and Stabilization Board to act in contravention to the purposes of this Chapter nor in an arbitrary, capricious, or unreasonable manner. Notwithstanding this general power of equity the Rent Leveling and Stabilization Board shall also have the following powers:

¹ The provisions of this section shall also apply to Article VII - Vacancy Decontrol.

Section 3. Inconsistency

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

Section 4. 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 5. Effective Date

This Ordinance shall take effect after final adoption and approval thereof as provided by law.

Date of Introduction: February ____, 2011

ADOPTED:

James J. Farina, City Clerk

APPROVED:

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Acting Corporation Counsel

REVIEWED:

Arch Liston, Business Administrator

Sponsored by: Beth Mason
Seconded by: Theresa Castellano

City of Hoboken
Ordinance No.: _____

AN ORDINANCE AMENDING CHAPTER 20A OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “PROFESSIONAL SERVICE CONTRACTS”; CHAPTER 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “REDEVELOPMENT PAY-TO-PLAY REFORM”; AND, CHAPTER 20B OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “CONTRIBUTION DISCLOSURE STATEMENTS”

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005; and,

WHEREAS, the City of Hoboken followed suit and created location legislation dealing with Pay-to-Play issues for professional service contracts and redevelopment contracts with the City government, pursuant to N.J.S.A. 40:48-2; and,

WHEREAS, the Council of the City of Hoboken amended Chapter 20A and adopted Chapter 20C in 2007; and,

WHEREAS, it has now been shown that amendments to and clarification of the current language of Chapters 20A and 20C is necessary to help maintain compliance, put contributors on proper notice of the regulations regarding their contributions, and enable proper enforcement of the Chapters; and,

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

SECTION ONE: AMENDMENT TO CHAPTER 20A

Chapter 20A of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~strikethrough~~):

ARTICLE III Public Contracting Reform Ordinance

§ 20A-11. Preamble.

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that

have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

§ 20A-12. Prohibition on awarding public contracts to certain contributors.

- A. To the extent that it is not inconsistent with state or federal law, the City of Hoboken and any of its departments, instrumentalities or ~~purchasing agents~~ any independent authority created thereby, shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance brokerage or other consulting service (hereinafter "professional services"), nor "extraordinary ~~unspecified~~ unspecifiable services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-59(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "extraordinary ~~unspecified~~ unspecifiable services") from any ~~business~~ entity, including non-emergency contracts awarded by N.J.S.A. 40A:11 et seq. or the "Fair and Open" Process pursuant to N.J.S.A. 19:44A-20 et seq., if such ~~business~~ entity has solicited for or made any "contribution" ~~(as such term is defined at N.J.A.C. 19:25-1.7, reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (N.J.S.A. 19:44A-1 et seq.), which definition includes loans and transfers of money or other thing(s) of value, all pledges or other commitments or assumptions of liability to make any such transfers, pledges and in-kind contributions)~~ (hereinafter "contribution"), to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the Hoboken ~~a holder of public office having ultimate responsibility for the award of a contract~~, or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that ~~regularly~~ engageds in the support of Hoboken municipal or Hudson County elections and/or Hoboken municipal or Hudson County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in Subsection D within one (1) calendar year immediately preceding the date of the contract or agreement. "Contributions" will be considered to have occurred on the date of deposit, execution, or transfer of rights.
- B. No ~~business~~ entity or vendor who submits a proposal for, enters into negotiations for, or ~~agrees~~ enters into any contract or agreement (including non-emergency contracts awarded by N.J.S.A. 40A:11-1 et seq. or the "Fair and Open" Process pursuant to N.J.S.A. 19:44A-20 et seq.) with the City of Hoboken or any of its departments, ~~or~~ instrumentalities, or independent authorities created thereby, for the rendition of "professional services" or "extraordinary ~~unspecified~~ unspecifiable services" shall knowingly solicit or make any contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken, or ~~a holder of public office~~ any person

~~servicing in an elective municipal office in Hoboken having ultimate responsibility for the award of a contract, or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) any "PAC" which meets the requirements set forth in Section 20A-12A(iii), between the time of first communication between that business entity or vendor and the municipality regarding a specific agreement for "professional services" or "extraordinary unspecified unspecifiable services," and the later latest of the following: (1) termination of negotiations; (2) or rejection of any proposal; or (3) the completion of the performance or specified time period of that termination of the contract or agreement.~~

- C. For purposes of this Article, ~~a business entity~~ entities whose contributions are regulated by this Article means: (i) an individual including the individual's spouse, and any child/ or children; or (ii) any sole proprietorship, firm, corporation, professional corporation, partnership and any partner thereof, limited liability company, limited liability partnership and any partner thereof, organization, association, and or any other manner and kind of business entity legal commercial entity organized under the laws of the State of New Jersey or of any other state or foreign jurisdiction; (iii) any principal, stakeholder, partner, or other person who owns or controls ten percent (10%) or more of the equity, profits, assets, stock, or ownership, or income interests in a person or entity as defined in sections (i) and (ii) above, and any determination of percentage, ownership or control will combine the individual interests as well as those of the individual's their spouses and child/ or children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/or children; and (v) all persons who are an "affiliate" of a person as defined in sections (i) and (ii) above, as such term is used in 11 U.S.C. § 101(2) any subsidiaries directly or indirectly owned or controlled by the business entity, person, or individual; or, (iv) any political organization organized under Section 527 of the Internal Revenue Code (26 U.S.C. §527) that is directly or indirectly controlled by the business entity, person or individual, other than a candidate committee, election fund, or political party committee.
- D. The monetary thresholds of this Article are: (i) a maximum of three hundred dollars (\$300.) each for any purpose to any candidate or candidate committee for elective municipal office in Hoboken or any holder of elective municipal office in Hoboken, Mayor and Governing Body, or five hundred dollars (\$500.) to any joint candidates committee for elective municipal office in Hoboken or any holder of elective municipal office in Hoboken, Mayor or Governing Body, or three hundred dollars (\$300.) to a any political committee or political party committee of the City of Hoboken; (ii) five hundred dollars (\$500.) to any Hudson County political committee or political party committee; (iii) five hundred dollars (\$500.) to any "PAC" which meets the requirements set forth in Section 20A-12A(iii). However, any individual or group of persons meeting the definition of entity provided in Subsection C. above of business entity may shall not annually contribute for any purpose in excess of two thousand five hundred dollars (\$2,500.) to all City of Hoboken candidates, candidate committees, joint candidate committees, and holders of public elective municipal office having ultimate responsibility for the award of a contract, and all City of Hoboken or Hudson County political committees and political party committees, and all "PAC's," combined, without violating Subsection A. of this section.
- E. ~~For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the City of Hoboken Mayor or Governing Body, if the contract requires approval or appropriation from the Mayor or Governing Body, or (ii) the Mayor or the City of Hoboken, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.~~

§ 20A-13. Contributions and Contracts made prior to the effective date.

~~No contribution~~ Contributions or solicitations of contributions made prior to the effective date of the most recent amendment to this Article shall be governed by the language of the Article effective at the time of contribution. Contributions or solicitations of contributions made on or after the effective date of the most recent amendment to this Article shall be governed by the current Article. Any contract in effect at the time of any amendment to this article shall be governed by the current Article.

§ 20A-14. Contribution statement by professional business entity.

A. Every contract, Request for Proposals, Request for Qualifications and bid specification covered by this Article shall contain:

1. A provision describing the requirements of this Article or reference to this Article and directions for obtaining the requirements of this Article;
2. A statement that compliance with this Article shall be a material term and condition of any contract awarded;
3. A statement indicating that the requirements of this Article shall create a continuing obligation on the contractor;
4. A description of the penalties for which the contractor will be liable in the event of a failure to comply with the provisions of this Article; said description shall state that unless remedied in accordance with Section 20A:15 of this Article, a violation of this Article shall be considered a material breach of the contract which shall result in enforcement of the penalties described in Section 20A:17 of this Article.

~~AB.~~ Prior to awarding any contract or agreement to procure "professional services" or "extraordinary ~~unspecified unspecifiable~~ services" from any business entity, the City of Hoboken or its ~~purchasing agents and~~ departments, instrumentalities, or authorities as the case may be, shall receive a ~~sworn statement~~ written certification from the intended recipient of said contract, made under penalty of perjury, that he/she/it has not made any contributions in violation of ~~Section 20A:12 of~~ this Article. The City of Hoboken, its ~~purchasing agents and~~ departments, instrumentalities, or authorities shall be responsible for informing the City Council that the aforementioned ~~sworn statement~~ written certification has been received and that the business entity is not in violation of this Article, prior to awarding the contract or agreement.

~~BC.~~ The recipient of said contract or agreement shall have a continuing duty to report any violations of this Article that may occur during the ~~negotiation,~~ proposal process, negotiations, duration of the contract period, or the completion of the performance ~~or specified time period~~ of that contract or agreement. The certification required under this section shall be made prior to entry into the contract or agreement with the City of Hoboken, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§ 20A-15. Return of excess contributions.

- A. A recipient of a contract for "professional services" or "extraordinary ~~unspecified~~ unspecifiable services" may cure a violation of Section 20A-12 of this Article, if, within ~~thirty (30)~~ forty-five (45) days after the ~~general election which follows the date~~ of the contribution, the contract recipient notifies the municipality in writing and seeks and, within forty-five (45) days after the date of the contribution, receives reimbursement of the contribution from the recipient of such excess contribution.
- B. Except that it shall be presumed that any contribution that violate this Article, made within sixty (60) days of an election of candidates for elective office in the City of Hoboken, was not made inadvertently and such contributions shall not be eligible for reimbursement; thereby, the entity making such contributions cannot remedy the violation of Section 20A-12 of this Article.

§ 20A-16. Exemptions.

The contribution limitations prior to entering into a contract in Section 20A-12A do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There ~~is~~ shall be no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

§ 20A-17. Penalty.

- A. It shall be a material breach, by the vendor, of the terms of ~~a City of Hoboken~~ the agreement or contract for "professional services" or "extraordinary ~~unspecified~~ unspecifiable services," as the term is defined in Section 20A-12, when a recipient of such agreement or contract ~~has:~~ (i) ~~made~~ makes or ~~solicited~~ solicits a contribution in violation of this Article; (ii) knowingly ~~concealed~~ conceals or ~~misrepresented~~ misrepresents a contribution given or received; (iii) ~~made~~ makes or ~~solicited~~ solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) ~~made~~ makes or ~~solicited~~ solicits any contribution on the condition or with the agreement that it will be recontributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken, or any holder of public elective municipal office in the City of Hoboken ~~having ultimate responsibility for the award of a contract,~~ or any Hoboken or Hudson County political committee or political party committee, or any "PAC;" (v) ~~engaged~~ engages or ~~employed~~ employs a lobbyist or consultant with the intent or understanding that such lobbyist or consultant ~~would~~ will make or solicit any contribution, which if made or solicited by the ~~professional-business~~ entity itself, would subject that entity to the restriction of this Article; (vi) ~~funded~~ fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) ~~engaged~~ engages in any exchange of contributions to circumvent the intent of this Article; or (viii) directly or indirectly, through or by any other person or means, ~~done~~ any act which ~~if done directly~~ would subject that entity to the restrictions of this Article.

- B. Furthermore, any business entity that violates Section 20A-17A(ii)-(viii) shall be disqualified from eligibility for future contracts with the City of Hoboken, its departments, instrumentalities, or any independent authority created thereby ~~contracts~~ for a period of four (4) calendar years from the date of the violation.

§ 20A-18. Citizens private right of action.

Notwithstanding any other common right of law, any Hoboken citizen or citizen's group shall have the right to sue any or all entities in violation of this Article, including the business entity awarded a contract or agreement to provide "professional services" or "extraordinary ~~unspecified~~ unspecifiable services," as defined in Section 20A-12, the candidate or committee as specified in Section 20A-12A above, and/or the City of Hoboken, in order to compel those entities to comply with this Article.

§ 20A-19. Severability.

If any provision of this Article or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Article to the extent it can be given effect or the application of such provision to persons or circumstances other than those which it is held invalid shall not be affected thereby, and to this extent the provisions of this Article are severable. The drafters of this Article, the persons signing the petition in support of this Article, and the persons who cast votes in favor of the Article, declare that they would have supported the Article and each section, subsection, sentence, clause, phrase, or provision or application thereof irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

§ 20A-20. Repealer.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Article are hereby repealed as to the extent of such inconsistencies.

§ 20A-21. Effective date.

