



February 2, 2011

Dear Council President Mason:

Thank you for meeting with me to discuss how my Administration and the City Council can work together. I write to you in the spirit of cooperation and in the interest of extending that dialog.

As I mentioned in my follow up email to you, it is important that we receive in writing your perspective on how the Administration should work with the Council regarding development of the Council meeting agendas.

Also, at the recent Finance subcommittee, there was a discussion about the process for introducing the budget. Please confirm in writing by Friday, February 4 that both you and Finance chair Russo agree on the process that was discussed at the Finance subcommittee this week.

NJDOT Funding:

I am very pleased to report that as a result of our application for funding from the New Jersey Department of Transportation's Municipal Aid Program, we were awarded a grant in the amount of \$400,125.00 to resurface our streets. Please see the attached memo from Commissioner James Simpson.

Surplus:

First, I want to thank Councilman Giacchi for providing his position on this matter.

As a follow up, I am writing to ask if you could provide your position on what the surplus level should have been last year. I recall that many public positions were taken on this issue, but never heard a clear number on what you believed the surplus level should have been. Again, this information will help my Administration to finalize a budget that addresses the Council's concerns.

Budget Update/Timing of Introduction:

Per the attached notice, the State has advised us that the statutory deadline to introduce the budget has been extended from February 10th to March 11th. Per statutory regulations, we will plan to provide a copy of the budget to the Council by February 25th, and my

Administration intends to introduce the budget at the following Council meeting on March 2nd ahead of the statutory date. This is a result of the fact that the State will not be able to provide its revenue numbers to us until late February. Since pending union negotiations, which have reached a critical stage, as well as the Fire audit, which has been delayed, may also influence the budget, we are planning for the introduction on March 2nd to meet the statutory deadline.

Invite to State of the City Address on February 22nd:

Prior to the budget introduction, I will be giving a State of the City at 7pm on February 22nd. The location will be announced shortly. I am writing to formally invite all City Council members to attend.

Pay-to-Play Ordinance:

This revised ordinance primarily reflects amendments requested by the People for Open Government to address their concerns about loopholes in the law. They will be available at the meeting to explain the changes they proposed for the revised legislation. In addition, the Administration has added language to ensure that it is clear that pay-to-play applies to areas currently being studied for redevelopment, and not just designated redevelopment areas.

As we work to bring balanced development to our City, it is essential that developers and elected officials take our pay-to-play law seriously. Therefore, language has been added at my request that makes it so that violators risk not being able to develop in Hoboken for five years. With this measure, our City can make it clear that we are committed to bringing balanced development to Hoboken. This legislation sends a straightforward message that development rights cannot be bought through elected officials in our City. With the passage of this law, property owners and developers will understand that they take on a serious risk if they try to improperly influence the development process in Hoboken.

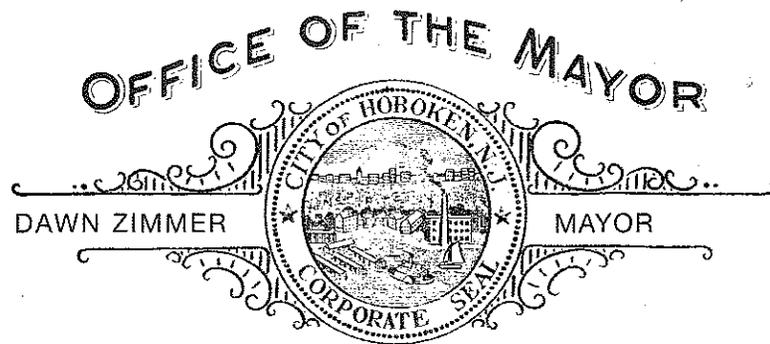
The ordinance also includes an anti-wheeling section, added by my Administration, which closes a loophole in campaign finance law dealing with personal contribution limits. The intent of the proposed law is to prevent individuals from using political committees to circumvent personal contribution limits. Specifically, it prevents individuals from raising their personal contribution limit from \$2,600 to \$10,800 through giving their own money to a political committee that is 75% or more self-funded. Anti-wheeling legislation has been adopted in a number of municipalities and proposed at the state level by State Senator Loretta Weinberg. It is my aim to keep Hoboken at the forefront of ethical reform in New Jersey.

I urge you to pass this legislation on first reading so that together we may move it forward and take action to ensure balanced development and good government in Hoboken.

Thank you and best regards.


Dawn Zimmer

cc: City Council



Proclamation

WHEREAS, diseases of the heart are the nation's leading cause of death, and stroke is the third leading cause of death; and

WHEREAS, cardiovascular diseases (CVD) claim the lives of up to 422,000 American women (about one death per minute) each year; and

WHEREAS, each year 52 percent of all cardiovascular disease deaths and 60 percent of stroke deaths occur in females; and

WHEREAS, in 2008 the direct and indirect cost of cardiovascular diseases and stroke in the United States was estimated at \$431.8 billion; and

WHEREAS, nearly as many women die of heart disease, stroke and all other cardiovascular diseases than the next four leading causes of death combined, including all cancers; and

WHEREAS, February is designated as American Heart Month; and

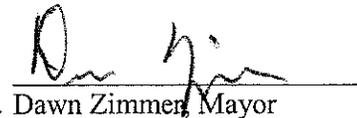
WHEREAS, **Go Red For Women** is the **American Heart Association's** national movement to make women aware of their risk for heart disease – the leading cause of death for women – and to empower women to take action to reduce that risk; and

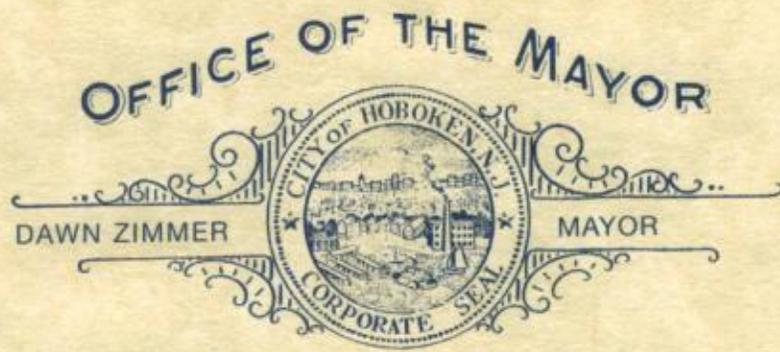
WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the **American Heart Association's Go Red For Women Heart Check Up, Go Red For Women Better U** and by talking to their health care provider;

NOW, THEREFORE, I, **DAWN ZIMMER**, Mayor of the City of Hoboken, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim **Friday, February 4, 2011** to be "**National Wear Red Day for Women**" in the City of Hoboken and urge all citizens to "**Go Red**" for the day and wear red on **February 4, 2011** to call attention to the magnitude of cardiovascular disease in women and as a show of support to fight it, and, in recognition of family, friends and neighbors who have suffered from cardiovascular disease.


