

Sponsored by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

City of Hoboken  
Ordinance No.: \_\_\_\_\_

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
FOR THE FY 2011 BUDGET PURSUANT TO  
N.J.S.A. 40A: 4-45.14**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Hoboken in the County of Hudson finds it advisable and necessary to increase its FY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council of the City of Hoboken hereby determines that a 1.5% increase in the budget for said year, amounting to \$1,221,635.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the City Council of the City of Hoboken hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Hoboken, in the County of Hudson, *a majority of the full authorized membership of this governing body affirmatively concurring*, that, in accordance with this Ordinance and N.J.S.A. 40A:4-45.14, the final appropriations of the City of Hoboken in the FY 2011 shall be increased by 3.5%, amounting to \$2,850,482.11 and that the FY 2011 municipal budget for the City of Hoboken be approved and adopted in accordance with this Ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within two (2) days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within two (2) days after such adoption.

**ADOPTED:**

---

James J Farina, City Clerk

**APPROVED:**

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Dawn Zimmer, Mayor

**APPROVED AS TO FORM:**

---

Mark A. Tabakin, Corporation Counsel

**Date of Introduction: March 2, 2011**

**Sponsored by:** \_\_\_\_\_  
**Seconded by:** \_\_\_\_\_

**Resolution No.**  
\_\_\_\_\_

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY  
APPROPRIATIONS FOR THE CY 2011 BUDGET**

**WHEREAS, the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the CY 2011 budget and no adequate provision has been made in the CY 2011 temporary budget for the aforesaid purposes, and**

**WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and**

**WHEREAS, the total emergency appropriation resolutions adopted in CY 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution total \$43,178,193.54 for Current Expenses and \$4,442,711.24 for the Parking Utility.**

**NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20 :**

- 1) Emergency temporary appropriations be and the same are hereby made in the amount of \$20,376,820.00**
- 2) for Current Expenses and \$1,189,875.00 for the Parking Utility as follows:**

**SEE ATTACHED**

**MEETING: March 2, 2011**

**APPROVED FOR CONTENT:  
FORM:**

\_\_\_\_\_  
**Arch Liston  
Business Administrator**

**APPROVED AS TO**

\_\_\_\_\_  
**Mark Tabakin  
Corporation Counsel**

Sponsored by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

City of Hoboken  
Resolution No.: \_\_\_\_\_

**RESOLUTION ACCEPTING THE TERMS OF THE HOBOKEN  
POLICE SUPERIOR OFFICERS ASSOCIATION COLLECTIVE  
BARGAINING AGREEMENT**

**WHEREAS**, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Superior Officers Association (“HPSOA”); and,

**WHEREAS**, on February 23, 2011 the HPSOA ratified a revised collective bargaining agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

1. The City Council hereby accepts the collective bargaining agreement, *attached hereto*, as ratified by the HPSOA on February 23, 2011; and,
2. The City Council hereby directs the Mayor and her Administration to notify HPBA of this acceptance immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

**MEETING: March 2, 2011**

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

Sponsored by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

City of Hoboken  
Resolution No.: \_\_\_\_\_

**RESOLUTION REJECTING THE TERMS OF THE HOBOKEN POLICE  
SUPERIOR OFFICERS ASSOCIATION COLLECTIVE BARGAINING  
AGREEMENT**

**WHEREAS**, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Superior Officers Association (“HPSOA”); and,

**WHEREAS**, on February 23, 2011 the HPSOA ratified a revised collective bargaining agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

1. The City Council hereby rejects the collective bargaining agreement, *attached hereto*, as ratified by the HPSOA on February 23, 2011; and,
2. The City Council hereby directs the Mayor and her Administration to notify HPBA of this rejection immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to negotiate an agreement which is more favorable to the City.

**MEETING: March 2, 2011**

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

Sponsored by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

City of Hoboken  
Resolution No.: \_\_\_\_\_

**RESOLUTION ACCEPTING THE TERMS OF THE HOBOKEN  
POLICE BENEVOLENT ASSOCIATION COLLECTIVE BARGAINING  
AGREEMENT**

**WHEREAS**, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Benevolent Association (“HPBA”); and,

**WHEREAS**, on February 23, 2011 the HPBA ratified a revised collective bargaining agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

1. The City Council hereby accepts the collective bargaining agreement, *attached hereto*, as ratified by the HPBA on February 23, 2011; and,
2. The City Council hereby directs the Mayor and her Administration to notify HPBA of this acceptance immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

**MEETING: March 2, 2011**

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

Sponsored by: \_\_\_\_\_

Secoded by: \_\_\_\_\_

City of Hoboken  
Resolution No.: \_\_\_\_\_

**RESOLUTION REJECTING THE TERMS OF THE HOBOKEN POLICE  
BENEVOLENT ASSOCIATION COLLECTIVE BARGAINING  
AGREEMENT**

**WHEREAS**, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Benevolent Association (“HPBA”); and,

**WHEREAS**, on February 23, 2011 the HPBA ratified a revised collective bargaining agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

1. The City Council hereby rejects the collective bargaining agreement, *attached hereto*, as ratified by the HPBA on February 23, 2011; and,
2. The City Council hereby directs the Mayor and her Administration to notify HPBA of this rejection immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to negotiate an agreement which is more favorable to the City.