This Article, and any amendments thereto, shall take effect immediately upon passage and publication as provided by law, ~~twenty (20) days following the earlier of (a) final adoption thereof by the Municipal Council of the City of Hoboken or (b) the date on which the passage of this Article as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.~~

§ 20A-22. "Pay-to-Play" Compliance Officer.

- A. There is hereby established the position of Compliance Officer, who shall be responsible for enforcement of the Public Contracting Reform Ordinance and Redevelopment Pay-to-Play Reform Ordinance.
- B. The Compliance Officer shall create and update monthly a list of business entities engaged in professional services contracts or extraordinary unspecifiable service contracts as defined in Section 20A-12A. of the Public Contracting Reform Ordinance. Included on the

list will be the names of any entity, partners, officers, and/or any person who owns ten percent (10%) or more of the equity or ownership or income interests of each business entity. In any case where an entity is listed as having a ten percent (10%) or greater interest in the entity, the interested entity shall provide a secondary list of the names of all entities, partners, officers, and/or any other person who owns ten percent (10%) or more of the interested entity. The Compliance Officer shall provide an updated list to the City Council ~~each month~~ quarterly and shall make the list available to the public at the City Clerk's office and on the City's official website.

- C. The Compliance Officer shall create and update monthly a list of redevelopers with redevelopment agreements with the City as defined in Section 20C-2C of the Redevelopment Pay-to-Play Reform Ordinance. Included on the list will be the names of any entity, partners, officers, and/or any person who owns ten (10%) percent or more of the equity or ownership or income interests of each business entity. In any case where an entity is listed as having a ten percent (10%) or greater interest in the entity, the interested entity shall provide a secondary list of the names of all entities, partners, officers, and/or any other person who owns ten percent (10%) or more of the interested entity. The Compliance Officer shall provide an updated list to the City Council ~~each month~~ quarterly and shall make the list available to the public at the City Clerk's office and on the City's official website.
- D. ~~The City shall request that all~~ All candidates for local municipal office in Hoboken submit to the Compliance Officer copies of all campaign financial activity reports they file with the New Jersey Election Law Enforcement Commission (ELEC) concurrently with the filing of those reports with ELEC. If a candidate does not submit the reports to the Compliance Officer, the Compliance Officer shall post the list of non-compliant candidates on the City's official website, and submit the list of non-compliant candidates to the City Council, and the City Clerk. ~~obtain copies of the reports from ELEC at such time as they become available.~~
- E. The Compliance Officer shall inspect all copies of campaign financial activity reports submitted by candidates or obtained from ELEC for Compliance with the Public Contracting Reform Ordinance and Redevelopment Pay-to-Play Reform Ordinance.
- F. The Compliance Officer shall be the designated official for receiving complaints alleging violations of the Public Contracting Reform Ordinance or Redevelopment Pay-to-Play Reform Ordinance.
- G. The Compliance Officer shall submit quarterly reports to the City Council and the Mayor regarding all complaints of violations of the Public Contracting Reform Ordinance or Redevelopment Pay-to-Play Reform Ordinance. The reports shall include the following for each such complaint: the status of the investigation of the complaint; the outcome of the investigation if it has been completed; and, the actions, if any, taken as a result of the investigation. The report shall also include the same information of any investigation taken by the Compliance Officer based upon his own review of campaign financial activity reports. The Compliance Officer shall create and make available to the public at the City Clerk's office and on the City's official website all final determinations made with respect to any complaints.

SECTION TWO: AMENDMENT TO CHAPTER 20C

Chapter 20C of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~striketrough~~):

§ 20C-1. Preamble.

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

§ 20C-2. Prohibition of entering into or amending redevelopment agreements with certain contributors.

- A. ~~Any other provision of law to the contrary notwithstanding,~~ To the extent that it is not inconsistent with state or federal law, the City of Hoboken and its designated redevelopment agency or any of its, purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into any agreement, amend any agreement, or otherwise contract with any redeveloper, as defined in Subsection C. below, for the planning, replanning, construction or undertaking of any redevelopment project including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the City of Hoboken pursuant to the Local Redevelopment and Housing Law, P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.), if that redeveloper has solicited for or made any "contribution" reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (N.J.S.A. 19:44A-1 et seq.), which definition shall include all loans and transfers of money or other things of value, all pledges or other commitments or assumptions of liability to make any such transfer (as such term is defined at N.J.A.C. 19:25 1.7, which definition includes loans, pledges and in-kind contributions) (hereinafter "contribution"), to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken,~~ or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that ~~regularly~~ engageds in the support of Hoboken municipal or Hudson County elections and/or Hoboken municipal or Hudson County candidates, candidate committee, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), during the applicable time period which, for purposes of this section, shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the later of (a) the termination of negotiations or rejection of any proposal, or (b) the termination of the redevelopment agreement. "Contributions" will be considered to have occurred on the date of deposit, execution, transfer of rights, or guarantee, as the case may be for particular types of contributions. the date of entering into the redevelopment agreement, amended agreement, or contract (hereinafter "agreement").
- B. All development agreements or amendments thereto entered into by the City of Hoboken shall contain a provision prohibiting redevelopers, as defined in Subsection C below, to solicit or make any contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken,~~ or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any "PAC," as the term is defined in Section 20C-2A, herein, ~~between the time of first communication between that redeveloper and the municipality~~

~~regarding a redevelopment project between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the later of (a) the termination of negotiations or rejection of any proposal, or (b) the completion of all matters or time period specified in the termination of the redevelopment agreement.~~

- C. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means: ~~(i) an individual including the individual's spouse and any child or children; or (ii) sole proprietorship, any person, firm, corporation, partnership and any partner thereof, limited liability company, limited liability partnership and any partner thereof, business trust, organization, association, or public body, or any other legal commercial entity organized under the laws of the State of New Jersey or of any other state or foreign jurisdiction, including any principal; or (iii) any individual, partner, principal, stakeholder, or other entity which owns or control ten percent (10%) or more of the profits, assets, equity, stock, ownership, or income interest in a person or entity, as defined in sections (i) or (ii) above, and any determination of percentage, ownership or control will combine the individual's interest with those of the individual's spouse and child or children; or (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child or children; (v) any subsidiary directly or indirectly controlled by the redeveloper, as the term is defined herein; and (vi) any political organization organized under Section 527 of the Internal Revenue Code (26 U.S.C. §527) that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; that shall enter into or propose to enter into an agreement with the City of Hoboken a municipality or other any redevelopment agency of the City of Hoboken, or any other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project within the City of Hoboken. For the purposes of this Chapter the definition of a redeveloper, redevelopment and any related terms, generally defined by the "Local Redevelopment and Housing Law," P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) shall include and incorporate areas in need of rehabilitation and all related terms, as defined in the "Local Redevelopment and Housing Law," P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.). For the purposes of this Chapter, the definition of redeveloper includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and any child/children shall also be included.~~
- D. ~~For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be (i) the Hoboken City Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Council, or (ii) the Mayor of Hoboken if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor, or (iii) a designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.~~

§ 20C-3. Contributions and Contracts made prior to the effective date.

~~No contribution~~ Contributions or solicitations of contributions made prior to the effective date of the most recent amendment to this Chapter Article shall be governed by the language of the Chapter effective at the time of contribution. Contributions or solicitations of contributions made on or after the effective date of the most recent amendment to this Chapter shall be governed by the current Chapter Article. Any contract in effect at the time of any amendment to this Chapter shall be governed by the current Chapter.

§ 20C-4. Contribution statement of redeveloper; notice given by municipality.

- A. Prior to arranging and entering into ~~the a~~ redevelopment agreement with any redeveloper, the City of Hoboken or any of its departments, purchasing agents, or agencies or independent authorities, as the case may be, shall receive a written certification made under penalty of perjury sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of Section 20C-2A ~~above~~. The City of Hoboken, through any appropriate redevelopment agent, agency, officer, authority, or department, shall be responsible for informing the City Council that the written certification aforementioned sworn statement has been received and that the redeveloper is not in violation of this Chapter, prior to awarding or entering into the agreement. Furthermore, the redeveloper shall have a continuing duty to report any violations of this Chapter that may occur between the time of while arranging and entering into the redevelopment agreement, and termination of the agreement, until all specified terms or time period of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.
- B. It shall be the municipality's continuing responsibility to give notice of this Chapter when the municipality gives notice of redevelopment pursuant to 40A:12A-6, ~~and~~ when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan, upon memorializing a resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

§ 20C-5. Contribution restrictions and disclosure requirement applicability to consultants.

- A. The contribution and disclosure requirements in this Chapter, and Chapter 20B, shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted, ~~or employed,~~ or otherwise engaged by ~~the business entity ultimately, designated~~ as the designated redeveloper to provide services related to the: (i) lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan; (ii) obtaining the designation or appointment as redeveloper; (iii) negotiating the terms of a redevelopment agreement or any amendments or modifications thereto; and (iv) performing any related the terms of a redevelopment agreement (such individuals shall be defined hereinafter as "professionals").

- B. It shall be a breach of the professional's consultant's contract, and shall require immediate termination, for a professional consultant to violate the contribution limits and disclosure requirements in this Chapter.
- C. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through professionals consultants or professionals shall be deemed to be in breach.

§ 20C-6. Return of excess contributions.

- A. A redeveloper ~~or municipal candidate or officeholder or municipal or county party committee or "PAC" referenced in this Chapter~~ may cure a violation of Section 20C-2 of this Chapter, if within forty-five (45) thirty (30) days after the ~~general election which follows~~ the date of the contribution, the redeveloper notifies the municipality Municipal Council in writing, and seeks and, within forty-five (45) days after the date of the contribution, receives reimbursement of the a contribution from the recipient of such contribution.
- B. Except that it shall be presumed that any contribution that violates this Chapter, made within sixty (60) days of an election of candidates for elective office in the City of Hoboken, was not made inadvertently and such contributions shall not be eligible for reimbursement; thereby, the entity making such contributions cannot remedy the violation of this Chapter 20C.

§ 20C-7. Penalty.

- A. It shall be a breach of terms of the City of Hoboken redevelopment agreement for a redeveloper to: (i) make or solicit a contribution in violation of this Chapter 20C; or, (ii) knowingly conceal or misrepresent a contribution give or received; or, (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; or, (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a candidate, candidate committee or joint candidates committee of any candidate of elective municipal office in Hoboken, or any holder of municipal elective office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken, or any Hoboken or Hudson County political committee or political party committee, or any "PAC,"~~ ; or, (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this Chapter; or, (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; or, (vii) engage in any exchange of contributions to circumvent the intent of this Chapter; or, (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this Chapter.
- B. Furthermore, any redeveloper who violates Subsection A, (ii)–(viii) shall have any current redevelopment agreement with the City of Hoboken or its redevelopment agencies terminated, and be disqualified from eligibility for future Hoboken redevelopment agreements for a period of four (4) calendar years from the date of the violation.

§ 20C-8. Citizens private right of action.

Notwithstanding any other common right of law, any Hoboken citizen or citizen's group shall have the right to sue any or all entities in violation of this Chapter, including the redeveloper, the candidate or committee as specified in Section 20C-2A above, and/or the City of Hoboken, in order to compel those entities to comply with this Chapter.

§ 20C-9. Severability.

If any provision of this Chapter, or the application of any such provision to a person or circumstances, shall be held invalid, the remainder of this Chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Chapter are severable. The drafters of this Chapter, the persons signing the petition in support of this Chapter, and the persons who cast votes in favor of the Chapter, declare that they would have supported the Chapter and each section, subsection, sentence, clause, phrase, or provision or application thereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

§ 20C-10. Repealer.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

§ 20C-11. Effective date.

This Chapter, and any amendments thereto, shall take effect immediately upon passage and publication as provided by law. ~~twenty (20) days following the earlier of (a) final adoption thereof by the Municipal Council of the City of Hoboken or (b) the date on which the passage of this Article as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.~~

SECTION THREE: AMENDMENT TO CHAPTER 20B

Chapter 20B of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~striketrough~~):

LAND USE APPLICANT CONTRIBUTION DISCLOSURE STATEMENTS

§ 20B-1. Short title.

Contribution Disclosures Ordinance.

§ 20B-2. Purpose.

Municipal Master Plans include well thought out, long-term decisions about the development capacity of the community.

Municipal Master Plans are implemented through the enactment of local land use ordinances.

Deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70d and N.J.S.A. 40:55D-70c, as well as exceptions and waivers pursuant to N.J.S.A. 40:55D-51, provide opportunities for significant private gain.

The redevelopment process currently underway within the City of Hoboken also provides opportunities for significant private gain.

Openness in government and a fair and impartial variance, waiver and exception application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the application process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will enhance the City's existing commitment to openness in government and provide further guarantees for a fair and impartial application and approval process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare.