James J. Farina, City Clerk
Dated: February 2, 2011




Dawn Zimmer, Mayor



Proclamation

WHEREAS, each year, our nation recognizes February as **African-American History Month** to celebrate and honor the positive achievements and diverse voices of the **African-American** community which has helped shape this nation and the community's social fabric; and

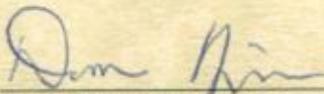
WHEREAS, the **African-American** community has persevered and demonstrated great courage in their struggle to overcome our nation's historic injustices of slavery and racial discrimination and reminded our nation of its promise for equality and justice; and

WHEREAS, **African-Americans** have always fought to protect our country's ideals on the battlefield, from the birth of our nation during the Revolutionary War, to the fight for the freedom of millions during the Civil War, and their brave efforts played a key role in advancing desegregation in our country; and

WHEREAS, our nation has benefited greatly from the vast cultural contributions from the **African-American** community including in the areas of music, arts, poetry, and cuisine, and from inventors, doctors, and lawyers who have brought critical advancements to medicine, science, agriculture, law, and more;

NOW, THEREFORE, BE IT PROCLAIMED, that I, **DAWN ZIMMER**, Mayor of the City Of Hoboken, do hereby proclaim February 2011 as **African-American History Month** and invite all citizens of the City of Hoboken to celebrate and learn about the vast contributions of **African-Americans** to our community.

James Farina, City Clerk



Dawn Zimmer, Mayor

SPONSORED BY: _____

SECONDED BY: _____

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

FEBRUARY 2, 2011

TAXI, LIVERY, AND LIMOUSINE DRIVERS 12 ITEMS
@ \$75.00 EACH (SEE ATTACHED)

RAFFLES 1 ITEM @
\$20.00 EACH

THE FRIENDS OF HOBOKEN CHARTER SCHOOL RA1353
713 WASHINGTON ST. 03/04/2011
HOBOKEN, NJ 07030 ON-PREMISE 50/50

MISCELLANEOUS LICENSES

DRIVERS

(12 ITEMS @ \$75.00)

CHRISTIAN DAMIANI	2301 NEW YORK AVE, U.C., NJ	LIMO
ADDY DEMOTA	125 AUDUBON AVE, J.C., NJ	LIMO
SANTIAGO CARTAGENA	199 OCEAN AVE, J.C., NJ	LIMO
DENNIS THORPE	152 DIVISION AVE, GARFIELD, NJ	LIMO
CHRISTIAN AQUINO-TAMAREZ	500 8 TH STREET, U.C., NJ	LIMO
ROSEMARY JIMENEZ-RODRIGUEZ	413 JACKSON ST., H OBOKEN, NJ	LIMO
EMAD M. AZIZ	7 NORTH LANE, BAYONNE, NJ	TAXI
AHMED HEMEDA	60 ISABELLA AVE, BAYONNE, NJ	TAXI
AHMET CORUK	237 5 TH ST, PALISADES PARK, NJ	LIMO
OSWALDO SANTIAGO	78 COLUMBIA ST, NEWARK, NJ	LIMO
JOSE ESPINAL	190 BOWER ST, J.C., NJ	LIMO
JULIO GUANCE	329 WHITON ST., J.C., NJ	LIMO

12 DRIVERS

Rcvd Batch Id Range: First to Last		Rcvd Date Start: 0 End: 01/27/11		Report Format: Condensed		
Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
01/26/11	CHRIS	11-02042	DISPATCH CONSOLE PART	00016	REGIONAL COMMUNICATIONS, INC,	43.25
01/26/11	CHRIS	11-01800	PROFESSIONAL SERVICES	00262	JERSEY JOURNAL	98.87
01/26/11	CHRIS	11-02031	LEGAL ADS FOR NOVEMBER 2010	00262	JERSEY JOURNAL	2,358.12
01/26/11	CHRIS	11-02021		00287	METROPOLITAN COFFEE SERVICE	30.00
01/26/11	CHRIS	11-02064	LEGAL SERVICES	00290	KATES NUSSMAN RAPONE ELLIS &	1,924.50
01/26/11	CHRIS	11-02082	TIRE REPLACEMENT	00304	KLINGER TIRE & SERVICE CO.	2,420.00
01/26/11	CHRIS	11-02083	PARTS FOR REPAIRS	00348	ABSOLUTE FIRE PROTECTION	283.34
01/26/11	CHRIS	11-01626	PERSONAL PROTECTION EQUIPMENT	00801	TURNOUT FIRE AND SAFETY	369.50
01/26/11	CHRIS	11-01972	MEMBERSHIP DUES	00887	TWIN COUNTRY JUNIOR WRESTLING	400.00
01/26/11	CHRIS	11-02085	PROFESSIONAL SERVICES	02147	ROSENBERG & ASSOCIATES	1,198.00
01/26/11	CHRIS	11-02041	AIR PAK MAINTENANCE/REPAIRS	02423	FIRE FIGHTERS EQUIPMENT CO.	1,428.23
01/26/11	CHRIS	11-02086	PRINTER	02813	C.D.W. GOVERNMENT INC.	2,875.00
01/26/11	CHRIS	11-02048	WEST INFORMATION SERVICES	02910	WEST PUBLISHING CORPORATION	321.55
01/26/11	CHRIS	11-02026	Alvin Wire Bin King Size File	03293	ROLLABELS, INC.	107.10
01/26/11	CHRIS	11-01570	FLAT JACKETS FOR VIOLATIONS	03611	MIAMI SYSTEMS CORPORATION	2,335.00
01/26/11	CHRIS	11-01614	HAZMAT PAGING NOTIFICATIONS	03958	EVENTIDE	10,867.50
01/26/11	CHRIS	11-02040	HAZMAT SUPPLIES	03961	HANSEN FIRE & SAFETY	166.94
01/26/11	CHRIS	11-01971	REIMBURSEMENT OF FEES	03971	OLGA ESTRELLA	75.00
01/26/11	CHRIS	11-02043		04782	LAWYERS DIARY AND MANUAL	185.00
01/26/11	CHRIS	11-01856	CALIBRATION GAS	06111	GEN-EL INDUSTRIES INC.	260.40
01/26/11	CHRIS	11-02037	2011 MEMBERSHIP	06456	TCTA MEMBERSHIP SERVICES	75.00
01/26/11	CHRIS	11-02046	PROFESSIONAL LEGAL SERVICES	07750	COHEN, LEDER, MONTALBANO	1,420.00
01/26/11	CHRIS	CY-00111		09817	JERRY LORE	235.88
Total for Batch: CHRIS					29,478.18	
Total for Date: 01/26/11					29,478.18	
Total for All Batches:					29,478.18	
01/27/11	MEM	11-02076	TRAFFIC SUPPLIES	00053	GARDEN STATE HIGHWAY PROD.	6,456.00
01/27/11	MEM	CY-00144	UTILITIES 9/10; 12/10	00424	P.S.E. & G. COMPANY	26,153.27
01/27/11	MEM	CY-00152	PHONE/COMPUTERS/ALARMS	01089	VERIZON	1,873.16
01/27/11	MEM	CY-00158	LONG DISTANCE - HPU	01961	AT&T (LD)	92.77
01/27/11	MEM	CY-00157	OVERAGES YTD2009-2010	07512	CENTRAL PARKING SYSTEM	137,898.91
Total for Batch: MEM					172,474.11	
01/27/11	MPG	11-01859	WINDOW REPAIR 13TH ST. F.D.	00141	HOBOKEN GLASS COMPANY	580.00
01/27/11	MPG	11-01832	CRAFT FAIR ADVERTISEMENT	00148	HUDSON REPORTER ASSOC LP	416.70
01/27/11	MPG	11-01011	SOUND ASSISTANCE,	00223	TY BARTHOLOMEW	250.00
01/27/11	MPG	11-01868	REPAIRS TRK #173	00230	BEYER BROTHERS CORP.	1,405.86
01/27/11	MPG	11-01907	LIGHTING FOR P.D. GYM	00269	FCA LIGHTING	2,500.00
01/27/11	MPG	11-01908	OUTLET FOR SCOREBOARD MULTI	00269	FCA LIGHTING	625.00
01/27/11	MPG	11-01964	BULBS	00269	FCA LIGHTING	56.00
01/27/11	MPG	CY-00125	NJLOM ANNUAL DUES 2011	00331	N. J. STATE MUNICIPALITIES	2,535.00
01/27/11	MPG	11-00030	7-12/10 ELECTRICITY	00424	P.S.E. & G. COMPANY	49,367.67
01/27/11	MPG	11-00785	TENT/CHAIR RENTAL FOR FESTIVAL	00627	ALL STAR RENTALS, INC.	291.00
01/27/11	MPG	11-00791	TENT/CHAIR/TABLE RENTAL	00627	ALL STAR RENTALS, INC.	381.00
01/27/11	MPG	11-00792	TABLE AND CHAIR RENTAL	00627	ALL STAR RENTALS, INC.	76.00
01/27/11	MPG	11-01834	TABLES/CHAIRS FOR CRAFT FAIR	00627	ALL STAR RENTALS, INC.	200.50
01/27/11	MPG	11-02063	REPIAR TRK #178	00679	SANITATION EQUIP. CORP.	1,207.84
01/27/11	MPG	CY-00196	REPLENISHING PETTY CASH	00810	ENVIRONMENTAL SERVICES	119.77