**MEETING: March 2, 2011**

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

CITY OF HOBOKEN  
RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CY 2011 MUNICIPAL BUDGET TO  
BE READ BY TITLE ONLY**

**RESOLVED**, that the Council of City of Hoboken, by majority vote of the full membership hereby determine that the **CY 2011 Municipal Budget** shall be read by its title and we further declare that the condition set forth in **N.J.S.A. 40A:4-8(1A & 1B)** of said section has been met.

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

**Meeting:** March 2, 2011

**Introduced by: \_\_\_\_\_**  
**Seconded by: \_\_\_\_\_**

**CITY OF HOBOKEN**  
**RESOLUTION NO. \_\_\_\_\_**

**THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE RESERVE TY YEAR 2010 CURRENT FUND APPROPRIATIONS.**

**BE IT RESOLVED, that the following TY 2010 Budget Current Fund appropriation reserve transfers are hereby authorized for the City of Hoboken:**

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
<b>Operations - Within "Caps"</b>		
Business Administrator S/W		\$ 15.00
Police Dept S/W		\$ 21,850.00
Workers Comp Ins O/E		\$125,000.00
Sanitation O/E		\$ 30,000.00
Police O/E		\$ 15,000.00
Street Lights O/E		\$ 7,000.00
Telephone O/E		\$ 35,000.00
Recreation O/E		\$ 12,000.00
Senior Citizens O/E		\$ 2,300.00
Special Counsel O/E		\$125,000.00
Senior Citizens S/W	\$ 2,300.00	
Health Insurance O/E	\$ 239,000.00	
Fire Dept S/W	\$ 21,865.00	
Information Technology O/E	\$ 10,000.00	
Community Dev O/E	\$ 20,000.00	
Uniform Construction Code O/E	\$ 30,000.00	
Postage O/E	\$ 15,000.00	
Central Office Supplies O/E	\$ 15,000.00	
Municipal Court O/E	\$ 20,000.00	
<b>TOTALS</b>	<b>\$ 373,165.00</b>	<b>\$373,165.00</b>

**MEETING OF: March 2, 2011**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Arch Liston**  
**Business Administrator**

\_\_\_\_\_  
**Mark A Tabakin**  
**Corporation Counsel**

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS PARKING UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,600,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,600,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,600,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the installation of multimeters at various parking locations in the City, and including all work and materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

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

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital

budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

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

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,600,000, but that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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

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

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

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

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

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

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

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Approved:

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Mayor

**NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the City Council of the City of Hoboken, in the County of Hudson, New Jersey, held on \_\_\_\_\_, 2011. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said City Council to be held in the Council Chambers, City Hall, Hoboken, New Jersey on \_\_\_\_\_, 2011 at \_\_\_\_ o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the City Clerk's office in the Municipal Building to the members of the general public who shall request the same.

---

James J. Farina, City Clerk

**NOTICE OF ADOPTION OF BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, New Jersey on \_\_\_\_\_, 2011 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

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James J. Farina, City Clerk

## CLERK'S CERTIFICATE

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

1. The attached copy of Ordinance No. \_\_\_\_\_ of said City entitled as set forth below and finally adopted on \_\_\_\_\_, 2011, has been compared by me with the original thereof officially recorded in the Ordinance Book of the City and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS PARKING UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,600,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the City Council of said City duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said City Council, at a regular meeting thereof duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on \_\_\_\_\_, 2011, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance, in the \_\_\_\_\_, a newspaper published and circulating in the City (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On \_\_\_\_\_, 2011, said Ordinance was posted on the bulletin board in the Municipal Building of the City together with notice of the availability of copies of said Ordinance at the Office of the City Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on \_\_\_\_\_, 2011 in the \_\_\_\_\_, a newspaper published and circulating in the City, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in

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

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

7. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said City, prepared as of \_\_\_\_\_, 2011, and sworn to on \_\_\_\_\_, 2011, by George DeStefano, who was then the Chief Financial Officer of said City, and filed in the office of said City Clerk on \_\_\_\_\_, 2011, and that the same is a true and complete copy of said original Supplemental Debt Statement.

8. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the City Council) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on \_\_\_\_\_, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

\_\_\_\_\_  
James J. Farina, City Clerk

## **ATTACHMENTS**

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$2,371,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,252,450 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,371,000 including the aggregate sum of \$118,550 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,252,450 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Acquisition of various vehicles, including, but not limited to, three trash trucks with four containers, eight 4x4 vehicles and one special operations vehicle, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$335,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$318,250
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 16,750

- (2) Purpose: Acquisition of various equipment, including, but not limited to, a Pay loader, a sweeper, a Gator TH 6x4 utility vehicle and a S650 Bobcat skid-steer loader Caterpillar Model 930 H Wheel Loader, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$386,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$366,700
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 19,300

- (3) Purpose: City wide phone and rewiring system projects, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$550,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$522,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 27,500

- (4) Purpose: Various improvements and safety upgrades to City buildings, including various Firehouses, City Hall, Police Headquarters, Firehouse Observer Highway, Sinatra Café and Central Garage, including, but not limited to, window

replacements, floor refinishing, correction of insect problems, HVAC, sewer, bathroom and shower improvements, lighting upgrades, ceiling tile replacement, fencing and jersey barriers, sidewalk replacement, parking lot paving, electrical distribution upgrade, room reconfigurations and acquisition of furniture, electrical upgrades, door repairs, roof improvements, gas heater improvements painting and related expenses and tasks, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$850,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$807,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 42,500

- (5) Purpose: Acquisition of cameras, computers, software and IT security equipment for various City departments and buildings, including, but not limited to the Police Department, City Hall and the City Clerk's office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$250,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$237,500
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$ 12,500

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

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as

may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully

undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.79123 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,252,450 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

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

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal

Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Approved:

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Mayor

**NOTICE OF PENDING BOND ORDINANCE**

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

\_\_\_\_\_  
James J. Farina, City Clerk

**NOTICE OF ADOPTION OF BOND ORDINANCE**

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

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James J. Farina, City Clerk

**CLERK'S CERTIFICATE**

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

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

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$2,371,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,252,450 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

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

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

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

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on \_\_\_\_\_, 2010 in the \_\_\_\_\_, a newspaper published and circulating in the City, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has

any such action or proceeding questioning the validity of such Ordinance has been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

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

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

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

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

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

(SEAL)

\_\_\_\_\_  
James J. Farina, City Clerk

## **ATTACHMENTS**

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$20,000,000 including the sum of \$1,000,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available from the City's Open Space Trust Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$19,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued is the acquisition of land located in the City, including, but not limited to land designated as Block 103, Lots 7-26, Blocks 107/108, Lots 1, Block 113, Lot 1, Block 9, Lots 1-4, Block 10, Lots 1, 8 and 27, Block 11, Lots 1-5, 8 and 9, Block 12, Lots 1-8, 10 and 18,

Block 12, Lot 9, Block 14, Lot 1, Block 72, Lot 1, Block 73, Lots 1-34, Block 85, Lots 14, 15.1 and 15.2 and Block 74, Lots 3-19, and including all rights or interests therein and all work and services necessary therefor or incidental thereto.

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

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

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

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

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

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

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$19,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

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

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

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

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

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

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

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

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Approved:

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Mayor

**NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the City Council of the City of Hoboken, in the County of Hudson, New Jersey, held on \_\_\_\_\_, 2011. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said City Council to be held in the Council Chambers, City Hall, Hoboken, New Jersey on \_\_\_\_\_, 2011 at \_\_\_\_ o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the City Clerk's office in the Municipal Building to the members of the general public who shall request the same.

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James J. Farina, City Clerk

**NOTICE OF ADOPTION OF BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, New Jersey on \_\_\_\_\_, 2011 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

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James J. Farina, City Clerk

## CLERK'S CERTIFICATE

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

1. The attached copy of Ordinance No. \_\_\_\_\_ of said City entitled as set forth below and finally adopted on \_\_\_\_\_, 2011, has been compared by me with the original thereof officially recorded in the Ordinance Book of the City and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the City Council of said City duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said City Council, at a regular meeting thereof duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on \_\_\_\_\_, 2011, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance, in the \_\_\_\_\_, a newspaper published and circulating in the City (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On \_\_\_\_\_, 2011, said Ordinance was posted on the bulletin board in the Municipal Building of the City together with notice of the availability of copies of said Ordinance at the Office of the City Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on \_\_\_\_\_, 2011 in the \_\_\_\_\_, a newspaper published and circulating in the City, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in