The Mayor and City Council of the City of Hoboken, having considered the foregoing, believe that it is in the best interests of the residents of the City of Hoboken to enact the within chapter.

It is accordingly found and determined that the paramount public interest in enhancing the City's commitment to openness in government, and in providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare, requires the disclosure of political contributions by property owners, developers, redevelopers and professionals within the City as a component of making application to the City for certain approvals, and requires the supplementation of the municipal application checklists to mandate the listing of specified political contributions made by property owners, developers, redevelopers and the professionals whose services they use.

§ 20B-3. Definitions.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filling the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such

contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

MUNICIPAL AGENCIES — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

§ 20B-4. General provisions.

A. Disclosure requirements.

- (1) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for any subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, as well as any applicant who wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., shall include in its application with and/or submit to the relevant municipal agency a Contribution Disclosure Statement for all developers involved in the said application; all associates of said developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2 shall also be subject to this requirement; and all professionals who apply for or provide testimony, plans, or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application shall also be subject to this requirement. Regardless of whether the owner of the property, which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the relevant municipal agency a Contribution Disclosure Statement for said owner.
- (2) During the pendency of the application process until the final approval associated with the application is granted, any applicant required to comply with this chapter

shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of disclosure requirement of the above paragraph.

- B. Inclusion of Contribution Disclosure Statements as an element of the Application Checklist.
- (1) An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the Contribution Disclosure Statements specified in subsection A. of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief pursuant to N.J.S.A. 40:55D-51 in applications for site plan and not considered to be minor site plans pursuant to local ordinance, or for approval to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
 - (2) The City's municipal agencies shall amend their Application Checklists to include the Contribution Disclosure Statements specified in subsection A. of this section.
 - (3) An application shall not be deemed complete by the administrative official or accepted for public hearing by the municipal agency until the required Contribution Disclosure Statements are submitted.
- C. Availability of Contribution Disclosure Statements. All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.
- D. Intent of Contribution Disclosure Statements. It is the intent of this chapter that Contribution Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law.

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

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

This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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 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 SIX: EFFECTIVE DATE

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

SECTION SEVEN: CODIFICATION

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

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

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Corporation Counsel

Date of Introduction: February 16, 2011

Sponsored by: Cunningham
Seconded by: Bhalla

City of Hoboken
Ordinance No.: _____

AN ORDINANCE AMENDING CHAPTER 20A OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “PROFESSIONAL SERVICE CONTRACTS”; CHAPTER 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “REDEVELOPMENT PAY-TO-PLAY REFORM”; AND, CHAPTER 20B OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “CONTRIBUTION DISCLOSURE STATEMENTS”

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005; and,

WHEREAS, the City of Hoboken followed suit and created location legislation dealing with Pay-to-Play issues for professional service contracts and redevelopment contracts with the City government, pursuant to N.J.S.A. 40:48-2; and,

WHEREAS, the Council of the City of Hoboken amended Chapter 20A and adopted Chapter 20C in 2007; and,

WHEREAS, it has now been shown that amendments to and clarification of the current language of Chapters 20A and 20C is necessary to help maintain compliance, put contributors on proper notice of the regulations regarding their contributions, and enable proper enforcement of the Chapters; and,

WHEREAS, Election Contribution rules were put into effect at the state level many years ago, and the restrictions incorporated new election contribution limits in 2005, in an attempt to control wheeling during New Jersey’s electoral process; and,

WHEREAS, the City of Hoboken seeks to emphasize the importance of eliminating wheeling at the local election level by creating restrictions that compliment the state laws by reducing the ability of local candidates for municipal elective office to obtain campaign contributions that use loopholes in the current laws to exceed the current campaign contribution limits at the municipal level.

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

SECTION ONE: AMENDMENT TO CHAPTER 20A

Chapter 20A of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~strike through~~):

ARTICLE III Public Contracting Reform Ordinance

§ 20A-11. Preamble.

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

§ 20A-12. Prohibition on awarding public contracts to certain contributors.

- A. To the extent that it is not inconsistent with state or federal law, the City of Hoboken and any of its departments, instrumentalities or ~~purchasing agents~~ any independent authority created thereby, shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance brokerage or other consulting service (hereinafter "professional services"), nor "extraordinary ~~unspecified~~ unspecifiable services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-59(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "extraordinary ~~unspecified~~ unspecifiable services") from any ~~business entity~~, including non-emergency contracts awarded by N.J.S.A. 40A:11 et seq. or the "Fair and Open" Process pursuant to N.J.S.A. 19:44A-20 et seq., if such ~~business~~ entity has solicited for or made any "contribution" ~~(as such term is defined at N.J.A.C. 19:25-1.7, reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (N.J.S.A. 19:44A-1 et seq.), which definition includes loans and transfers of money or other thing(s) of value, all pledges or other commitments or assumptions of liability to make any such transfers, pledges and in-kind contributions)~~ (hereinafter "contribution"), to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the Hoboken ~~a holder of public office having ultimate responsibility for the award of a contract~~, or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that ~~regularly~~ engageds in the support of Hoboken municipal or Hudson County elections and/or Hoboken municipal or Hudson County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in Subsection D within one (1) calendar year immediately preceding the date of the contract or agreement.

“Contributions” will be considered to have occurred on the date of deposit, execution, or transfer of rights.

- B. No ~~business entity or vendor~~ who submits a proposal for, enters into negotiations for, or ~~agrees enters into~~ any contract or agreement (including non-emergency contracts awarded by N.J.S.A. 40A:11-1 et seq. or the “Fair and Open” Process pursuant to N.J.S.A. 19:44A-20 et seq.) with the City of Hoboken or any of its departments, ~~or~~ instrumentalities, or independent authorities created thereby, for the rendition of "professional services" or "extraordinary ~~unspecified unspecifiable~~ services" shall knowingly solicit or make any contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken, ~~or a holder of public office any person serving in an elective municipal office in Hoboken having ultimate responsibility for the award of a contract~~, or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) any "PAC" which meets the requirements set forth in Section 20A-12A(iii), between the time of first communication between that business entity ~~or vendor~~ and the municipality regarding a specific agreement for "professional services" or "extraordinary ~~unspecified unspecifiable~~ services," and the ~~later latest~~ latest of the following: (1) termination of negotiations; (2) or rejection of any proposal; or (3) the completion of the performance or specified time period of that termination of the contract or agreement.
- C. For purposes of this Article, ~~a business entity~~ entities whose contributions are regulated by this Article means: (i) an individual including the individual's spouse, and any child/ or children; or (ii) any sole proprietorship, firm, corporation, professional corporation, partnership and any partner thereof, limited liability company, limited liability partnership and any partner thereof, organization, association, and or any other manner and kind of business entity legal commercial entity organized under the laws of the State of New Jersey or of any other state or foreign jurisdiction; (iii) any principal, stakeholder, partner, or other person who owns or controls ten percent (10%) or more of the equity, profits, assets, stock, or ownership, or income interests in a person or entity as defined in sections (i) and (ii) above, and any determination of percentage, ownership or control will combine the individual interests as well as those of the individual's their spouses and child/ or children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/or children; and (v) all persons who are an "affiliate" of a person as defined in sections (i) and (ii) above, as such term is used in 11 U.S.C. § 101(2) any subsidiaries directly or indirectly owned or controlled by the business entity, person, or individual; or, (iv) any political organization organized under Section 527 of the Internal Revenue Code (26 U.S.C. §527) that is directly or indirectly controlled by the business entity, person or individual, other than a candidate committee, election fund, or political party committee.
- D. The monetary thresholds of this Article are: (i) a maximum of three hundred dollars (\$300.) each for any purpose to any candidate or candidate committee for elective municipal office in Hoboken or any holder of elective municipal office in Hoboken, Mayor and Governing Body, or five hundred dollars (\$500.) to any joint candidates committee for elective municipal office in Hoboken or any holder of elective municipal office in Hoboken, Mayor or Governing Body, or three hundred dollars (\$300.) to a any political committee or political party committee of the City of Hoboken; (ii) five hundred dollars (\$500.) to any Hudson County political committee or political party committee; (iii) five hundred dollars (\$500.) to any "PAC" which meets the requirements set forth in Section 20A-12A(iii). However, any individual or group of persons meeting the definition of entity provided in Subsection C. above of business entity may shall not annually contribute for any purpose in excess of two thousand five hundred dollars (\$2,500.) to all

City of Hoboken candidates, candidate committees, joint candidate committees, and holders of public elective municipal office ~~having ultimate responsibility for the award of a contract~~, and all City of Hoboken or Hudson County political committees and political party committees, and all "PAC's," combined, without violating Subsection A. of this section.

~~E. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the City of Hoboken Mayor or Governing Body, if the contract requires approval or appropriation from the Mayor or Governing Body, or (ii) the Mayor or the City of Hoboken, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.~~

§ 20A-13. Contributions and Contracts made prior to the effective date.

~~No contribution~~ Contributions or solicitations of contributions made prior to the effective date of the most recent amendment to this Article shall be governed by the language of the Article effective at the time of contribution. Contributions or solicitations of contributions made on or after the effective date of the most recent amendment to this Article shall be governed by the current Article. Any contract in effect at the time of any amendment to this article shall be governed by the current Article.

§ 20A-14. Contribution statement by professional business entity.

A. Every contract, Request for Proposals, Request for Qualifications and bid specification covered by this Article shall contain:

1. A provision describing the requirements of this Article or reference to this Article and directions for obtaining the requirements of this Article;
2. A statement that compliance with this Article shall be a material term and condition of any contract awarded;
3. A statement indicating that the requirements of this Article shall create a continuing obligation on the contractor;
4. A description of the penalties for which the contractor will be liable in the event of a failure to comply with the provisions of this Article; said description shall state that unless remedied in accordance with Section 20A:15 of this Article, a violation of this Article shall be considered a material breach of the contract which shall result in enforcement of the penalties described in Section 20A:17 of this Article.

~~AB.~~ Prior to awarding any contract or agreement to procure "professional services" or "extraordinary ~~unspecified unspecifiable~~ services" from any ~~business~~ entity, the City of Hoboken or its ~~purchasing agents and~~ departments, instrumentalities, or authorities as the case may be, shall receive a ~~sworn statement~~ written certification from the intended recipient of said contract, made under penalty of perjury, that he/she/it has not made any contributions in violation of ~~Section 20A:12~~ of this Article. The City of Hoboken, its ~~purchasing agents and~~ departments, instrumentalities, or authorities shall be responsible for informing the City Council that the aforementioned ~~sworn statement~~ written certification has been received and that the ~~business~~ entity is not in violation of this Article, prior to awarding the contract or agreement.

~~B.C.~~ The recipient of said contract or agreement shall have a continuing duty to report any violations of this Article that may occur during the ~~negotiation, proposal process,~~ negotiations, duration of the contract period, or the completion of the performance ~~or specified time period~~ of that contract or agreement. The certification required under this section shall be made prior to entry into the contract or agreement with the City of Hoboken, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§ 20A-15. Return of excess contributions.

- A. A recipient of a contract for "professional services" or "extraordinary ~~unspecified unspecifiable~~ services" may cure a violation of Section 20A-12 of this Article, if, within ~~thirty (30)~~ forty-five (45) days after the ~~general election which follows the date of the contribution,~~ the contract recipient notifies the municipality in writing and seeks and, within forty-five (45) days after the date of the contribution, receives reimbursement of the contribution from the recipient of such excess contribution.
- B. Except that it shall be presumed that any contribution that violate this Article, made within sixty (60) days of an election of candidates for elective office in the City of Hoboken, was not made inadvertently and such contributions shall not be eligible for reimbursement; thereby, the entity making such contributions cannot remedy the violation of Section 20A-12 of this Article.

§ 20A-16. Exemptions.

The contribution limitations prior to entering into a contract in Section 20A-12A do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There ~~is~~ shall be no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

§ 20A-17. Penalty.

- A. It shall be a material breach, by the vendor, of the terms of a ~~City of Hoboken the~~ agreement or contract for "professional services" or "extraordinary ~~unspecified unspecifiable~~ services," as the term is defined in Section 20A-12, when a recipient of such agreement or contract ~~has:~~ (i) ~~made~~ makes or ~~solicited~~ solicits a contribution in violation of this Article; (ii) knowingly ~~concealed~~ conceals or ~~misrepresented~~ misrepresents a contribution given or received; (iii) ~~made~~ makes or ~~solicited~~ solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) ~~made~~ makes or ~~solicited~~ solicits any contribution on the condition or with the agreement that it will be recontributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken, or any holder of public elective municipal office in the City of Hoboken having ultimate responsibility for the award of a contract, or any Hoboken or Hudson County political committee or political party committee, or any "PAC;" (v) ~~engaged~~ engages or ~~employed~~ employs a lobbyist or consultant with the intent or understanding that such lobbyist or consultant ~~would~~ will make or solicit any contribution, which if made or solicited by the ~~professional-business~~ entity itself, would subject that entity to the restriction of this

Article; (vi) ~~funded fund~~ contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) ~~engaged engages~~ in any exchange of contributions to circumvent the intent of this Article; or (viii) directly or indirectly, through or by any other person or means, ~~done~~ any act which ~~if done directly~~ would subject that entity to the restrictions of this Article.