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
01/27/11	MPG	CY-00197	REPLENISH PETTY CASH SW	00810	ENVIRONMENTAL SERVICES	206.78
01/27/11	MPG	11-01830	OFFICE ASSISTANCE	01398	OWEN JAPPER	162.00
01/27/11	MPG	11-01862	PARK MAINTENANCE PIER "A"	01471	D'ONOFRIO & SON, INC.	1,536.55
01/27/11	MPG	11-01513	REPAIR P.D. CAR #101	01480	LATIN AMERICAN AUTO BODY	300.00
01/27/11	MPG	11-02070	BANNERS FOR HOLIDAY CRAFT FAIR	01483	CONVEYOR PRINT SPACE	54.00
01/27/11	MPG	11-02071	HOLIDAY CRAFT FAIR ASSISTANCE	01486	TODD BELK	252.00
01/27/11	MPG	CY-00145	MECHANIC CNSLT 12/26 SNOW	01497	EURELIS A. PEGUERO	2,280.00
01/27/11	MPG	CY-00146	MECHANIC CNSLT. 12/26/10 SNOW	01497	EURELIS A. PEGUERO	4,520.00
01/27/11	MPG	11-01729	SUPPLIES LITTLE LEAGUE	01776	STATE CHEMICAL MFG.	139.06
01/27/11	MPG	11-01891	STAGE RENTAL	02035	CONTENT PARTY RENTALS	605.00
01/27/11	MPG	11-01812	HOT WATER HEATER VIOL. DEPT.	02451	QUALITY PLUMBING & HEATING	1,200.00
01/27/11	MPG	11-01831	HOLIDAY CRAFT FAIR AD	02482	VILLAGE VOICE MEDIA, INC.	350.00
01/27/11	MPG	11-01910	FLOORS FOR LAW OFFICES	02856	PARQUET FLOOR SERVICE	3,470.54
01/27/11	MPG	11-00705	SERVICES RENDERED	033	ETHAN JAMES KELLY	600.00
01/27/11	MPG	CY-00021	CY2011 MAINT CH	03342	ENTERPRISE CONSULTANTS	1,000.00
01/27/11	MPG	11-00027	7-12/10 CELL SERV-MAYOR	03973	VERIZON WIRELESS	92.78
01/27/11	MPG	11-01721	CRAFT FAIR ADVERTISEMENT	04307	TIME OUT NEW YORK	798.66
01/27/11	MPG	11-01828	HOLIDAY CRAFT FAIR AD	04307	TIME OUT NEW YORK	480.42
01/27/11	MPG	CY-00147	PLOW & DRIVER 1/11/11	04948	JOHN COLEGROVE	780.00
01/27/11	MPG	11-01965	TOILET RENTAL 4TH OF JULY	051	ROYAL THRONE	1,625.00
01/27/11	MPG	CY-00008	CY2011 GASOLINE	05470	EXXONMOBIL FLEET/GECC	31,431.68
01/27/11	MPG	11-01836	TREE LIGHTING ENTERTAINMENT	06364	RON ALBANESE	250.00
01/27/11	MPG	CY-00220	OFFICE ASSISTANCE	06677	STEPHANIE SASSOLA	322.50
01/27/11	MPG	11-01181	FALL FESTIVAL ASSISTANCE	07075	LIZ MORIN	264.00
01/27/11	MPG	11-01472	RAGAMUFFIN PARADE ASSISTANCE	07075	LIZ MORIN	54.00
01/27/11	MPG	11-01647	SERVICES RENDERED	07075	LIZ MORIN	150.00
01/27/11	MPG	11-01892	CRAFT FAIR ASSISTANCE	07075	LIZ MORIN	156.00
01/27/11	MPG	11-02055	CRAFT FAIR ASSISTANCE	07075	LIZ MORIN	156.00
01/27/11	MPG	11-00023	7-12/10 LD/TOLL SERV	07601	COOPERATIVE COMMUNICATIONS, INC	815.02
01/27/11	MPG	11-01720	CRAFT FAIR ADVERTISEMENT	08806	THE L MAGAZINE	750.00
01/27/11	MPG	CY-00247	QTR ENDED 12/31/10 OEP DUES	09120	HOBOKEN PBA LOCAL 1 #12	11,488.00

Total for Batch: MPG 126,302.33

Total for Date: 01/27/11 Total for All Batches: 298,776.44

	Batch Id	Batch Total
Total for Batch:	CHRIS	29,478.18
Total for Batch:	MEM	172,474.11
Total for Batch:	MPG	126,302.33
Total Of All Batches:		=====
		328,254.62

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	0-01	95,756.56	0.00
PARKING UTILITY FUND	0-31	172,474.11	0.00
Year Total:		268,230.67	0.00
CURRENT FUND	1-01	37,731.68	0.00
GRANT FUND	G-02	400.00	0.00
TRUST FUND & OTHER	T-03	20,188.78	0.00
	T-24	1,536.55	0.00
	T-32	166.94	0.00
Year Total:		21,892.27	0.00
Total Of All Funds:		328,254.62	0.00