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

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

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

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said City, prepared as of \_\_\_\_\_, 2011, and sworn to on \_\_\_\_\_, 2011, by George DeStefano, who was then the Chief Financial Officer of said City, and filed in the office of said City Clerk on \_\_\_\_\_, 2011, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the City Council) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on \_\_\_\_\_, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

\_\_\_\_\_  
James J. Farina, City Clerk

## **ATTACHMENTS**

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,520,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvements or purposes, such sum amounting to \$1,600,000 including the sum of \$80,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,520,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued includes, but is not limited to (i) skate park maintenance at Castle Point; (ii) remediation of the playground equipments and restroom improvements at Church Square Park; (iii) replacements of lighting and exhaust fans at Elysian Park; (iv) improvements

to the sprinkler heads, electrical and grass seeding at Harborside Park; (v) safety and water park improvements at Jackson St. Park; (vi) various improvements at Madison Street Park; (vii) installation of artificial turf at Mama Johnson Park; (viii) acquisition of tables and chairs at Pier A Park; (ix) gate improvements at Pier C Park; (x) jetty improvements, fence installation and ramp improvements at Sinatra Park; (xi) replacement of the wood playground equipment and concession stand improvements at Little League Field; (xii) planting and upgrading at Sybil's Cave Park; and (xiii) remediation and playground equipment at Jefferson Park, all located in the City, and including all work, materials and services necessary therefor or incidental thereto.

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

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

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

writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,520,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

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

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

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

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth

below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

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

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

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

Approved:

---

Mayor

**NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the City Council of the City of Hoboken, in the County of Hudson, New Jersey, held on \_\_\_\_\_, 2011. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said City Council to be held in the Council Chambers, City Hall, Hoboken, New Jersey on \_\_\_\_\_, 2011 at \_\_\_\_ o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the City Clerk's office in the Municipal Building to the members of the general public who shall request the same.

\_\_\_\_\_  
James J. Farina, City Clerk

**NOTICE OF ADOPTION OF BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, New Jersey on \_\_\_\_\_, 2011 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

---

James J. Farina, City Clerk

**CLERK'S CERTIFICATE**

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

1. The attached copy of Ordinance No. \_\_\_\_\_ of said City entitled as set forth below and finally adopted on \_\_\_\_\_, 2011, has been compared by me with the original thereof officially recorded in the Ordinance Book of the City and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,520,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the City Council of said City duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said City Council, at a regular meeting thereof duly called and held on \_\_\_\_\_, 2011 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on \_\_\_\_\_, 2011, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance, in the \_\_\_\_\_, a newspaper published and circulating in the City (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On \_\_\_\_\_, 2011, said Ordinance was posted on the bulletin board in the Municipal Building of the City together with notice of the availability of copies of said Ordinance at the Office of the City Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on \_\_\_\_\_, 2011 in the \_\_\_\_\_, a newspaper published and circulating in the City, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced

within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

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

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

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said City, prepared as of \_\_\_\_\_, 2011, and sworn to on \_\_\_\_\_, 2011, by \_\_\_\_\_, who was then the Chief Financial Officer of said City, and filed in the office of said City Clerk on \_\_\_\_\_, 2011, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the City Council) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on \_\_\_\_\_, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

\_\_\_\_\_  
James J. Farina, City Clerk

## ATTACHMENTS

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



RECEIVED  
2011 FEB 25 PM 4: 14  
CITY CLERK  
HOBOKEN, NJ 07033

February 25, 2011

Dear City Council Members:

I am writing to provide you with an update on several important matters.

**Introduced 2011 Budget:**

As you can see, the budget we are introducing contains a 10 percent municipal tax levy cut compared to the Fiscal Year 2010 budget. The budget uses \$9.6 million of the \$14.7 million cash surplus that is reflected in the Annual Financial Statement. This leaves a remaining cash surplus of 5 percent of the budget. This is the low end of the 5 to 10 percent cash surplus range considered to be responsible by bond rating agencies.

Funds from the surplus are being dedicated to pay for the settlement of the police union contracts, including retroactive pay, and to responsibly plan for expected tax appeals, as well as for tax relief and other items.

The state requires us to compare the 2011 budget to the transition year 2010 budget, but per your request, we have also prepared working documents which compare the current budget to the fiscal year 2010 budget.

Finance Director Nick Trasente will be available to answer questions when he presents the budget at the Council meeting on Wednesday, March 2nd.

We understand that you have scheduled budget workshops for March 9<sup>th</sup> and March 23<sup>rd</sup>. Please indicate which of our directors you would like to be available at each workshop.