- B. Furthermore, any business entity that violates Section 20A-17A(ii)-(viii) shall be disqualified from eligibility for future contracts with the City of Hoboken, its departments, instrumentalities, or any independent authority created thereby ~~contracts~~ for a period of four (4) calendar years from the date of the violation.

§ 20A-18. Citizens private right of action.

Notwithstanding any other common right of law, any Hoboken citizen or citizen's group shall have the right to sue any or all entities in violation of this Article, including the business entity awarded a contract or agreement to provide "professional services" or "extraordinary ~~unspecified unspecifiable~~ services," as defined in Section 20A-12, the candidate or committee as specified in Section 20A-12A above, and/or the City of Hoboken, in order to compel those entities to comply with this Article.

§ 20A-19. Severability.

If any provision of this Article or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Article to the extent it can be given effect or the application of such provision to persons or circumstances other than those which it is held invalid shall not be affected thereby, and to this extent the provisions of this Article are severable. The drafters of this Article, the persons signing the petition in support of this Article, and the persons who cast votes in favor of the Article, declare that they would have supported the Article and each section, subsection, sentence, clause, phrase, or provision or application thereof irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

§ 20A-20. Repealer.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Article are hereby repealed as to the extent of such inconsistencies.

§ 20A-21. Effective date.

This Article, and any amendments thereto, shall take effect immediately upon passage and publication as provided by law. ~~twenty (20) days following the earlier of (a) final adoption thereof by the Municipal Council of the City of Hoboken or (b) the date on which the passage of this Article as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.~~

§ 20A-22. "Pay-to-Play" Compliance Officer.

- A. There is hereby established the position of Compliance Officer, who shall be responsible for enforcement of the Public Contracting Reform Ordinance and Redevelopment Pay-to-Play Reform Ordinance.
- B. The Compliance Officer shall create and update monthly a list of business entities engaged in professional services contracts or extraordinary unspecifiable service contracts as defined in Section 20A-12A. of the Public Contracting Reform Ordinance. Included on the list will be the names of any entity, partners, officers, and/or any person who owns ten percent (10%) or more of the equity or ownership or income interests of each ~~business~~ entity. In any case where an entity is listed as having a ten percent (10%) or greater interest in the entity, the interested entity shall provide a secondary list of the names of all entities, partners, officers, and/or any other person who owns ten percent (10%) or more of the interested entity. The Compliance Officer shall provide an updated list to the City Council ~~each month~~ quarterly and shall make the list available to the public at the City Clerk's office and on the City's official website.
- C. The Compliance Officer shall create and update monthly a list of redevelopers with redevelopment agreements with the City as defined in Section 20C-2C of the Redevelopment Pay-to-Play Reform Ordinance. Included on the list will be the names of any entity, partners, officers, and/or any person who owns ten (10%) percent or more of the equity or ownership or income interests of each business entity. In any case where an entity is listed as having a ten percent (10%) or greater interest in the entity, the interested entity shall provide a secondary list of the names of all entities, partners, officers, and/or any other person who owns ten percent (10%) or more of the interested entity. The Compliance Officer shall provide an updated list to the City Council ~~each month~~ quarterly and shall make the list available to the public at the City Clerk's office and on the City's official website.
- D. ~~The City shall request that all~~ All candidates for local municipal office in Hoboken submit to the Compliance Officer copies of all campaign financial activity reports they file with the New Jersey Election Law Enforcement Commission (ELEC) concurrently with the filing of those reports with ELEC. If a candidate does not submit the reports to the Compliance Officer, the Compliance Officer shall post the list of non-compliant candidates on the City's official website, and submit the list of non-compliant candidates to the City Council, and the City Clerk. ~~obtain copies of the reports from ELEC at such time as they become available.~~
- E. The Compliance Officer shall inspect all copies of campaign financial activity reports submitted by candidates or obtained from ELEC for Compliance with the Public Contracting Reform Ordinance and Redevelopment Pay-to-Play Reform Ordinance.
- F. The Compliance Officer shall be the designated official for receiving complaints alleging violations of the Public Contracting Reform Ordinance or Redevelopment Pay-to-Play Reform Ordinance.
- G. The Compliance Officer shall submit quarterly reports to the City Council and the Mayor regarding all complaints of violations of the Public Contracting Reform Ordinance or Redevelopment Pay-to-Play Reform Ordinance. The reports shall include the following for each such complaint: the status of the investigation of the complaint; the outcome of the investigation if it has been completed; and, the actions, if any, taken as a result of the investigation. The report shall also include the same information of any investigation taken by the Compliance Officer based upon his own review of campaign financial activity reports. The Compliance Officer shall create and make available to the public at the City

Clerk's office and on the City's official website all final determinations made with respect to any complaints.

SECTION TWO: AMENDMENT TO CHAPTER 20C

Chapter 20C of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~strikethrough~~):

§ 20C-1. Preamble.

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is

otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

§ 20C-2. Prohibition of entering into or amending redevelopment agreements with certain contributors.

- A. ~~Any other provision of law to the contrary notwithstanding,~~ To the extent that it is not inconsistent with state or federal law, the City of Hoboken and its designated redevelopment agency or any of its, purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into any agreement, amend any agreement, or otherwise contract with any redeveloper, as defined in Subsection C. below, for the planning, replanning, construction or undertaking of any redevelopment project including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the City of Hoboken pursuant to the Local Redevelopment and Housing Law, P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.), if that redeveloper has solicited for or made any "contribution" reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (N.J.S.A. 19:44A-1 et seq.), which definition shall include all loans and transfers of money or other things of value, all pledges or other commitments or assumptions of liability to make any such transfer (as such term is defined at N.J.A.C. 19:25-1.7, which definition includes loans, pledges and in-kind contributions) (hereinafter "contribution"), to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken,~~ or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that ~~regularly engages~~ regularly engaged in the support of Hoboken municipal or Hudson County elections and/or Hoboken municipal or Hudson County candidates, candidate committee, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), during the applicable time period which, for purposes of this section, shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the later of (a) the termination of negotiations or rejection of any proposal, or (b) the termination of the redevelopment agreement. "Contributions" will be considered to have occurred on the date of deposit, execution, transfer of rights, or guarantee, as the case may be for particular types of contributions. the date of entering into the redevelopment agreement, amended agreement, or contract (hereinafter "agreement").
- B. All development agreements or amendments thereto entered into by the City of Hoboken shall contain a provision prohibiting redevelopers, as defined in Subsection C below, to solicit or make any contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or any person serving in an elective municipal office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment~~

~~agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken, or (ii) to any Hoboken or Hudson County political committee or political party committee, or (iii) to any "PAC," as the term is defined in Section 20C-2A, herein, between the time of first communication between that redeveloper and the municipality regarding a redevelopment project between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the later of (a) the termination of negotiations or rejection of any proposal, or (b) the completion of all matters or time period specified in the termination of the redevelopment agreement.~~

- C. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means: (i) an individual including the individual's spouse and any child or children; or (ii) sole proprietorship, any person, firm, corporation, partnership and any partner thereof, limited liability company, limited liability partnership and any partner thereof, business trust, organization, association, or public body, or any other legal commercial entity organized under the laws of the State of New Jersey or of any other state or foreign jurisdiction, including any principal; or (iii) any individual, partner, principal, stakeholder, or other entity which owns or control ten percent (10%) or more of the profits, assets, equity, stock, ownership, or income interest in a person or entity, as defined in sections (i) or (ii) above, and any determination of percentage, ownership or control will combine the individual's interest with those of the individual's spouse and child or children; or (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child or children; (v) any subsidiary directly or indirectly controlled by the redeveloper, as the term is defined herein; and (vi) any political organization organized under Section 527 of the Internal Revenue Code (26 U.S.C. §527) that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; that shall enter into or propose to enter into an agreement with the City of Hoboken a municipality or other any redevelopment agency of the City of Hoboken, or any other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project within the City of Hoboken. For the purposes of this Chapter the definition of a redeveloper, redevelopment and any related terms, generally defined by the "Local Redevelopment and Housing Law," P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) shall include and incorporate areas in need of rehabilitation and all related terms, as defined in the "Local Redevelopment and Housing Law," P.L.1992, c.79 (N.J.S.A. 40A:12A-1 et seq.). For the purposes of this Chapter, the definition of redeveloper includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and any child/children shall also be included.
- ~~D. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be (i) the Hoboken City Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Council, or (ii) the Mayor of Hoboken if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment~~

~~agreement if that public officer is appointed by the Mayor, or (iii) a designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.~~

§ 20C-3. Contributions and Contracts made prior to the effective date.

~~No contribution~~ Contributions or solicitations of contributions made prior to the effective date of the most recent amendment to this Chapter Article shall be governed by the language of the Chapter effective at the time of contribution. Contributions or solicitations of contributions made on or after the effective date of the most recent amendment to this Chapter shall be governed by the current Chapter Article. Any contract in effect at the time of any amendment to this Chapter shall be governed by the current Chapter.

§ 20C-4. Contribution statement of redeveloper; notice given by municipality.

- A. Prior to arranging and entering into ~~the a~~ redevelopment agreement with any redeveloper, the City of Hoboken or any of its departments, purchasing agents, or agencies or independent authorities, as the case may be, shall receive a written certification made under penalty of perjury sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of Section 20C-2A ~~above~~. The City of Hoboken, through any appropriate redevelopment agent, agency, officer, authority, or department, shall be responsible for informing the City Council that the written certification aforementioned sworn statement has been received and that the redeveloper is not in violation of this Chapter, prior to awarding or entering into the agreement. Furthermore, the redeveloper shall have a continuing duty to report any violations of this Chapter that may occur between the time of while arranging and entering into the redevelopment agreement, and termination of the agreement, until all specified terms or time period of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.
- B. It shall be the municipality's continuing responsibility to give notice of this Chapter when the municipality gives notice of redevelopment pursuant to 40A:12A-6, ~~and~~ when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan, upon memorializing a resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

§ 20C-5. Contribution restrictions and disclosure requirement applicability to consultants.

- A. The contribution and disclosure requirements in this Chapter, and Chapter 20B, shall apply to all developers as well as professionals, consultants or lobbyists contracted, ~~or employed, or otherwise engaged~~ by the business entity ultimately, ~~designated as the designated redeveloper~~ to provide services related to the: (i) lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan; (ii) obtaining the designation or appointment as redeveloper; (iii)

negotiating the terms of a redevelopment agreement or any amendments or modifications thereto; and (iv) performing any related ~~the~~ terms of a redevelopment agreement (such individuals shall be defined hereinafter as "professionals").

- B. It shall be a breach of the professional's ~~consultant's~~ contract, and shall require immediate termination, for a professional ~~consultant~~ to violate the contribution limits and disclosure requirements in this Chapter.
- C. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through professionals ~~consultants or professionals~~ shall be deemed to be in breach.

§ 20C-6. Return of excess contributions.

- A. ~~A redeveloper or municipal candidate or officeholder or municipal or county party committee or "PAC" referenced in this Chapter~~ may cure a violation of Section 20C-2 of this Chapter, if within forty-five (45) ~~thirty (30)~~ days after the ~~general election which follows~~ the date of the contribution, the redeveloper notifies the municipality ~~Municipal Council~~ in writing, and seeks and, within forty-five (45) days after the date of the contribution, receives reimbursement of the a contribution from the recipient of such contribution.
- B. Except that it shall be presumed that any contribution that violates this Chapter, made within sixty (60) days of an election of candidates for elective office in the City of Hoboken, was not made inadvertently and such contributions shall not be eligible for reimbursement; thereby, the entity making such contributions cannot remedy the violation of this Chapter 20C.

§ 20C-7. Penalty.