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:

06-Jan-11	TO	19-Jan-11	Paydate	1/26/2011	
<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	7,907.35	0.00	0.00	7,907.35
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	153.85	153.85
PURCHASING	1-01-20-114	8,309.84	0.00	0.00	8,309.84
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	1,201.86	2,000.00	16,160.94
ELECTIONS	1-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	1-01-20-130	21,440.67	0.00	738.44	22,179.11
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	500.00	9,348.81
ASSESSOR'S OFFICE	1-01-20-150	13,450.03	0.00	1,500.00	14,950.03
CORPORATE COUNSEL	1-01-20-155	11,987.88	37.92	0.00	12,025.80
COMMUNITY DEVELOPMENT	1-01-20-160	6,290.08	0.00	0.00	6,290.08
TREASURER	1-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	1-01-21-180	5,824.62	344.48	500.00	6,669.10
INFORMATION TECHNOLOGY	1-01-20-147	4,305.46	922.65	1,000.00	6,228.11
ZONING OFFICER	1-01-21-186	4,746.88	0.00	0.00	4,746.88
HOUSING INSPECTION	1-01-21-187	5,489.84	364.59	0.00	5,854.43
CONSTRUCTION CODE	1-01-22-195	22,035.42	0.00	1,500.00	23,535.42
POLICE DIVISION	1-01-25-241	526,467.34	27,482.65	106,781.41	660,731.40
CROSSING GUARDS	1-01-25-241	9,771.23	0.00	0.00	9,771.23
EMERGENCY MANAGEMENT	1-01-25-252	4,437.50	830.39	250.00	5,517.89

<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	416,277.06	(13,716.08)	103,803.78	506,364.76
STREETS AND ROADS	1-01-26-291-011	22,752.66	6,655.69	0.00	29,408.35
ENV SRVCS DIR OFFICE	1-01-26-290	9,973.76	0.00	0.00	9,973.76
RECREATION SEASONAL EMP	1-0128370016	1,856.25	0.00	0.00	1,856.25
CENTRAL GARAGE	1-01-26-301	3,199.00	2,107.83	0.00	5,306.83
SANITATION	1-01-26-305	20,157.72	2,897.85	0.00	23,055.57
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	19,272.69	1,069.20	0.00	20,341.89
CONSTITUENT SRCS	1-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	1-01-27-336	15,999.83	0.00	1,000.00	16,999.83
RENT STABILIZATION	1-01-27-347	7,352.96	0.00	500.00	7,852.96
TRANSPORTATION	1-01-27-348	0.00	0.00	0.00	0.00
RECREATION	1-01-28-370	12,966.88	0.00	1,000.00	13,966.88
PARKS	1-01-28-375	18,474.04	2,470.41	1,500.00	22,444.45
PUBLIC PROPERTY	1-01-28-377	29,022.08	1,044.57	924.00	30,990.65
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	37,322.53	100.23	0.00	37,422.76
PARKING UTILITY	1-31-55-501-101	74,420.04	14,183.46	357.54	88,961.04
MUN COURT OVERTIME	T-0340000-037	0.00	1,937.82	0.00	1,937.82
GRANT#	T0340000004	0.00	0.00	0.00	0.00
GRANT#	G-02-44-701-380	0.00	0.00	0.00	0.00
GRANT#	G-02-44-701-392	0.00	7,500.00	0.00	7,500.00
GRANT#	T-03-40-000-003	200.00	0.00	0.00	200.00
FIRE EDUCATION	T-13-10-000-000	0.00	206.70	0.00	206.70
CULTURAL AF AFFAIRS	1-01-271-760-11	2,818.25	0.00	500.00	3,318.25

<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	26,229.47	26,229.47
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	28,920.00	28,920.00
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		1,407,601.04	57,642.22	279,658.49	1,742,901.75
					1,744,901.75

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION REJECTS ALL BID PROPOSALS FOR THE PROVISIONS OF VEHICLE TOWING SERVICES FOR THE CITY IN UNDER THE SPECIFICATIONS IN BID NUMBER 10-32.

WHEREAS, proposals were received on Tuesday, January 4, 2011 for the provisions vehicle towing services for the City of Hoboken, as specified in Bid Number 10-32; and,

WHEREAS, two (2) proposals were received from the following bidders:

MILE SQUARE TOWING, LLC
1520 JEFFERSON STREET
HOBOKEN, NEW JERSEY 07030

AND

JOHNS MAIN AUTO BODY
1445 UNION TURNPIKE
NORTH BERGEN, NEW JERSEY 07047

WHEREAS, since the date of publication of Bid No. 10-32, the City has become aware of certain towing needs which will not be adequately met by entering into a contract pursuant to the terms and specification of Bid No. 10-32; and,

WHEREAS, as a result, the Office of Corporation Counsel recommends that the City Council of the City of Hoboken reject all bid submissions for the provision of vehicle towing services under Bid No. 10-32, pursuant to N.J.S.A. 40A:11-13.2, to allow the City to revise the bid specifications.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision of vehicle towing services under Bid No. 10-32, pursuant to N.J.S.A. 40A:11-13.2; and,

BE IT FURTHER RESOLVED that the City Council requests the Administration determine what towing services are necessary to maintain the public safety, health and welfare on a day-to-day basis and on an emergency basis, based on recently developed information; and,

BE IT FURTHER RESOLVED, the City Council requests the Administration revise and publish bid specification for the provision of towing services accordingly.

Meeting of: February 2, 2011

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

Sponsored: _____

Seconded: _____

**CITY COUNCIL OF THE CITY OF HOBOKEN
RESOLUTION NO. ____**

**RESOLUTION SUPPORTING A POLICY TO CREATE UPDATED AFFORDABLE
HOUSING STANDARDS WITHIN THE CITY OF HOBOKEN**

WHEREAS, the current affordable housing legislation within the City of Hoboken is outdated and incompatible with currently pending state legislation and case law; and,

WHEREAS, as a result of the incompatibility, the City Council is considering repeal of those sections of the City Code dealing with affordable housing and, further, considering awaiting finalization of the pending state legislation before replacing the City legislation dealing with affordable housing; and

WHEREAS, the City Council is concerned that affordable housing continue to be viewed as an important part of development within the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby declare its intent to create legislation dealing with affordable housing once the State of New Jersey has established and finalized the laws and regulations which will govern affordable housing within municipalities, including but not limited to COAH Round Three standards; and,

BE IT FURTHER RESOLVED, the City Council fully intends to continue to establish and enforce affordable housing standards within the City's Redevelopment Areas pursuant to the established and standing principals and regulations of the Local Redevelopment and Housing Law both during this period where the City does not have general affordable housing legislation in place, and after such legislation is adopted.