**Police Collective Bargaining Agreement:**

I am pleased to report that my Administration has reached an agreement with the Police unions. This agreement properly compensates our Police and does not overburden our taxpayers. This contract saves the City more than \$700,000 in retroactive pay compared to the MOU negotiated by the fiscal monitor. It will also result in future salaries which are approximately 1.5 percent lower compared to the MOU which will result in ongoing savings of approximately \$200,000 per year. This is in addition to the very substantial savings already achieved through the restructuring of the Police Dept. Just as importantly,

it provides both our Police officers and our citizens the security of knowing that Police will have a fair contract until 2013.

**Fire Audit Update:**

We anticipate the release of the audit for Hoboken's Fire Department within the next six weeks and will follow the same process as with the Police Department audit. It will be released when the final report is complete. At that time, it will be shared with Fire Chief Blohm and the City Council, and Chief will be asked to provide a written and verbal response and recommendation within a week. His response will also be posted to the City website. We will consider staffing levels and decisions about the FEMA grant based on results of the audit as well as recommendations from Chief Blohm, Business Administrator Liston, and Public Safety Director Alicea.

**Agenda Items:**

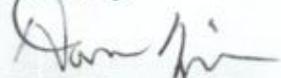
Council President Mason suggested that there is not enough time to consider all of the items on this week's agenda. I believe all of the items on the agenda are important to consider, but if it is helpful to the Council, I would like to suggest the items which I consider to be my Administration's top priorities.

Items relating to the budget are a priority, including the ordinance to exceed the municipal budget appropriations limit and resolutions to authorize Temporary Appropriations for CY 2011, to accept or reject the terms of collective bargaining agreements with Police unions, for the introduction of the CY 2011 budget, and to authorize the transfer of funds for the TY 2010 appropriations. There are also four bond ordinances which relate to the budget and quality of life issues.

In addition, the resolutions authorizing redevelopment counsel are critical to ensuring that we have balanced development in Hoboken, and we need to approve the resolution for special council for environmental litigation and bankruptcy litigation. I also consider the second reading of the ordinance on recycling to be important, as it will result in important cost savings and quality of life benefits. Finally, I believe we should move forward with accepting the deed for Hoboken Cove.

Although these are my Administration's top priorities, I believe all of the items that have been placed on the agenda should be properly considered by the Council.

Sincerely,



Mayor Dawn Zimmer



March 2, 2011

Dear City Council Members:

I am writing to provide some additional explanation behind some of the items for consideration at this week's Council meeting.

**Police Collective Bargaining Agreement**

The agreement we have reached with the Police unions properly compensates our Police and does not overburden our taxpayers. It saves the City more than \$700,000 in retroactive and current pay compared to the MOU negotiated by the fiscal monitor and will result in future salaries which are approximately 1.5 percent lower compared to the MOU, producing ongoing savings of approximately \$200,000 per year. This is in addition to the very substantial savings already achieved through the restructuring of the Police Department. Just as importantly, it provides both our Police officers and our citizens the security of knowing that Police will have a fair contract through 2013. In fact, this would be the first time in years that our police have a contract going forward.

**Cap Bank**

I am pleased to report that our proposed budget not only meets the 2% cap put in place by the state, but in fact falls well below the limit as a result of a proposed 5% cut in the tax levy. Although we fall 7% below the limit, it is important to pass this ordinance so that we can "bank" this reduction for future years. I want to make clear that we do not expect to exceed the 2% tax cap in future years - the Bank is intended to preserve flexibility in the event of a large unexpected extraordinary cost. If such an event should occur and the Cap Bank is not created, the City could be forced with no other option but to lay off employees and cut essential services in order to meet future year 2% cap limits. My Administration intends to continue to responsibly lower taxes for the long term, but by passing this ordinance, our City will have the added flexibility it needs to deal with unexpected financial crises.

**Multi-Space Parking Meters**

As the attached memo from Director Sacs explains, our pilot implementation of new multi-space meters has resulted in a more than 40% increase in revenue compared to standard meters. This new technology dramatically improves auditing and accountability while providing the option of paying by credit card. A bond ordinance is on the agenda to fund expanding this initiative to our entire City, which we anticipate will generate approximately \$1,000,000 in additional revenue using our existing resources.

**Bond for Capital Improvements**

Our City is in need of significant capital upgrades. The attached document provides a breakdown of the various projects. For example, it is a disgrace that our Police Department has been without an adequate heating and cooling system for so long. However we recently learned that we cannot use grants to pay for a new HVAC system, so we intend to bond to complete this important upgrade for our Police Department.