- A. It shall be a breach of terms of the City of Hoboken redevelopment agreement for a redeveloper to: (i) make or solicit a contribution in violation of this Chapter 20C; or, (ii) knowingly conceal or misrepresent a contribution give or received; or, (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; or, (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a candidate, candidate committee or joint candidates committee of any candidate of elective municipal office in Hoboken, or any holder of municipal elective office in the City of Hoboken ~~a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Hoboken, or any Hoboken or Hudson County political committee or political party committee, or any "PAC,"~~ ; or, (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this Chapter; or, (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; or, (vii) engage in any exchange of contributions to circumvent the intent of this Chapter; or, (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this Chapter.
- B. Furthermore, any redeveloper who violates Subsection A, (ii)–(viii) shall have any current redevelopment agreement with the City of Hoboken or its redevelopment agencies terminated, and be disqualified from eligibility for future Hoboken redevelopment agreements for a period of four (4) calendar years from the date of the violation.

§ 20C-8. Citizens private right of action.

Notwithstanding any other common right of law, any Hoboken citizen or citizen's group shall have the right to sue any or all entities in violation of this Chapter, including the redeveloper, the candidate or committee as specified in Section 20C-2A above, and/or the City of Hoboken, in order to compel those entities to comply with this Chapter.

§ 20C-9. Severability.

If any provision of this Chapter, or the application of any such provision to an person or circumstances, shall be held invalid, the remainder of this Chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Chapter are severable. The drafters of this Chapter, the persons signing the petition in support of this Chapter, and the persons who cast votes in favor of the Chapter, declare that they would have supported the Chapter and each section, subsection, sentence, clause, phrase, or provision or application thereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

§ 20C-10. Repealer.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

§ 20C-11. Effective date.

This Chapter, ~~and any amendments thereto,~~ shall take effect immediately upon passage and publication as provided by law. ~~twenty (20) days following the earlier of (a) final adoption thereof by the Municipal Council of the City of Hoboken or (b) the date on which the passage of this Article as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.~~

SECTION THREE: AMENDMENT TO CHAPTER 20B

Chapter 20B of the Hoboken City Code is hereby amended as follows (additions noted in underline and deletions noted in ~~strikethrough~~):

CHAPTER 20B ~~CONTRIBUTION DISCLOSURE STATEMENTS~~ POLITICAL CONTRIBUTIONS

ARTICLE I LAND USE APPLICANT CONTRIBUTION DISCLOSURE STATEMENTS

§ 20B-1. Short title.

Contribution Disclosures Ordinance.

§ 20B-2. Purpose.

Municipal Master Plans include well thought out, long-term decisions about the development capacity of the community.

Municipal Master Plans are implemented through the enactment of local land use ordinances.

Deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70d and N.J.S.A. 40:55D-70c, as well as exceptions and waivers pursuant to N.J.S.A. 40:55D-51, provide opportunities for significant private gain.

The redevelopment process currently underway within the City of Hoboken also provides opportunities for significant private gain.

Openness in government and a fair and impartial variance, waiver and exception application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the application process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will enhance the City's existing commitment to openness in government and provide further guarantees for a fair and impartial application and approval process.

Disclosure of political contributions by property owners, developers, redevelopers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare.

The Mayor and City Council of the City of Hoboken, having considered the foregoing, believe that it is in the best interests of the residents of the City of Hoboken to enact the within chapter.

It is accordingly found and determined that the paramount public interest in enhancing the City's commitment to openness in government, and in providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare, requires the disclosure of political contributions by property owners, developers, redevelopers and professionals within the City as a component of making application to the City for certain approvals, and requires the supplementation of the municipal application checklists to mandate the listing of specified political contributions made by property owners, developers, redevelopers and the professionals whose services they use.

§ 20B-3. Definitions.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filling the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such

contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

MUNICIPAL AGENCIES — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

§ 20B-4. General provisions.

A. Disclosure requirements.

- (1) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for any subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, as well as any applicant who wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., shall include in its application with and/or submit to the relevant municipal agency a Contribution Disclosure Statement for all developers involved in the said application; all associates of said developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2 shall also be subject to this requirement; and all professionals who apply for or provide testimony, plans, or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application shall also be subject to this requirement. Regardless of whether the owner of the property, which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the relevant municipal agency a Contribution Disclosure Statement for said owner.
- (2) During the pendency of the application process until the final approval associated with the application is granted, any applicant required to comply with this chapter

shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of disclosure requirement of the above paragraph.

- B. Inclusion of Contribution Disclosure Statements as an element of the Application Checklist.
- (1) An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the Contribution Disclosure Statements specified in subsection A. of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief pursuant to N.J.S.A. 40:55D-51 in applications for site plan and not considered to be minor site plans pursuant to local ordinance, or for approval to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
 - (2) The City's municipal agencies shall amend their Application Checklists to include the Contribution Disclosure Statements specified in subsection A. of this section.
 - (3) An application shall not be deemed complete by the administrative official or accepted for public hearing by the municipal agency until the required Contribution Disclosure Statements are submitted.
- C. Availability of Contribution Disclosure Statements. All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.
- D. Intent of Contribution Disclosure Statements. It is the intent of this chapter that Contribution Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law.

ARTICLE II POLITICAL CONTRIBUTION LIMITS

§ 20B-5 Short Title

Election Contribution Restrictions

§ 20B-6 Purpose

The City of Hoboken seeks to compliment the goals of the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 et seq. through local legislation to control the use of wheeling to usurp the goals of the New Jersey Campaign Contribution and Expenditures Reporting Act for elected officials of the City of Hoboken.

As a result, the City hereby enacts this legislation to enforce contribution limits on a local level in an attempt to stifle wheeling which can occur during the City's local municipal elections.

§ 20B-7 Definitions

Committee: shall include any Political Action Committee, Continuing Political Committee, Political Committee, or Candidate Committee, as the terms are defined in N.J.S.A. 19:44A-1 et seq. or any PAC organized under § 527 of the Internal Revenue Code.

§ 20B-8 Political Contribution Regulations

- A. Contributions made to candidates for Hoboken municipal elective office shall be governed by the limits set forth in N.J.A.C. 19:25-11.2, with the following additional regulations:
- i. Whenever any individual shall provide seventy-five percent (75%) or more of the annual funding of any Committee, said Committee shall have a reduced campaign contribution limit of five hundred dollars (\$500.00) per candidate, per election, to any candidate for Hoboken municipal elected office. For purposes of determining whether an individual provides seventy-five percent (75%) or more of the annual funding for a Committee, contributions made to the Committee by the individual and the individual's spouse and dependent child or children shall be considered.
 - ii. Section 20B-6A(i) shall not alter the contribution limits set for individuals.
- B. No candidate or candidate committee for any Hoboken elective municipal office shall accept any monetary or in-kind contribution, in excess of \$500 per election, directly or indirectly, from a political party committee. This Section 20B-8B shall not limit contributions from other committees, as defined herein.
- C. No candidate or candidate committee for any candidate for Hoboken elective municipal office shall accept a contribution from a committee located outside the City of Hoboken in excess of \$500 per election.

§ 20B-9 Citizens private right of action.

Notwithstanding any other common right of law, any Hoboken citizen or citizen's group shall have the right to sue any or all entities in violation of this Article, including the candidate or committee as specified in Section 20B-6 above, and/or the City of Hoboken, in order to compel those entities to comply with this Article.

§ 20B-10 Enforcement

This Article II shall be enforced by the City Clerk of the City of Hoboken.

§20B-11 Violations and Penalties

- A. Any violation of this Article II shall be non-curable.
- B. Any candidate for Hoboken municipal elective office who receives a contribution which violates the provisions of this Article II shall refund the contribution within thirty (30) days of receiving notice of the violation.
- C. Any Committee who willfully and intentionally makes or receives any contribution in violation of this Article II shall be liable to a penalty of:
 - (1) Not more than \$10,000 if the cumulative total amount of those contributions is less than or equal to \$5,000.00; and,
 - (2) Not more than \$50,000 if the cumulative total amount of those contributions was more than \$5,000.00 but less than \$75,000.

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

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

This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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 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 SIX: EFFECTIVE DATE

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

SECTION SEVEN: CODIFICATION

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

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

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Corporation Counsel

Date of Introduction: February 16, 2011

Sponsored by: _____

Seconded by: _____

**CITY OF HOBOKEN
ORDINANCE NO. _____**

**AN ORDINANCE TO REPEAL CHAPTER 7 – COUNCIL ON AFFORDABLE
HOUSING AND ARTICLE XVII OF CHAPTER 196 – ZONING ENTITLED
“AFFORDABLE HOUSING”**

WHEREAS, Chapter 7 and Chapter 196 at Article XVII of the City Code of the City of Hoboken establish procedures for affordable housing within the City; and,

WHEREAS, these sections of the City Code are outdated, relate to regulations and laws of the State which are no longer enforced against municipalities or developers, and require developers to provide affordable housing requirements incompatible with state case law, the Municipal Land Use Law and the Round Three COAH regulations which are currently being established; and,

WHEREAS, the City Council seeks to repeal current municipal legislation which deals with affordable housing in conflict with the regulations set forth by New Jersey’s state laws and regulations; and,

WHEREAS, the City Council does not intend to replace these repealed sections at this time, but fully intends to provide an undated and legally applicable affordable housing section to the City Code once the Round Three COAH regulations are established.

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

Section One: Repeal of Chapter 196 Article XVII

Article XVII entitled “Affordable Housing” of Chapter 196 – Zoning of the City Code of the City of Hoboken is hereby **repealed in its entirety**.

Section Two: Repeal of Chapter 7

Chapter 7 – Council on Affordable Housing of the City Code of the City of Hoboken is hereby **repealed in its entirety**.

Section Three: Repeal of Inconsistent Provisions

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

Section Four: Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences,

clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Five: Effective Date

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

Section Six: Codification

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

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

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

Date of Introduction: February 16, 2011

Sponsored by: Councilwoman Castellano

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 190 OF THE GENERAL
CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND
TRAFFIC” TO ADD NO PARKING ZONES ON FOURTH STREET
BETWEEN RIVER AND HUDSON AND SIXTEENTH STREET
BETWEEN ADAMS AND JEFFERSON**

WHEREAS, pursuant to Title 39 of the New Jersey Statutes, the City of Hoboken is entitled to create, repeal and amend ordinances relating to parking on municipal rights of way;

WHEREAS, the General Code of the City of Hoboken, at Section 190-6, currently regulates No Parking Anytime areas within the City;

WHEREAS, the City Council seeks to regulate parking on Fourth Street between River and Hudson and on Sixteenth Street between Adams and Jefferson.

NOW, THEREFORE, BE IT ORDAINED by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~striketrough~~, additions noted by underline):

Section One: Section 190-6(B) Deletions

190-6: No Stopping or Standing.

- B. Stopping or standing prohibited at any time. In accordance with the provisions of this § 190-6B, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

| Name of Street | Side | Limits |
|-------------------------|-------------|---|
| <u>Sixteenth Street</u> | North | <u>From the westerly curbline of Adams Street to the easterly curbline of Jefferson Street</u> |
| <u>Fourth Street</u> | South | <u>140 feet east of the easterly curbline of Hudson Street and extending 27 feet easterly therefrom</u> |

The remainder of Section 190-6(B) remains unchanged.

Section Two: Repeal of Inconsistent Provisions

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

Section Three: 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 Four: Effective Date

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

Section Five: 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.

Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

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.

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

Date of Introduction: February 16, 2011

Sponsored by: _____ Giacchi _____

Seconded by: _____ Russo _____

City of Hoboken
Ordinance No.: _____

**AN ORDINANCE AMENDING CHAPTER 151 OF THE CITY CODE OF THE
CITY OF HOBOKEN ENTITLED “RECYCLING”**

WHEREAS, the City current has a recycling chapter codified in the City Code which is outdated and does not adequately address the modern issues of separation, removal and recycling of recyclable materials on a City-wide basis; and,

WHEREAS, the City, in an attempt to modernize the City Code to comply with industry standards, has rewritten Chapter 151 of the City Code to effectuate those goals; and,

NOW THEREFORE, it is hereby Ordained by the City Council of the City of Hoboken as follows (additions noted by underline, deletions noted by ~~strike through~~):

SECTION ONE: DELETION

The current Chapter 151 entitled “Recycling” is hereby deleted in its entirety from the City Code of the City of Hoboken.

SECTION TWO: ADDITION

The following legislation is hereby added to the City Code of the City of Hoboken:

CHAPTER 151 RECYCLING

§ 151-1. Definitions.

§ 151-2. Materials to be source separated.

§ 151-3 Source separation program.

§ 151-4. Collection by authorized persons.

§ 151-5. Unauthorized collections.

§ 151-6. Direct disposal of recyclables by owners.

§ 151-7. Collection days and sites.

§ 151-8. Responsibility of property owners.