Reviewed:

Approved as to Legal Form:

Arch Liston,
Business Administrator

Mark A. Tabakin, Esq.,
Corporation Counsel

Date of Meeting: February 2, 2011

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

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT
WITH HUTCHINS, FARRELL, MEYER & ALLISON, P.A. FOR GENERAL
MUNICIPAL AUDITING SERVICES FROM FEBRUARY 2, 2011 TO
FEBRUARY 1, 2012 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 Hutchins, Farrell, Meyer & Allison, P.A. responded to by proposal dated January 20, 2011; and,

WHEREAS, Hutchins, Farrell, Meyer & Allison, 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 **Hutchins, Farrell, Meyer & Allison, P.A.**, for general auditing services for a one year term commencing February 2, 2011 and expiring February 1, 2012; 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 2, 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
FEBRUARY 2, 2011 TO FEBRUARY 1, 2012**

For payment to be submitted to the following contractor:

Hutchins, Farrell, Meyer & Allison, P.A.
912 Highway 33, Suite 2
Freehold, New Jersey 07728

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: _____

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

**A RESOLUTION TO AMEND THE CONTRACT FOR SPECIAL COUNSEL –
RENT CONTROL LITIGATION WITH VICTOR AFANADOR, ESQ. TO
INCREASE THE NOT TO EXCEED AMOUNT PREVIOUSLY AWARDED BY
\$50,000.00**

WHEREAS, the City of Hoboken sought competitive proposals for the position of Special Counsel – Rent Control Litigation, and received a proposal from Victor Afanador, Esq. of Lite DePalma; and,

WHEREAS, the City Council approved a contract with Victor Afanador, Esq. by Resolution dated August 11, 2010 for a one year contract in an amount not to exceed Fifty Thousand (\$50,000.00) Dollars; and,

WHEREAS, a contract was entered into between Victor Afanador, Esq. and the City of Hoboken for a one year term in an amount not to exceed Fifty Thousand (\$50,000.00) Dollars for Special Counsel services relating to Rent Leveling litigation in the City of Hoboken; and

WHEREAS, Victor Afanador, Esq. has continuously provided the City with his litigation services relating to the City’s rent leveling cases, and has also provided the City, at the City’s request, with his services relating to the drafting of rent leveling legislation; and

WHEREAS, the additional work which Victor Afanador has provided on behalf of the City has resulted in an increase in the costs of his services, and his services have reached greater than 85% of the City’s original not to exceed amount of Fifty Thousand (\$50,000.00) Dollars; and

WHEREAS, the City needs to amend its current contract with Victor Afanador to increase the not to exceed amount to take into account the additional work which the City has requested of Mr. Afanador, without any change in the remaining terms of the contract, including, but not limited to, the contract period.

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

1. The above recitals are incorporated herein as thoughtfully set forth at length; and
2. The City Council hereby requests amendment of the City’s contract with Victor Afanador, Esq. for services as Special Counsel – Rent Control Litigation to increase the not to exceed amount by Fifty Thousand (\$50,000.00) so that the total not to exceed amount shall be One Hundred Thousand (\$100,000.00) Dollars; and,
3. The City Council hereby directs that no other terms of the original agreement be amended, including, but not limited to, the contract term.
4. The City Council directs the Mayor or her agent to take steps to effectuate the recitals herein.
5. This resolution shall take effect immediately.

Meeting of: February 2, 2011

REVIEWED:

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 \$50,000.00 is available in the following appropriations:

Special Legal Counsel

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

SPECIAL LEGAL COUNSEL – RENT LEVELING LITIGATION

As awarded to the following vendor:

Victor Afanador, Esq.
Lite DePalma
Two Gateway Center
12th Floor
Newark, NJ 07102

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: _____

Introduced by: _____
Seconded by: _____

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

**RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE
HOBOKEN HOUSING AUTHORITY FOR A FEASIBILITY STUDY OF MAMA
JOHNSON FIELD AND AUTHORIZING THE APPOINTMENT OF BOSWELL
ENGINEERING FOR THE STUDY**

WHEREAS, the City of Hoboken and the Hoboken Housing Authority have casually agreed to obtain a feasibility study of Mama Johnson Field to determine the plans and costs associated with the parties desired rehabilitation of the property; and

WHEREAS, the City and Authority wish to enter into a shared service agreement to describe the terms and conditions of the agreement to obtain the feasibility study, which is attached hereto; and,

WHEREAS, the City wishes to obtain the services of the City's appointed general engineering firm, Boswell Engineering, for the feasibility study; and,

WHEREAS, in consideration for the ability to use the Boswell Engineering for the study, the City would pay to Boswell an amount not to exceed Twenty Thousand (\$20,000.00); and

WHEREAS, Boswell Engineer, as the current general engineering firm for the City, has previously been vetted and appointed by the City Council; and,

WHEREAS, the contract shall be award for an amount not to exceed Twenty thousand (\$20,000.00) dollars for CY 2011, and shall be complete on or before June 30, 2011.

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

- A. This resolution approves the attached shared service agreement between the City of Hoboken and the Hoboken Housing Authority for a feasibility study of Mama Johnson Field;
- B. The Mayor or her agent is hereby authorized to enter into the attached shared service agreement, or a modified agreement with substantially similar terms which does not have any substantive changes;
- C. The City shall use the services of its general engineering firm, Boswell Engineering, for the feasibility study for which the City shall pay Boswell Engineering in an amount not to exceed Twenty Thousand (\$20,000.00) Dollars; and,
- D. Boswell shall provide the services necessary to create the feasibility study, which study shall be complete on or before June 30, 2011.

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

Meeting Date: February 2, 2011

Approved:

Approved as to Form:

Arch Liston
Business Administrator

Mark A. Tabakin
Corporation Counsel

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations:

General Engineering

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

A FEASIBILITY STUDY OF MAMA JOHNSON FIELD
BY BOSWELL ENGINEERING, AS
GENERAL ENGINEER TO THE CITY OF HOBOKEN

For payment to be submitted to the following contractor:

Boswell Engineering
330 Phillips Avenue, PO Box 3152
South Hackensack, NJ 07606

I further certify that, subject to the adopted 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:_____

SHARED SERVICE AGREEMENT

This Agreement is made on this _____ day of _____, 2011, between the HOUSING AUTHORITY OF THE CITY OF HOBOKEN, a public body corporate, with offices located at 400 Harrison Street, Hoboken, New Jersey 07030 (hereinafter referred to as the "Authority") and the CITY OF HOBOKEN a public body corporate, with offices located at 94 Washington Street, Hoboken, New Jersey 07030 (hereinafter referred to as the "City").