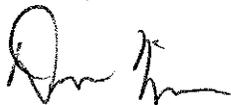
**Open Space Acquisition**

With our population growing, our open space deficiency has only grown worse. I believe that with the current real estate market and our City's improved fiscal situation, now is the time to acquire land for more open space. In particular, it is important that we provide open space in all neighborhoods, and it is my intention to focus on acquiring more park space along our underserved western edge of the City – from north to south. Until negotiations have advanced sufficiently, I will not know the exact locations of the land that will be most appropriate to acquire, however as the attached memo from Corporation Counsel Mark Tabakin makes clear, this is not a blank check – I must return to the Council for approval before making any purchase, and will keep the City Council advised when negotiations have advanced to a meaningful phase. In addition, I have attached the current and proposed parks list from the final draft of the Master Plan Reexamination. This is simply a tool to put the City in a stronger position to negotiate and demonstrate to property owners that our offers should be taken seriously. This is analogous to the common practice of obtaining pre-approval for a loan prior to shopping for a house, something that many sellers require before they are even willing to begin negotiations. Finally, the \$20 million bond I am proposing would not cost taxpayers an additional dollar – it will be paid for entirely by the Open Space Trust Fund.

**Parks Capital Improvement**

Our City's parks have not been adequately maintained over the years, and we have significant concerns that need to be addressed. We have conducted a review of our parks and are proposing a \$1.6 million bond ordinance to make needed improvements and repairs. This includes, among other items, testing, remediation, and play equipment for Church Square Park, installing a drainage system and artificial turf at Mama Johnson Field, repairing the jetty for the boat launch at Sinatra Park, new play equipment in Jefferson Park, replacing old light poles and adding new ones to increase security at Elysian Park, purchasing new play equipment for Stevens Park and improvements to the dog runs in our City as well.

Sincerely,



Dawn Zimmer

Cc: Arch Liston, Business Administrator;  
Mark Tabakin, Corporation Counsel  
Directors



## HOBOKEN DEPARTMENT OF TRANSPORTATION & PARKING

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

### MEMORANDUM:

**To:** Mayor Dawn Zimmer

**From:** Ian Sacs, P.E.

**Date:** 15 February 2011

**Re:** Multi-Space Parking Meter Phase II Bond Request

In Summer 2010 the Hoboken Parking Utility introduced the Phase I set of new multi-space parking meters for the purposes of evaluation. Washington Street was a first phase pilot of a new technology that dramatically improves auditing and accountability, but has somehow never found its way to Hoboken.

During the six weeks evaluation period, these new meters not only resulted in to-the-penny auditing reports between meters and deposit slips, they also resulted in an increase in revenue of well over 40 percent. Multi-space meters improve reliability and dramatically reduce maintenance issues and downtime. They also offer a welcomed additional pay option of credit cards; in fact, over 40% of all purchases at the current multi-space meters are via credit card.

<b>Washington Street Multi-Space Parking Meter Pilot Study</b> (8/27/10 to 10/20/10)	
West Side Total Revenue (Standard Meters)	\$39,382
East Side Total Revenue (Multi-Space Meters)	\$56,646
Change	<b>+\$17,264 (+43.8%)</b>

Based on these results, the Utility anticipates realizing approximately \$1,000,000 in additional revenue from these parking meters without building a single new parking space. HPU is now requesting that the City Council approve a bond financing the cost of the project to replace all other eligible parking meters throughout the City for the benefit of expanding the technology city-wide. With approval, we would be able to complete implementation by Fall 2011. The total cost for this project is estimated at \$1,500,000, with an expected pay-back of 1.5 years.

cc: Dawn Zimmer, Arch Liston

**Dawn Zimmer**  
Mayor

**Ian Sacs, P.E.**  
Director

**CITY OF HOBOKEN**  
**Office of Corporation Counsel**

**DAWN ZIMMER**  
Mayor



**MARK. A. TABAKIN**  
Corporation Counsel

To: The Honorable Members of the City Council  
From: Mark A. Tabakin, Esq.  
Re: The Bond Ordinance Relating to City Parks  
Date: March 2, 2011