- § 151-9. Commercial Establishment Compliance Requirements**
- § 151-10 New Developments of Multi-Family Residential Units or Commercial, Institutional or Industrial Properties**
- § 151-11. Collection by private haulers.**
- § 151-12. Prohibition of the Collection of Waste Mixed with Recyclable Materials**
- § 151-13. Enforcement.**
- § 151-14. Violations and penalties.**

GENERAL REFERENCES

Garbage, rubbish and litter -- See Ch. 110.

§ 151-1. Definitions.

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

CITY OF HOBOKEN -- For purposes of this Chapter, shall include the municipal corporation, its officers and employees, and any authorized agent.

COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS -- Includes all public or private business entities, including but not limited to those manufacturing, retailing and/or service establishments; food establishments in business for the purpose of consumption, on or off premises, as well as food distribution and/or processing; and professional and/or nonprofit or for-profit incorporated entities.

COMMINGLED -- means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

COMPOSTING -- A process by which organic materials are turned into humus (similar to topsoil).

CARDBOARD -- Includes cardboard containers used primarily for the packaging, boxing and/or transporting of products of any type.

DESIGNATED RECYCLABLE MATERIALS -- Includes all materials designated in the Hudson County District Solid Waste Management Plan and/or the municipality to be source separated from the solid waste stream for the purpose of recycling. These materials are aluminum, tin and steel; corrugated cardboard; glass containers; grass and brush; household batteries; leaves; masonry (asphalt, brick, block and concrete); mixed paper; motor oil; motor oil

filters; newspaper; office paper; plastic containers (#1- #7); tires; vehicle batteries; white goods; and, wood.

DWELLING UNIT -- shall mean an single residential living space within any one-family, two-family or multi-family dwelling, whether within an apartment building, high-rise structure, condominium, or cooperative.

ELECTRONIC WASTE – Means a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including televisions and cell phones.

FERROUS SCRAP METAL -- Includes all discarded products made of steel, or ferrous metal, cast iron components.

GLASS FOOD AND BEVERAGE CONTAINERS -- Includes all bottles and jars made entirely of glass and used in the storage of food and beverages. Specifically excluded are blue glass and flat glass commonly known as "window glass," light bulbs and fixtures, ceramics and china. Flint (clear), amber (brown) and green glass will be accepted.

HAZARDOUS WASTE -- Includes all waste as defined in N.J.S.A. 13:1E-38 and 13:1E-51 and N.J.A.C. 7:26-8.1 et seq.

LEAD ACID BATTERIES – Storage batteries with lead electrodes that contain dilute sulfuric acid as the electrolyte, including starting batteries such as vehicle batteries, marine batteries and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.

LEAVES -- Specifically, foliage from plants and trees only.

METAL FOOD AND BEVERAGE CONTAINERS -- Includes all cans, including aluminum and tin-plated steel used in storage of food and beverages. Aerosol cans are specifically excluded.

MIXED PAPER – Includes all newspaper, high grade paper, bond paper, office paper, paperback books, school paper, catalogues, telephone books, "junk mail", magazines, advertisements, nonwhite paper and similar cellulosic material, shredded or whole.

MULTI-FAMILY DWELLING-- means any building or structure of complex of buildings in which three or more dwelling units are rented or leased or offered for

rental or leave for residential purposes (see N.J.S.A. 13:1E-99.13a) except hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c.76 (C.55:13A-1et seq.);

MUNICIPAL SOLID WASTE -- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the City of Hoboken;

PLASTICS -- Includes all forms of soft and/or hard plastic (#1 - #7 and hard plastic, i.e. toys), except for plastic films or bags.

PUBLIC OR PRIVATE INSTITUTIONS -- Includes all municipal and state government facilities; all religious, educational and health care facilities; any and all public and/ or private civic organizations; and, all nonprofit or for-profit organizations.

PHYSICALLY DISABLED -- as defined by the Americans with Disabilities Act, ???, which determination must be verified by a Medical Physician.

RECYCLING -- The process by which designated materials, which would otherwise become solid waste, are separated, collected, processed and returned to the economic mainstream in the form of raw materials or products.

SINGLE STREAM -- means a combining of recyclable glass, aluminum, plastics, papers, and cardboard, generally collected from residential recycling. Single Stream recyclables are to be placed to the curb in the same container.

SOURCE -- shall mean any establishment, dwelling or other property within the City of Hoboken seeking to dispose of solid waste and recyclables pursuant to this Chapter.

SOURCE-SEPARATED -- (v.) means the process by which recyclable materials are separated from solid waste at the point of generation by the generator thereof for the purposes of recycling.

SOURCE-SEPARATED MATERIALS – (n.) means recyclable materials which are separated from solid waste at the point of generation by the generator thereof for the purposes of recycling;

WHITE GOODS -- Includes household or commercial appliances made of smooth finished metal, usually painted white or covered with a white metallic covering, such as refrigerators, stoves, washing machines, dryers and air conditioners, and other household or commercial appliances. All large

appliances must have all locking doors removed when placed to the curb for collection. White goods is also known as “metal appliances” and/or “appliances”

USED MOTOR OIL – All waste crank case oils used with internal combustion engines, generators, turbines, etc.

YARD WASTE -- Includes grass clippings, hedge trimmings, twigs, sticks, branches and/or shrubbery.

§ 151-2. Materials to be source separated.

A. The following materials to be separated by all sources:

(1) Mixed Paper

(2) Cardboard

(3) Metal containers

(4) Glass containers

(5) Plastics marked with #s 1-7 and hard plastics (toys, etc.)

(6) Used motor oil

(7) Leaves

(8) Yard waste

(9) White Goods

(10) Ferrous Metal

(11) Lead Acid Batteries

(12) Electronic Waste

B. This above list may be amended and increased as markets develop for other materials in the municipal solid waste stream or as required by the State of New Jersey or Hudson County.

151-3. Source separation program.

A. Mandatory source separation: It shall be mandatory of all owners, tenants or occupants of dwelling units, except those physically disabled; and all owners, tenants and occupants, except those physically disabled, of business, commercial and/ or industrial establishments; and all owners, tenants and occupants, except those physically disabled, of private, public and governmental institutions and facilities, to separate the materials listed in Section 151-2 from the solid waste and to recycle said materials in the following manner:

(1) All sources shall be allowed to place designated recyclable materials (other than used motor oil, antifreeze, masonry and lead acid batteries) at curbside in a manner and according to a schedule promulgated and published by the City of Hoboken. Designated recyclable materials (other than used motor oil, antifreeze, masonry and lead acid batteries) may be placed at curbside no earlier than 9:00 p.m on scheduled collection days. Designated recyclable material (other than masonry) may be dropped off at the Municipal Garage at 256 Observer Highway during normal business hours. All private recycling receptacles or dumpsters shall be maintained in accordance with the Health Code of the City of Hoboken. All private recycling receptacles shall have a lid to prevent designated recyclables from being contaminated by rainwater or other contaminants.

(2) Leaves:

(a) By composting on the property of the owner, tenant or occupant; and/or by placing leaves at the curb in bags in accordance with all applicable regulations on collection day(s) designated by the City of Hoboken for composting; and/or by calling the Recycling Coordinator to arrange for pickup.

(b) Leaves shall be placed in containers authorized by the City of Hoboken for composting.

(3) White goods:

(a) All locking doors must be removed from white goods items (appliances) prior to being placed outside for pickup.

(b) White goods shall be placed outside the gate or building on the curb for collection on the day(s) to be established by the City of Hoboken, or its authorized agent,.

(4) Motor Oil and Anti-Freeze:

(a) The City of Hoboken will not pick up motor oil and antifreeze. Used motor oil and antifreeze shall be delivered to the City of Hoboken's Municipal Garage at 256 Observer Highway or an authorized motor oil or antifreeze recycling center for recycling.

(5) Lead Acid Batteries:

(a) The City of Hoboken will not pick up lead acid batteries. Lead acid batteries shall be delivered to the City of Hoboken's

Municipal Garage or a lead acid battery recycling center for recycling.

(6) Electronic Waste:

(a) Electronic waste shall be placed outside the gate or building on the curb for collection in accordance with all applicable regulations on the day(s) to be established by the City of Hoboken, or its authorized agent..

(b) Electronic Waste may also be delivered to the City of Hoboken's Municipal Garage or an electronic recycling center for recycling.

§ 151-4. Collection by authorized persons.

A. The City of Hoboken may use municipal personnel to collect the recyclable materials set forth herein, at curbside and/or at collection or pickup site(s) as determined. The City of Hoboken shall have the right to sell said recyclable materials pursuant to N.J.S.A. 40A:11-1 et seq.

B. The City of Hoboken shall have the right to enter into agreements with qualified persons, partnerships, corporations or other business entity for the purpose of authorizing to the entity to collect all said recyclable materials, or any portion thereof, at curbside or collection or pickup site(s).

C. The Department of Environmental Services shall, upon receipt of a completed and approved application, issue permits to any person or civic, fraternal, nonprofit or for-profit organization, authorize a drop-off collection point(s) for the aggregation of certain specific recyclable materials. Issuance of a permit shall not, however, authorize said person or civic, fraternal, nonprofit or for-profit organization to pick up or collect said specific recyclable materials from any curbside or from any designated municipal collection or pickup site(s) in the City of Hoboken.

D. The Mayor of the City of Hoboken, with the assistance of the Director of Environmental Services, is hereby authorized and directed to negotiate and to enter into contracts for the collection, composting and/or marketing of leaves, newspapers, corrugated cardboard, plastic, glass and metal food and beverage containers, white goods, electronic waste or such other designated recyclable materials as may be determined, or to place same out to bid, if required, by the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

E. The City of Hoboken may utilize its own personnel to collect said leaves, newspaper, corrugated cardboard, plastic, glass and metal food and beverage containers, white goods or such other designated recyclable materials, or may contract out the cost of said collection as may be determined to be in the best interests of the municipality.

§ 151-5. Unauthorized collections.

- A. Recyclable material, as defined herein, shall be the property of the City of Hoboken once placed at the designated collection or pickup site(s) authorized by the City of Hoboken.
- B. It shall be a violation of this chapter for any person unauthorized by the City of Hoboken to pick up or cause to be picked up said recyclable materials as defined herein. Any such collection will be illegal and in violation hereof and shall constitute a separate and distinct offense, punishable as hereinafter provided.
- C. The Recycling Coordinator shall have the authority to issue permits to authorized individuals and organizations to pick up or cause to be picked up recyclable materials on designated collection day(s).

§ 151-6. Direct disposal of recyclables by owners.

- A. Anything herein to the contrary notwithstanding, any owner, tenant or occupant of a dwelling unit, public or private institution, or commercial or industrial establishment may donate or sell said recyclable materials, as defined herein, to any person, partnership or corporation, whether or not operating for profit.
- B. Any owner, tenant or occupant of any dwelling unit, public or private institution, and commercial or industrial establishment within the City of Hoboken actively participating in a recycling program, which is not operated by the City of Hoboken, shall submit a yearly verification of the tonnages and markets of materials recycled.
- C. The yearly verification shall be submitted to the Recycling Coordinator according to a schedule to be established by the Recycling Coordinator after inception of this program. Failure to do so may cause the program to be terminated at the option of the Recycling Coordinator of the City of Hoboken.

§ 151-7. Collection days and sites.

- A. On and after the adoption of this chapter, the Recycling Coordinator of the City of Hoboken shall establish the day(s) of collection and the collection or pickup site(s) designated for the collection of leaves (for the purpose of composting), newspaper, corrugated cardboard, plastic, glass and metal food and beverage containers, white goods, electronic waste, or any other designated recyclable materials for the purpose of recycling.
- B. Notification of the designated collection or pickup day/days and the designated collection or pickup site(s) for leaves (for the purpose of composting), newspaper, corrugated cardboard, plastic, glass and metal food and beverage containers, white goods or any other designated recyclable materials shall be published in the official newspapers for a continuous period of not less than six (6) days, at least ten (10) days prior to the first scheduled collection/pickup date. At the City's discretion, notification may be made by the mailing of a newsletter or brochure sent as an attachment to each property owner's municipal property tax bill, indicating the designated dates and collection or pickup site(s),...

§ 151-8. Responsibility of property owners.

- A. It shall be each property owner's responsibility in the City of Hoboken to inform all occupants of their property of the provisions of this chapter and the designated collection regulations.
- B. Each property owner in the City of Hoboken shall provide adequate storage containers with lids (minimum twenty-gallon capacity, but not to exceed thirty-two-gallon capacity) for the storage of mixed paper, cardboard, plastics, and glass and metal food and beverage containers.
1. All recycling storage containers shall have a lid to prevent designated recyclables from being contaminated by rainwater or other contaminants.
 2. Each storage container with lid for recyclables shall have two (2) "Hoboken Recycles" decals, one on the container lid and one on the container side. The City reserves the right to provide storage containers, which shall be made available through the City of Hoboken's Municipal Garage at 256 Observer Highway, as an alternative to this requirement.