RECITALS

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, permits, authorizes and encourages public bodies such as municipalities and other autonomous public entities to enter into agreements with each other to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative or otherwise; and

WHEREAS, the Authority and the City previously determined that shared use and maintenance of Mama Johnson Field would assist the City in providing more field opportunities for its recreation programs while also assisting the Authority in maintaining and updating Mama Johnson Field to make use of the field more enjoyable for the Authority's residents; and

WHEREAS, the Authority and City acknowledge that Mama Johnson Field is currently in significant need of rehabilitation and revitalization prior to the parties entering into a finalized agreement for shared usage and maintenance; and

WHEREAS, prior to entering into any rehabilitation and revitalization agreement and subsequent usage and maintenance agreement, the Authority and City acknowledge an engineering feasibility study must be done to Mama Johnson field to determine the necessary improvements, the optional improvements, the likely procedure that will need to be taken and the types of materials that will be necessary to preserve the rehabilitated field for an extended period of time; and,

WHEREAS, the parties wish to memorialize the arrangement of an engineering

feasibility study through the creation of a shared service agreement (the "Agreement") by and among the parties for the purpose of determining the best plans and materials and the connected costs associated with the parties plans for rehabilitation and revitalization of Mama Johnson field; and

WHEREAS, the parties have agreed to use the services of the City's general engineer, Boswell Engineering, for the engineering feasibility study, through direction of the City, but with both parties able to provide comment and obtain all reports and other documentation produced by the engineer in the course of its investigation; and

WHEREAS, the City shall incur the full cost of the study, which shall not exceed Twenty Thousand (\$20,000.00) Dollars; and

WHEREAS, the parties contemplate that no services shall be otherwise provided pursuant to this Agreement, except in accordance with applicable federal, state, and local laws and regulations governing the provision of fleet maintenance services.

The parties therefore agree as follows:

SECTION ONE DURATION, CANCELLATION, AND DEFINITIONS

A. DURATION OF AGREEMENT AND RIGHT OF CANCELLATION

The term for this Agreement shall commence on the date of execution and shall extend through June 30, 2011. This Agreement will continue in effect on the terms and conditions provided herein until cancelled by either party. Cancellation shall be effected by any party providing thirty (30) days written notice to the other of its intent to terminate the Agreement, and such cancellation shall be effective on the 31st day following either party's timely service of the notice of intent to cancel the Agreement.

B. DEFINITIONS

As used in this Agreement, unless the context indicates otherwise, the following terms shall have the following meanings and are to be interpreted consistent with the context of this Agreement in which each term is used:

1. "Agreement" shall refer to the within Shared Service Agreement executed by the

City and the Authority.

2. "Authority" shall refer to the Hoboken Housing Authority.
3. "Engineer" shall refer to the City's general engineering firm, Boswell Engineering.
4. "City" shall refer to the City of Hoboken.
5. "Reports" shall mean written submissions from the Engineer setting forth all results of the feasibility study. The Reports shall reflect and include the types of rehabilitation which are available and the likely amortization period for those improvements, time to complete work, as well as recommendations on the cost of repairs, as well as guidance on the production of bid specifications, as needed, to obtain contractors to perform the rehabilitation services in accordance with the best practices determined by the City and the Authority under the feasibility study.

SECTION TWO SERVICES

- A. Engineering Services shall be provided according to the following terms and conditions:
 1. The City shall be solely responsible for providing the services of its general engineering firm to perform the feasibility study.
 2. The City shall have the right to direct all activities of the Engineer. The Authority may review all reports of the Engineer, but may not direct the Engineer to perform any functions. The City shall entertain the suggestions and opinions of the Authority prior to making any decisions about the services of the Engineer; however, the City shall have no obligation to direct the Engineer to perform pursuant to the Authority's suggestions. The City shall have the ultimate authority to determine the direction of the services to be rendered by the Engineer.
 3. The parties expect final completion of the feasibility study to occur on or before June 30, 2011.

4. The Engineer's services under this agreement shall be limited to performing a feasibility study potential plans for the rehabilitation and revitalization of Mama Johnson field as directed by the City; any additional work done by the Engineer on behalf of the parties shall require a new agreement and new compensation terms.

SECTION THREE COMPENSATION

The City shall be solely responsible for payment to the Engineer. The Authority shall have no obligation to provide compensation to the City or the engineer for the feasibility study. The City shall provide the compensation to the Engineer for the feasibility study in an amount not to exceed Twenty Thousand (\$20,000.00) Dollars. Should it later be determined that completion of the feasibility study requires additional compensation above the City's not to exceed amount, Section Three of this agreement shall be renegotiated between the City and the Authority.

SECTION FOUR DEFAULT

The following events shall constitute default of this Agreement:

- A. The appointment of a receiver or other trustee for either of the parties;
- D. Failure of either party to perform or fulfill any other covenants or conditions set forth in this Agreement, when such failure continues for a period of fourteen (14) days after notice of such failure from the non-defaulting party.
- E. The failure of the City to appropriate funds to compensate the Engineer.

SECTION FIVE TERMINATION

1. In the event of default as defined in Section Four of this Agreement, the

non-defaulting party may serve upon the defaulting party a written notice of its intent to terminate this Agreement and demand that the defaulting party cure such default within fourteen (14) days from the date of such written notice. If the defaulting party cures the default within fourteen (14) days from the date of such notice, then the notice of intent to terminate shall have no force or effect. If, however, the defaulting party has not cured the default by the end of the fourteen (14) day period, after the expiration of the period, the non-defaulting party may serve upon the defaulting party written notice of the former party's intent to terminate this Agreement immediately.

2. The rights granted pursuant to this Section Five are in addition to any other rights and remedies for breach of contract available to the non-defaulting party at law or in equity.

SECTION SIX SUCCESSORS AND ASSIGNS

The terms of this Agreement shall be binding upon all transferees, successors, or assigns of the parties as though named in this Agreement.

SECTION SEVEN NOTICE

1. All notices, request, or approvals required or permitted under this Agreement shall be in writing and shall be deposited in the United States mail, postage prepaid, and shall be registered or certified or may be provided via personal service or via Federal Express or other recognized national overnight mail carrier.

2. If intended for the Authority, such correspondence shall be sent to the Executive Director at 400 Harrison Street, Hoboken, New Jersey 07030. If intended for the City, all such correspondence shall be sent to the Council President, City Attorney and City Clerk, located at 94 Washington Street, Hoboken, New Jersey 07030.

3. A change in address must be noticed in the manner set forth in this Section. Any notice, request or approval required or permitted shall be deemed given and received by the addressee on the third business day after mailing or upon delivery, if personally delivered or sent by overnight carrier.

SECTION EIGHT RESOLUTION OF DISPUTES

Should any bona fide dispute arise between the parties with respect to any of the terms and conditions hereunder, such bona fide dispute shall be presented to the New Jersey State Board of Mediation for mediation. The parties agree that every best effort shall be made by both parties to resolve any and all disputes prior to mediation and, if no resolution is reached, the dispute shall be presented to mediation. In the event mediation fails, all disputes arising under this Agreement shall be subject to binding arbitration.

SECTION NINE WAIVER

A party's waiver of a breach of any term of this Agreement shall not constitute a waiver of any subsequent breach of the same or another terms contained in this Agreement. A party's subsequent acceptance of performance by the other party shall not be construed as a waiver of a preceding breach of this Agreement other than failure to perform the particular duties so accepted.

SECTION TEN MISCELLANEOUS

- A. If any provision of this Agreement is held unenforceable or invalid by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected.
- B. Entire Agreement/Modifications. This Agreement supersedes any and all prior or other oral or written agreements between the parties. This Agreement may be altered, modified or amended only in writing executed by both of the parties hereto. This Agreement contains the entirety of the Agreement between the parties. There are no other oral agreements or presentations binding the parties hereto.
- C. Governing Law. This Contract shall be governed by the laws of the State of New Jersey and in compliance with all directives and policies of the Department of Housing and Urban Development (HUD) and all ordinances, policies and provisions of the City.