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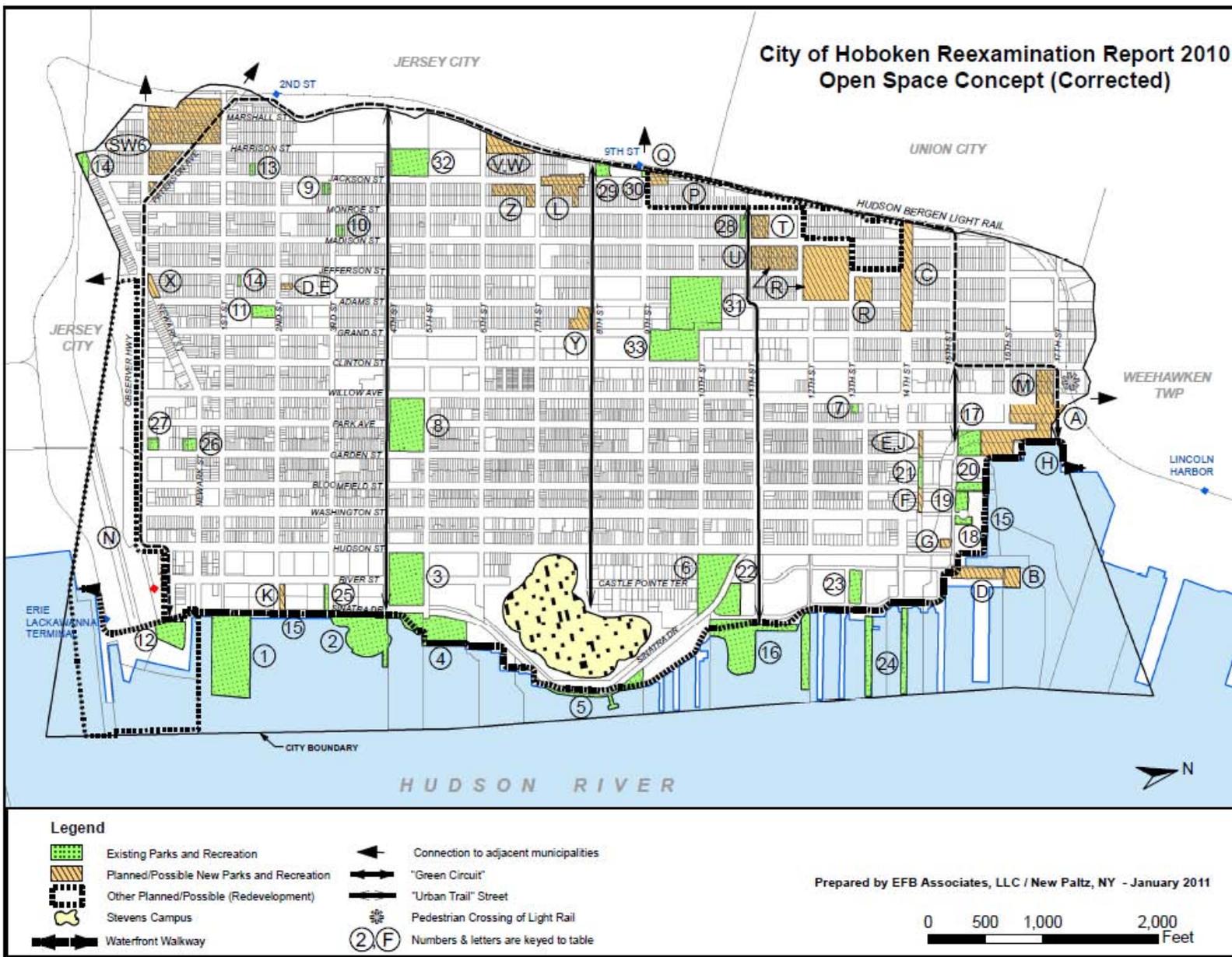
A question has been raised as to whether the City Council's adoption of the bond ordinance relating to City Parks, listed on the March 2, 2011 City Council agenda, would authorize the Administration to move forward with purchasing, remodeling, and renovating City parks without further Council input and/or approval.

The City Council should be aware that in any instance where a bond ordinance authorizes the purchase of property by the City of Hoboken, the City must still comply with the Local Land and Building Law, which requires all acquisition of property by the municipality to be approved by the City Council's adoption of an ordinance accepting the property. Therefore, to the extent that a bond ordinance is presented to the Council which allows for the purchase or acquisition of property by the municipality, the City Council must be involved in the purchase and acquisition, and, must make the final decision, via ordinance, whether the City acquires the property, pursuant to the Local Land and Buildings Law.

The City Council should be further advised that, in any instance where a bond ordinance authorizes the remodeling of, capital improvements to, or renovations of any City property, the City must still comply with the Local Public Contracts Law with regards to obtaining plans and contracting with the vendors which perform the tasks. Since the Local Public Contracts Law requires Council approval of the successful bidder prior to award of any contract, the City Council must actively participate in approving the future plans and contractors used for the tasks enumerated and allowed under any Bond Ordinance which authorizes capital improvements.