3. Every property owner shall provide adequate storage containers for their building occupants' recyclables; however, as a minimum at least eight (8) gallons of storage space shall be provided for each residential dwelling unit.
 4. Property owners shall place the storage containers for recyclables in an area of their property accessible to occupants of the property to dispose of comingled recyclables seven (7) days a week.
 5. It is the owner's responsibility to have recyclable storage container(s) placed at curbside for collection on the designated collection day(s) only.
- C. For multi-family/high-rise housing developments, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials. Violations and penalty notices will be directed to the owner or management. The management shall issue notification and collection rules to new tenants when they arrive and every six (6) months during their occupancy.

§ 151-9. Commercial Establishment Compliance Requirements

- A. All commercial establishments shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Every business, institution or industrial facility shall report on an annual basis to the municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments shall, in addition to compliance with all other recycling requirements, be required to recycle grease created in the processing of food or food products, and maintain such records as may be proscribed, for inspection by any code enforcement officer.

§ 151-10 New Multi-Family Dwelling Developments and Commercial, Institutional or Industrial Properties

- A. Any application to the planning board of the municipality of Hoboken, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants.
- B. Prior to the issuance of a Certificate of Occupancy by the City of Hoboken, the owner of any new multi-family dwelling or commercial, institutional or industrial development must supply the planning board of the City of Hoboken with a copy of a duly executed contract with a hauling company for the purposes of solid waste collection and the collection of recycling of source-separated recyclable materials.

§ 151-11. Collection by private haulers.

- A. Any entity that picks up rubbish from any owner, tenant or occupant of any source within the City of Hoboken is required to separate leaves for the purpose of composting, newspaper, corrugated cardboard, plastic, glass and metal food and beverage containers, electronic waste, and white goods for the purpose of recycling.
- B. The tonnages and markets of these designated materials recycled must be reported yearly to the Recycling Coordinator.
- C. The yearly verification shall be submitted to the Recycling Coordinator according to a schedule to be established by the Recycling Coordinator after inception of this program. Failure to do so may cause the program to be terminated at the option of the Recycling Coordinator of the City of Hoboken.

§ 151-12. Prohibition of the Collection of Waste Mixed with Recyclable Materials

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such un-separated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

§ 151-13. Enforcement.

The Police Division, the Department of Environmental Service's Sanitation Inspectors and Code Enforcement Officials, the Recycling Coordinator, the Housing Officer, Hudson Regional Health Commission and the Hudson County Improvement Authority are hereby authorized and directed to enforce this chapter and amendments thereto. The respective enforcing official may, in his or her discretion, post warning notice stickers for any offense, after sight or sound inspection. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 151-14. Violations and penalties.

Any person, firm or corporation violating or failing to comply with any provision of this chapter or any regulations promulgated pursuant thereto shall be punishable by a fine not to exceed one thousand dollars (\$1,000.), except that the maximum fine for failure to comply with § 151-2 hereof and regulations issued pursuant thereto shall not exceed fifty dollars (\$50.) for the first three (3) violations. Any violation thereafter shall result in termination of regular garbage collection for a period not to exceed one week per offense. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not 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 be codified, notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

Date of Second Introduction: February 16, 2011

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Dawn Zimmer , Mayor

APPROVED AS TO FORM:

Mark A. Tabakin
Corporation Counsel

Sponsored by: _____

Seconded by: _____

City of Hoboken
Ordinance No.:_____

AN AMENDED ORDINANCE AMENDING CHAPTER 168 OF THE CODE OF THE CITY OF HOBOKEN DELETING ARTICLES II AND V IN THEIR ENTIRETY AND REPLACING THEM WITH A NEW ARTICLE II ENTITLED "SIDEWALK CAFES"

WHEREAS, the language, rules and regulations of Articles II and V of Chapter 168 of the current Municipal Code of the City of Hoboken lack sufficient detail and have become outdated for the licensing and governance of operations of the city's sidewalk cafes; and

WHEREAS, it is in the best interest of the City to update the Municipal Code to reflect modern issues and conditions; and

WHEREAS, the City wishes to ensure the quality of life of its residents, and promote a positive environment for economic development that services both residents and businesses alike.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: DELETION

The current ARTICLE II entitled "Sidewalk Cafes" and ARTICLE V entitled "Limited Sidewalk Cafes" of Chapter 168 of the Municipal Code of the City of Hoboken are hereby deleted in their entirety.

SECTION TWO: ADDITION

The following Section is hereby added to the Municipal Code of the City of Hoboken:

ARTICLE II
Sidewalk Cafes

§168-29. Definitions.

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

BAR -- A place of business whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

NIGHTCLUB -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

RESTAURANT -- Any establishment primarily for the serving of food and drink and offering tables and chairs for the use of dining patrons, where the tables and chairs utilize more than 50% of the customer service area.

RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A class one restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.

RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFÉ -- Partitioned sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than 50% of the customer service area.

§168-30. Projection Into Streets.

- A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken.
- B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.
- C. Where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk café.
- D. Sidewalk cafes shall only be permitted in front of an operating restaurant that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior

nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

- E. Sidewalk cafes shall not be permitted in front of bars, nightclubs, taverns, pubs or retail food establishments as defined herein.

§168-31. General Requirements.

- A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location on the door or a window of the primary business which faces onto the sidewalk.
- B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way.
- C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.
- D. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.
- E. The sidewalk café shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of eight (8) feet from the sidewalk to the bottom of the awning/umbrella.
- F. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.
- G. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by variance.
- H. Commercial wall mounted electric heating units are permitted provided that all Uniform Construction Code and Electrical Subcode requirements for installation are met and a Certificate of Approval has been issued by the Construction Code Official. Heating units must be mounted not less than eight (8) feet above sidewalk grade and shall not project more than twelve (12) inches from the façade. Heating units must be mounted in such a way that they may be removed when not in use. Operating controls must be located within the interior of the restaurant or in a secure location not accessible to the general public.
- I. Musical instruments, outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.
- J. Smoking shall not be permitted within a sidewalk café.

- K. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.
- L. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.
- M. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.
- N. Food service shall be available during all times in which the sidewalk café is open for business.
- O. Restaurants which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.
- P. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.
- Q. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.
- R. The number of patrons served in the sidewalk café shall be limited to the maximum number indicated on the sidewalk café license. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper.
- S. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.
- T. Class II restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

§168-32. Terms of License, Dates and Hours of Operation.

- A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.
- B. Any and all licenses issued pursuant to this article shall permit sidewalk café operations beginning on the Wednesday after the first Saturday in March and terminating on the second Monday in December of each year.

- C. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m.
- D. Hours of operation for Sunday, on weekends of a three-day federal holiday shall be the same as Saturday. Applicable holidays are: Memorial Day, Independence Day when falling on a Monday, Labor Day, Columbus Day, and Veterans Day when falling on a Monday.

§168-33. Application and Fees.

- A. Applicants for a sidewalk café shall submit the following documents;
 - 1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.
 - 2. A copy of the restaurant's certificate of liability insurance.
 - 3. A letter of consent from the property owner stating that the restaurant and its operator, by name, are permitted to operate a sidewalk café in front of their property.
 - 4. A letter from the City of Hoboken Health Department confirming that the applicant restaurant is in good standing.
 - 5. A letter from the City of Hoboken ABC Board confirming that the applicant restaurant, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.
 - 6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.
 - a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.
 - b. All tables, chairs and accessory equipment must also be shown.
 - 7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added or removed since its last licensing, or in front of a building that has been significantly altered since the last licensing.
- B. Any person submitting an application for a sidewalk café shall pay an application fee of fifty (\$50) dollars.
- C. Upon approval, any successful applicant for a sidewalk café shall pay an annual license fee, with no proration for a partial year, as provided below:

Base fee, all cafes: \$300

Cafes with 13 or more seats: +\$25/seat over 12

§168-34. Insurance Required.

- A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million (\$1,000,000) dollars, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.
- B. Laps in insurance coverage will result in the immediate suspension of the café license.
- C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

§168-35. Enforcement.

- A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.
- B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not less than \$150 nor more than \$500. If the violation(s) is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. The City of Hoboken, through its duly authorized agent, may revoke the license of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within ten (10) days of said citation.
- D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.
- E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the Planning Board or Zoning Board of Adjustment. Such request for hearing shall be in writing and delivered to the Planning Board, attn. Board Secretary, 94 Washington Street, Hoboken, New Jersey, 07030.
- F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

SECTION THREE: AMENDMENTS

The following section of Chapter 196, entitled "Zoning" the Municipal Code of the City of Hoboken, is hereby amended to conform with the new language in Chapter 168; deletions shall be noted by strikethrough and additions shall be noted by underline:

§196-6. Definitions.

BAR -- A place of business duly licensed by the Alcoholic Beverages Control Board whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment. ~~for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, whether or not food service is also provided.~~ **[Amended 10-19-1994 by Ord. No. R-84]**

NIGHTCLUB -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

RESTAURANT – Any establishment primarily for the serving of food and drink and offering tables and chairs for the use of dining patrons, where the tables and chairs utilize more than 50% of the customer service area. A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use. **[Amended 10-19-1994 by Ord. No. R-84]**

RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A class one restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.

RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK CAFE – Partitioned sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space. Use of the sidewalk beyond the building line for chairs, tables and other space dividers to permit the serving of food and drink for consumption by the patrons of the restaurant fronting on the expanse of sidewalk to be used for this purpose. Facilities shall be fully enclosed by a transparent or translucent temporary structure and shall, in all respects, conform to all applicable city and state regulations, as well as standards set forth elsewhere in this chapter. **[Added 5-19-1982 by Ord. No. C212; amended 6-21-1989 by Ord. No. P-58]**

SIDEWALK CAFE, ENCLOSED -- An enclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter. **[Added 6-21-1989 by Ord. No. P-58]**

~~SIDEWALK CAFE, LIMITED -- The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space, which space is unenclosed and does not have walls, and subject to the conditions set forth in Article V of Chapter 168. [Added 4-5-1995 by Ord. No. R-119]~~

~~SIDEWALK CAFE, OPEN -- An unenclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter. [Added 6-21-1989 by Ord. No. P-58]~~

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than 50% of the customer service area.

§196-38. Standards for particular use.

- Q. Sidewalk café. The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space shall be subject to the following conditions:
- (1) ~~Conformity with the Building Code and all applicable state and local Health Department standards.~~ the rules and regulation set forth in Chapter 168, Article II of the Code of the City of Hoboken.
 - (2) ~~A renewable annual contract between the restaurant management and the Mayor and Council of the City of Hoboken setting forth the annual fee to the city, the hours and conditions of operation and such circumstances as will void renewal of the annual contract.~~ Qualification and retention of a renewable annual license administered by the Zoning Officer.
 - (3) ~~No more than half the sidewalk or six (6) feet, whichever is less, shall be utilized for sidewalk cafes. In no case shall less than four (4) feet of sidewalk be available for pedestrian traffic.~~
 - (4)(3) ~~Site plan review and approval by the Planning Board or Zoning Board of Adjustment shall be required when the standards of compliance set forth in Chapter 168, Article II are not met. When all conditions of Chapter 168, Article II are met the use shall be considered accessory and no site plan review shall be necessary.~~

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 not withstanding the invalidity of any part.

SECTION SIX: EFFECTIVE DATE

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

SECTION SEVEN: CODIFICATION

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

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

Date of Introduction: _____

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin
Corporation Counsel

Sponsored by: Cunningham
Seconded by: _____

City of Hoboken
Ordinance No.: _____

**AN ORDINANCE RECODIFYING CHAPTER 29 WITH THE TITLE
“ETHICS”**

WHEREAS, it is the policy of the City of Hoboken (“City”) to ensure the ethical operation of City government and that all City employees and individuals engaging in business or recreation with the City of Hoboken conduct themselves in those practices which are honorable as would be judged from the public eye; and,

WHEREAS, on June 16, 2010 the City Council rescinded Chapter 29 entitled “Ethics” of the Administrative Code of the City of Hoboken, which the City now seeks to recodify with modern and enforceable rules and regulations that will increase ethical conduct within the City government and with interactions relating to the City governance.