**SECTION ELEVEN
EFFECTIVE DATE**

This Agreement shall become effective upon final approval by the Authority and the City Council, the adoption of whichever resolution is later.

**SECTION TWELVE
SIGNATURES**

The parties agree that this Agreement may be signed and executed in counterpart, and that the failure of the parties to be mutually present during such signing or execution, or that the failure of all parties' signatures to appear on the same original of the Agreement, shall not be construed as taking from the validity and effect of same.

CITY OF HOBOKEN

HOUSING AUTHORITY OF THE
CITY OF HOBOKEN

By: _____
Dawn Zimmer, Mayor

By: _____
Jean Rodriguez, Chairwoman
Board of Commissioners

Dated: _____

Dated: _____

By: _____
Carmelo Garcia, Executive Director

Dated: _____

Approved as to Form:

Approved as to Form:

Mark A. Tabakin, Esq.
Corporation Counsel
City of Hoboken

Charles P. Daglian, Esq.
General Counsel
Hoboken Housing Authority

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 **\$ 8,198.61**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
GAIDA, ROBERT & HEATHER 231-233 MONROE ST #3N HOBOKEN, NJ 07030	38/12/C0003	231-233 MONROE ST	3/09	\$ 2,648.05
CHASE HOME FINANCE CORELOGIC INC 1 CORELOGIC DRIVE WESTLAKE, TX 76262	68/6/C0303	511-515 MADISON ST	4/10	\$ 2,784.51
WU, MICHAEL & WOAN JEN 1125 MAXWELL LANE #1204 HOBOKEN, NJ 07030	261.03/1/C1204	1125 MAXWELL LANE	3/10	\$ 2,766.05

Meeting: FEBRUARY 2, 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 and Special meeting on January 10, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: February 2, 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 2, 2011

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

Sponsored by: _____

Seconded by: _____

City of Hoboken
Ordinance No.:____

**AN ORDINANCE AMENDING THE PREVIOUSLY ADOPTED
CHAPTER 133 “NOISE CONTROL” ADDRESSING REVISIONS
REQUIRED BY THE STATE OF NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound; and

WHEREAS, the current Chapter 133 of the Hoboken City Code has been deemed invalid by the Department of Environmental Protection, thus rendering enforcement of it futile.

Now THEREFORE, it is the policy of the **City of Hoboken** to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life. This ordinance shall apply to the control of sound originating from sources within the **City of Hoboken**.

SECTION ONE: DELETION

The current Chapter 133 entitled “Noise Control” is hereby deleted in its entirety from the City Code of the City of Hoboken.

SECTION TWO: ADDITION

The following Chapter is hereby added to the City Code of the City of Hoboken:

Chapter 133 – Noise Control

§ 133-1. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound;

Now THEREFORE, it is the policy of the **City of Hoboken** to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life. This ordinance shall apply to the control of sound originating from sources within the **City of Hoboken**.

§ 133-2. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

CONSTRUCTION - means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

dB(C) - means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

DEMOLITION - means any dismantling, destruction or removal of buildings, structures, or roadways.

DEPARTMENT - means the New Jersey Department of Environmental Protection.

EMERGENCY WORK - means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

IMPULSIVE SOUND - means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

MINOR VIOLATION - means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

MOTOR VEHICLE - means any vehicle that is propelled other than by human or animal power on land.

MUFFLER - means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

MULTI-DWELLING UNIT BUILDING - means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

MULTI-USE PROPERTY - means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- (1) A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- (2) A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

NOISE CONTROL OFFICER (NCO) - means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

NOISE CONTROL INVESTIGATOR (NCI) - means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons. For purposes of City of Hoboken municipal enforcement, the following officers and agents of the city shall have the power and authority to enforce this chapter; Building Code Official(s), Zoning Officer, Health Officer(s), Environmental Health Specialist(s), Public Health Nuisance Investigator(s), the Hoboken Police Department and the Office of Emergency Management.

PLAINLY AUDIBLE - means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

PRIVATE RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

PUBLIC RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

PUBLIC SPACE - means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE - means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

SOUND PRODUCTION DEVICE - means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

SOUND REDUCTION DEVICE - means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required that mitigates the sound emissions of the equipment.

WEEKDAY - means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKENDS - means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§ 133-3. Applicability

A. This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

B. This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties; and

6. Multi-dwelling unit buildings.

- C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 133-4. Exemptions

- A. Except as provided in 133-9 and 133-10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II and III except as provided for in 133-9 below.

§133-5. Enforcement Officers

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

§ 133-6. Measurement Protocols

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in 133-6.B of this ordinance and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not

be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§ 133-7 . Maximum Permissible Sound Levels

A. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in 133-3.A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in 133-6.B.

B. Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, or non-residential portion of a multi-use property.
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours

Maximum A-Weighted sound level standard, dB	55	40	55
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Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility of non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours	24 Hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	42	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§ 133-8. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound

level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in 133-6.B of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

§ 133-9. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

- A. Power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. Emergency work, as defined in this section, is excluded from the above restrictions.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or at any time during weekends and federal holidays. . Work crews may be on site between 7:00 a.m. and 8:00 a.m. to do preparatory work, but no motorized equipment including but not limited to; pile drivers, jackhammers, riveters, stone breakers, cranes, earth moving equipment, compressors, saws and cutting equipment, and any other such equipment that is plainly audible beyond the real property line, shall be operated before 8:00 a.m. Work may take place after hours and on weekends only with express authorization from the approving

Board and only after a noise mitigation plan has been submitted to that Board. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

- D. Alterations or repairs to existing owner-occupied or rental dwellings, community service facilities, or schools may be performed on Saturdays and Sundays between the hours of 10:00 a.m. and 4:00 p.m. subject to compliance with Tables I, II and III as applicable.
- E. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- F. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- G. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator.
- H. All music or other unreasonable noise originating from a sound production device in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music or noise, as measured inside any receiving property dwelling unit is in excess of measures established in Table IV, shall be prohibited.
- I. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
 - 1. Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - 2. Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

§ 133-10. Motor Vehicles

- A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Ice cream and other food vending trucks, while in residential neighborhoods, are prohibited from the playing of jingles while stationary. Jingles may only be played when the vehicle is in motion.
- E. Commercial vehicles shall not be permitted to idle for more than ~~five (5)~~ three (3) minutes in any residential district.
- F. The use of vehicle horns shall not be permitted except as a warning in situations of imminent danger.

§ 133-11. Enforcement

- A. Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

- D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the City of Hoboken, or the Hudson Regional Health Commission. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than \$3,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- I. Any claim for a civil penalty may be compromised and settled based on the following factors:
1. Mitigating or any other extenuating circumstances;
 2. The timely implementation by the violator of measures which lead to compliance;
 3. The conduct of the violator; and
 4. The compliance history of the violator.

- J. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

§ 133-12. Consistency, Severability and Repealer

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

SECTION THREE: AMENDMENTS

Section §145-1 “Disturbing the peace” shall be amended as follows for purposes of consistency with Chapter 133; addition is noted by underline.