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

SECTION ONE: RECODIFICATION OF CHAPTER 29

Chapter 29 of the Hoboken City Code is hereby recodified as follows:

ARTICLE I
ETHICAL MUNICIPAL PUBLIC EMPLOYMENT

Section 29-1. Purpose

- A. The intent of this Article is to create a workplace environment for City Government that will not tolerate violence or incivility. Violent acts or threats made by an employee, elected official or member of the public against another person will be acted upon immediately and with the full resources of the City. This includes any violence or threat made on City property, at City events (including Council Meetings) or under other circumstances that may negatively affect the City’s ability to conduct business.
- B. Prohibited conduct includes:
1. Causing physical injury to another person;
 2. Making threatening remarks;
 3. Name-calling, verbal taunts, heckling, hissing, booing, mocking and similar activities;
 4. Aggressive, hostile or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
 5. Intentionally damaging employer property or the property of another employee;
 6. Possession of a weapon while on City property or while on City business;
 7. Committing acts motivated by, or related to, political retaliation or workplace harassment.

- C. Any potentially dangerous situations must be reported. The City will actively intervene in any hostile or violent situation.
- D. The need for mutual respect and the opportunity to work together in a peaceful, mutually rewarding and efficient work environment provides the foundations upon which these rules are established.

Section 29-2: Work Place Misconduct Defined

- A. It is important to remember that all City employees spend considerable time together during the workday. It also must be remembered that we represent the City when interacting with vendors and members of the public. Therefore, it is incumbent upon all of us to be careful in how we interact with co-workers, vendors and members of the public and how they interact with us. What may be inoffensive language or conduct to one person may be offensive to another. We all must be aware of our actions and maintain a professional, respectful and courteous demeanor at all times.
- B. Workplace harassment can range from verbal (oral, written or pictorial) abuse or body language and gestures, which create an intimidating, hostile or offensive working environment to physical violence. Examples of workplace harassment include teasing, bullying, racial, ethnic or gender slurs and other derogatory remarks.
- C. In addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees, elected officials and members of the public. Therefore, the City requires the various stakeholders to be sensitive to how we comport ourselves in the workplace and at public meetings. Although the City cannot possibly provide an exhaustive list of impermissible behavior, the following provides some examples for guidance:
 - 1. Insubordination or failure to cooperate with fellow employees and/or supervisors;
 - 2. Loss of time by absence, tardiness or leaving assigned job without supervisory approval;
 - 3. Loss of material, tools, equipment or supplies occasioned by wasteful practices or negligence;
 - 4. Damaging or defacing the City's property or products;
 - 5. Creating or contributing to unsanitary conditions;
 - 6. Unauthorized use of materials, tools, equipment, vehicles or supplies;
 - 7. Failure to comply with safety rules and regulations or engaging in conduct that creates a safety or health hazard;
 - 8. Horseplay, gambling or instigating or participating in a fight;

9. Vending, soliciting, or distributing goods or printed matter for other than charitable purposes;
10. Unsatisfactory performance;
11. Theft;
12. Falsifying/making a material omission on, or altering the City's records, time cards, report forms, application materials, etc.;
13. Intolerant, abusive demeaning, prejudicial comments (including yelling) and/or actions towards fellow employees, members of the public, elected or appointed officials or any other person;
14. Using, processing or being under the influence of alcohol or unlawful drugs while on duty, while on the City's property;
15. Bringing unauthorized firearms, explosives or other dangerous materials on the City's property without explicit prior authorization by the City;
16. Divulging confidential information to others without express authorization by the City;
17. Violation of the City's security regulations;
18. Immoral conduct or indecency, including name-calling, verbal taunts, heckling hissing booing, mocking and similar activities; and/or
19. Engaging in unlawful harassment of another person.

Section 29-3: Anti-Sexual Harassment Training of Municipal Employees

- A. Every City employee including, but not limited to, all municipal, police and fire personnel and elected and appointed officials, shall participate in an anti-sexual harassment training program when authorized, directed and made available by the Business Administrator.
- B. All new City employees and officials hired after the execution date of this Executive Order shall participate in such an anti-sexual harassment training program when authorized, directed and made available by the Business Administrator.
- C. Every City employee including, but not limited to, all municipal, police and fire personnel and elected and appointed officials, shall participate in an anti-sexual harassment training program every year following his or her initial training session pursuant to this Section.
- D. Every City employee shall submit a signed statement certifying his or her participation in each training session pursuant to this Section, which statements shall be placed in his or her personnel file.

- E. The Office of the Corporation Council shall coordinate with the Business Administrator to establish regular training sessions sufficient to allow affected individuals to comply with this Executive Order.
- F. Any violation of this Section may result in dismissal or other appropriate lesser sanctions as determined by the Business Administrator with the Mayor's consent.

Section 29-4: Mandatory Ethics Training for Municipal Employees

- A. Every City employee including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in an ethics training program when authorized, directed and made available by the Business Administrator.
- B. New City employees including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in such ethics training program when authorized, directed and made available by the Business Administrator.
- C. Every City employee including, but not limited to, all municipal employees, police department, fire department and elected and appointed officials, shall participate in an ethics training every year following his or her initial training session pursuant to this Section.
- D. Every City employee shall submit a signed statement certifying his or her participation in each training session pursuant to this Section, which statements shall be placed in his or her personnel file.
- E. The Office of the Corporation Council shall coordinate with the Business Administrator to establish regular training sessions sufficient to allow affected individuals to comply with this Section.
- F. Any violation of this Executive Order may result in dismissal or other appropriate lesser sanctions as determined by the Business Administrator with the Mayor's consent.

Section 29-5: Anti-Nepotism in Municipal Employment

- A. Unless he or she obtains a waiver pursuant to the Business Administrator, with the consent of the Mayor, no official or employee may appoint or hire his or her spouse or domestic partner/civil union partner, child or step-child, sibling or step-sibling, parent, or member of his or her household for employment, including by contract (unless competitively bid), with the City.
- B. No official or employee may supervise or be in a direct line of supervision over his or her spouse or domestic partner/civil union partner, child or step-child, sibling or step-sibling, parent, or member of his or her household. If an official comes into a direct line of

supervision over one of these persons, he or she will have six months to come into compliance or to obtain a waiver.

Section 29-6: Forfeiture of Municipal Employment Benefits

In accordance with N.J.S.A. 40A: 10-23, the City shall only assume the cost of a retiree's health benefits if the retiree has accrued the requisite years of honorable service as determined by the Department of Pensions. Starting immediately upon adoption of this Section, with regards to all new hires and employees already receiving City health benefits, the City intends to follow any final determination of the Department of Pensions in its eligibility review as to years of service deemed dishonorable when determining employee eligibility for paid City health benefits. Effective immediately, forfeiture of health insurance/benefits for dishonorable service is hereby mandated if the requisite years of honorable service fall below that mandated in N.J.S.A. 40A:10-23.

Section 29-8: Complaint Procedure, Violations Policy and Penalties

Unless complaint procedures, violation policies or penalties are otherwise described within the Sections of this Article, the following shall apply:

- A. Public Meetings – Any person who comports his/herself in such a manner which violates any section of this Article shall be warned once to cease and desist from such actions. If the person refuses or fails to stop such activities, he/shall shall be removed from the meeting by the Police and warned that future similar actions shall result in the filing of a defiant trespass action.
- B. Employee At Workplace – Any employee who believes he or she has been subjected to offensive and/or insulting behavior by a co-worker, member of the public, elected official, supervisor or vendor, has an obligation to directly inform the offending person that the conduct is offensive and must stop.
 - a. If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) and the names of the individuals involved to his or her supervisor or, in the alternative, to the Business Administrator, who will investigate all such claims and take appropriate corrective action, if any.
 - b. Confidentiality to the extent possible will be maintained and no reprisals or retaliation will result from the good faith reporting of intolerant behavior.
- C. In determining whether the alleged conduct constitutes a violation of this Article, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. Any employee found to have engaged in such impermissible behavior shall be subject to sanctions, including, but not limited to, warning, suspension or termination subject to applicable procedure requirements. Non-

employees violating any section of this Article may be subject to removal from City property, and/or prohibition from appearing on City property or at City events.

- D. A violation of any provision of this Article shall be considered a violation of the City Code of Ethics and may subject the Municipal Official, Employee or Appointee to disciplinary action.

Article II

Political Fundraising on City Property

Section 29-9: Intent

The intent of this Executive Order is to create an independent and efficient government workforce and workplace, and a government that is undermined by neither the fact nor appearance of improper influence of political contributions on government decisions which require the prohibition of political fundraising in rooms or buildings occupied in the discharge of official duties or through the use of public property or equipment.

Section 29-10: Purpose

The purpose of this Executive Order is to ban the use of government buildings, property and equipment for political fundraising.

Section 29-11: Definitions

A. Candidate – The term “Candidate” means (1) any individual seeking election to public office of the federal, state, county, or municipal government, or school district or political party, and (2) any individual who shall have been elected or failed of election to any such office;

B. Political Contribution – The term “Political Contribution” means any loans and transfers of money or other things of value to any Candidate, elected Municipal Official, Employee, or Appointee or representative of any Political Organization, or other commitments or assumptions of liability to make any such transfer for the purpose of supporting a Candidate. A Political Contribution shall be deemed to have been made upon the date when such commitment is made or liability assumed.

C. Political Organization – the term “Political Organization” means any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office or political party office. “Political Organization” includes, but is not limited to, organizations defined in N.J.S.A. 19:44A-3 as a “political committee,” “joint candidates committee,” “continuing political committee,” “political party committee,” “candidate committee,” or “legislative leadership committee.”

D. Municipality - the term “Municipality” means the government of the municipality of the City of Hoboken, including any officer, department, board, commission, or agency, thereof.

E. Municipal Official, Employee and Appointee - the term “Municipal Official, Employee and Appointee” means any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof,

whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board, or office thereof, whether the position is full time or part time.

F. Solicit – The term "Solicit" means to direct, request or ask for, by oral or written communication, a Political Contribution as that term is defined herein.

G. Public Property – The term "Public Property" means (1) all personal property owned, leased, or controlled by the Municipality where employees of the City of Hoboken perform their job duties and (2) all real property owned, leased, or controlled by the Municipality for use by municipal employees. Such "Public Property" includes but is not limited to vehicles, phones, fax machines, computers, stationery including municipal letterhead, postage, and other office equipment; and specifically excludes the property identified in Section 4(C)(1), (2) and (3).

Section 29-12: General Regulations

A. Prohibition Against Soliciting or Accepting Political Contribution While In or Utilizing Public Property:

No Municipal Official, Employee and/or Appointee may solicit, or receive payment of or a commitment to pay any Political Contribution for any candidate, elected official or political organization while in or utilizing any Public Property. This Section shall include solicitation or acceptance of Political Contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the Political Contribution, or using the cell phone or computer for purposes of soliciting or accepting the Political Contribution, is in or utilizing any Public Property.

B. Prohibition Against Use of Public Property for Political Fundraising:

No Municipal Official, Employee, and/or Appointee may solicit or receive payment of or a commitment to pay any Political Contribution for any candidate, elected official or political organization, while utilizing public property.

C. Prohibited Forms of Fund-Raising. Prohibited Forms of Fund-Raising Shall Include but Are Not Limited to:

1. Soliciting or accepting contributions using municipal telephones, fax machines or computers.
2. Soliciting or accepting contributions using personal telephones while on the property of the municipality.
3. Soliciting or accepting contributions through the use of publicly owned computers or privately owned personal computers while on the property of the municipality.
4. Using municipal letterhead to solicit or accept contributions.
5. Sending correspondence from municipal buildings or by the use of municipal services, equipment or postage.
6. Face-to-face soliciting of an individual or an owner or representative of a business entity while on the property of the municipality.
7. Use of automobiles owned or leased by the municipality to accept or solicit contributions.

D. Reporting Requirements

It shall be the responsibility of any employee, appointee or elected official who observes any prohibited forms of fund-raising to report such conduct to the Business Administrator or the Corporation Counsel who shall report same to the Mayor and the Governing Body.

E. Whistleblower Provision

It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by this chapter.

F. Exceptions: The prohibition contained in paragraphs (A) and (B) above shall not apply to:

1. Public facilities which are made available to any group for use as a meeting facility or gathering place, such as a park. Fundraising among members of such groups during the time such groups have reserved exclusive use of the meeting facility or gathering place is not prohibited.
2. Residents of a public housing authority who engage in Fundraising in their residences.
3. Library materials available for public use.

G. Violation: A violation of any provision of this Executive Order shall be considered a violation of the City Code of Ethics and may subject the Municipal Official, Employee or Appointee to disciplinary action.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

SECTION THREE: 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 FOUR: EFFECTIVE DATE

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

SECTION FIVE: 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.

ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Corporation Counsel

Date of Introduction: February 16, 2011