§ 145-1. Disturbing the peace.

No person shall make or assist in making any improper noise, riot, disturbance or breach of the peace in the streets or elsewhere within the city, and no persons shall collect in bodies or crowds for idle or unlawful purposes to the annoyance or disturbance of citizens or travelers.

See also Chapter 133 – NOISE CONTROL

The following sections of Chapter 145, entitled “Peace and Good Order” of the municipal code of the City of Hoboken shall be deleted in their entirety:

§ 145-1.1. Construction noise restrictions. [Added 3-1-2000 by Ord. No. R-426]

§ 145-1.2. Radios and other such similar machines and/or devices noise restrictions. [Added 3-1-2000 by Ord. No. R-426]

§ 145-1.3. Gas powered go-peds, mopeds, and skateboards noise restrictions. [Added 9-5-2001 by Ord. No. DR-8]

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: July 14, 2010

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Dawn Zimmer , Mayor

APPROVED AS TO FORM:

Michael B. Kates
Corporation Counsel

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE IV “STOP STREETS” OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND TRAFFIC”

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 190-9 Additions

190-9: Stop Streets Designated

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as a Stop Intersection. Stop sign shall be installed as provided therein.

Intersection

Observer Highway & Harrison Street

12th Street & Park Avenue

Stop Sign Locations

Southbound Harrison St.

Southbound and westbound approach

SectionTwo: 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 2, 2011

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
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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~~ unless 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 2, 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 2, 2011

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 190-7
ENTITLED "ONE WAY STREETS" OF 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 municipal rights of way;

WHEREAS, the General Code of the City of Hoboken, at Section 190-7 currently designates one way streets within the City of Hoboken;

WHEREAS, Section 190-7 currently lists Madison Street twice and designates different sections as one way, which has resulted in confusion and failure to properly notice the public of the actual areas of Madison Street which are designated as one way; and,

WHEREAS, the City Council seeks to amend that portion of Section 190-7 which relates to Madison Street.

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

Section One: Section 190-7 Deletions

§ 190-7. One-way streets designated.

In accordance with the provisions of this Section 190-7, the herein described streets or parts thereof are hereby designated as one-way streets in the direction indicated. All other streets not listed herein shall be considered two-way streets.

Name of Street	Direction of Travel	Limits
Madison Street	North	Observer Highway to Eleventh Street

The remainder of Section 190-7 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 2, 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. Two (2) Year Statute of Limitations/Two (2) Year Period of Repose

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. 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.

B. Disclosure Statement.

Every landlord subject to the provisions of this Chapter, upon signing of a lease or onset of tenancy without a lease, shall 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 the right to request a legal rent calculation to determine the legal base rent; a copy of the Registration Statement on file with the Rent Regulation Office; and an acknowledgment 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.

C. 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. Inconsistency

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

Section 3. Severability

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

Section 4. Effective Date

This Ordinance shall take effect after final adoption and approval thereof 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

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

Sponsored by: _____
Seconded by: _____

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 public 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 public 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 public 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 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 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 engaged~~ is 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 date of entering into the redevelopment agreement, amended agreement, or contract (hereinafter "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.
- 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 ~~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.

§ 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.

§ 20C-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.

§ 20C-10 Enforcement

This Article II shall be enforced by the City Clerk of the City of Hoboken.

§20C-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 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 2, 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 2, 2011

CITY OF HOBOKEN
Department of Community Development

DAWN ZIMMER
Mayor



BRANDY FORBES
Director

MEMORANDUM

DATE: January 26, 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: Affordable Housing Ordinance and Policy

On January 12, 2011 the Planning, Zoning and Economic Development Subcommittee met to discuss the City of Hoboken's current affordable housing ordinance. Per review by Corporation Counsel's office and our Redevelopment Counsel specializing in affordable housing, the Hoboken affordable housing code sections are outdated, in that they relate to earlier regulations that were placed on affordable housing in the Mount Laurel decisions and the 1st and 2nd rounds of the NJ Council on Affordable Housing (COAH). The concern is that if the City keeps these ordinances in place, it is setting the zoning and planning boards, as well as the City, up for continued battles and likely litigation. Specifically, a municipality cannot require affordable housing in a development under the Municipal Land Use Law without providing reasonable consideration to the developer for the affordable housing concession. As well, since the City did not have 1st or 2nd round obligations under COAH due to Hoboken being designated as an Urban Aid Municipality, the current ordinance is unnecessary, and the code is not compatible with the current affordable housing requirements being carved out by the state for satisfying obligations under the 3rd round of COAH.

On October 8, 2010, the Appellate Court invalidated substantial portions of the 3rd round rules of COAH, adopted under the Fair Housing Act. Most significantly, the Court ruled that the "Growth Share" approach for determining a municipality's fair share of the need for affordable housing generated by jobs and residential growth from 1999 through 2018 as specified in the revised rules adopted on October 20, 2008 is invalid due to the Supreme Court's Mount Laurel II doctrine. The Court remanded to COAH to determine prospective need by means of a methodology similar to the methodologies used

in the prior round rules using the most up-to-date data available, and adopt new 3rd round rules by March 8, 2011. Concurrently, the S-1 bill regarding COAH has recently been passed this month and sent to the Governor. The bill would significantly change the way municipalities will address affordable housing. The expectation is that if this bill is signed into law, there will need to be developed the rules implementing such law (as well as, there may be possible challenges to the law). Thus, at this time affordable housing regulations in the State of New Jersey are in flux.

The recommendation from Corporation Counsel's office and from our Redevelopment Counsel is to repeal the current affordable housing ordinance while simultaneously adopting a resolution committing to developing affordable housing policy in Hoboken at such time that affordable housing regulations are settled at the State level. Separate from the Municipal Land Use Law, municipalities are allowed to require affordable housing in redevelopment areas designated through the Local Redevelopment and Housing Law. Thus, the resolution will also note a commitment to considering affordable housing in redevelopment areas.

The subcommittee did review this recommendation and have agreed to move forward on this matter.

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED "TAXIS" TO
MAKE A CORRECTIVE CHANGE TO THE LANGUAGE OF SECTION**

WHEREAS, on June 6, 2010 amendments to Chapter 179A passed final reading of the City Council; and,

WHEREAS, it has come to the attention of the City Council that a handful of words were left out of §179A-18C(8) which completely change the enforcement of the section from that which was intended; and

WHEREAS, the City has determined there is a need for a corrective amendment to the wording of §179A-18C(8) to maintain the intent of the overall amendments adopted June 6, 2010.

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

Section One: Amendments

Chapter 179A – Taxicabs

Section 18 - Taxicab equipment and maintenance; inspection and inspection licenses.

Subsection C - Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the Division of Taxi and Limousine Licensing, including but not limited to:

8. Vehicles used as taxicabs must not be more than four (4) years old or have greater than one hundred twenty five thousand (125,000) miles, whichever occurs second.

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.

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ADOPTED:

APPROVED:

James J Farina, City Clerk

Dawn Zimmer, Mayor

APPROVED AS TO FORM:

Mark A. Tabakin, Esq., Corporation Counsel

Date of Introduction: February 2, 2011