Therefore, even upon adoption of bond ordinances authorizing purchases of property by the municipality and capital improvements to municipal property, the Administration and Council are both required to take pro-active roles in implementing the tasks and acts initially authorized by the bond ordinance.

City of Hoboken Reexamination Report 2010  
Open Space Concept (Corrected)



MAP#	NAME	LOCATION	SIZE (A)	OWNER
<b>Note: items 1 through 12 below are listed on the City's Recreation and Open Space Inventory (ROSI)</b>				
1	Pier A, SoWRDV	Hudson River at 1 <sup>st</sup> -2nd & Sinatra	4.80	City
2	Pier C, SoWRDV	Hudson River at 4th St. & Sinatra Dr.	5.10	City
3	Stevens Park (Hudson Sq.)	4 <sup>th</sup> - 5 <sup>th</sup> Sts. betw. Hudson St. and Sinatra Dr.	2.99	City
4	Sinatra Park	e/s/o Sinatra Dr. , 4 <sup>th</sup> - 6 <sup>th</sup> St.	3.60	City
5	Castle Point Park	e/s/o Sinatra Dr. under Castle Point (long-term land lease to City)	1.50	City (per lease w. Stevens)
6	Elysian Park	e/s/o Hudson St., 10 <sup>th</sup> - 11 <sup>th</sup> St.	2.69	City
7	Legion Park	1221 (e/s/o) Willow Ave., near 13 <sup>th</sup> St.	0.11	City
8	Church Square Park	4 <sup>th</sup> - 5 <sup>th</sup> Sts. betw. Garden St. and Willow Ave.	3.20	City
9	Community garden	229-233 (e/s/o) Jackson Streets, 2nd-3rd Sts.	0.17	City
10	Madison St. Park	NW corner Madison St. & 3rd Sts.	0.17	City
11	Multi-Service Ctr. Park	SE corner 2 <sup>nd</sup> and Adams Streets	0.46	City
12	Erie Lackawanna Plaza	immed. w/o ferry Terminal, foot of Hudson Pl.	1.20	NJT
<b>NOTE: several sites have been developed privately and subsequently deeded to the City but are not listed on the Green Acres inventory; multiple privately-owned and developed sites have filed public easements of some kind so that the space may be used by the public</b>				
13	Jackson Street Park	116-118 (w/s/o) Jackson St., 1 <sup>st</sup> - 2 <sup>nd</sup> St.	0.12	City
14	Pocket park	s/s/o Newark St. at southwestern entrance to City	0.32	NJT
15	Waterfront Walkway	Erie-Lackawanna Terminal to Weehawken boundary (est. total 9900 linear ft. @ 30ft. ROW); about 2/3 complete	4.50	City and private owners
16	Maxwell Place Waterfront Park	peninsula, platform & pier e/s/o Sinatra Dr. North at 11 <sup>th</sup> St.	4.10	City
17	Hoboken Cove Park	n/s/o 15th St., Park Ave. to Garden St. (park & playground)	1.00	City
18	Hoboken Cove	n/s/o 15th St., front of Tea Bldg. (rt. of cul-de-sac)	0.07	Private (easement)
19	Hoboken Cove	n/s/o 15th St., front of Tea Bldg. (left of cul-de-sac)	0.77	Private (easement)
20	Hoboken Cove	n/s/o 15th St., Bloomfield Extension and west to walkway	0.83	Private (easement)
21	Hoboken Cove alley	alley parallel to n/s/o 14th St. from Garden to Bloomfield St.	0.09	Private (easement)

MAP#	NAME	LOCATION	SIZE (A)	OWNER
22	Maxwell House Recreation Area	s/o 11th betw. Sinatra Dr. & Sinatra Dr. north	0.78	Private (easement)
23	Shipyards Park	w/s/o Sinatra Dr., 12th - 13th St. (Constitution)	1.00	Private (easement)
24	Shipyards piers	Hudson River, 13th St. - 14th St.	0.66	Private (easement)
<b>NOTE: several sites have been developed privately in redevelopment areas and have created open spaces for public use; the commitments were made via Board resolutions, developer agreements and/or public access or conservation easements.</b>				
25	Block B, SoWRDV	s/s/o 3 <sup>rd</sup> St., River St.-Sinatra Dr. ("W" Hotel)	0.30	Priv. bldg.; PA land
26	Park, OHRDV	77 Park Ave., SW corner Newark & Garden Sts. (grade level park)	0.24	Private (developer agt.)
27		77 Park Ave., NW corner Obs.Hwy. & Garden Sts. (garage rooftop adjacent to comm'l. health club open to public)	0.30	Private (developer agt.)
28	Shop Rite green plaza, NWRDV	ShopRite, s/s/o 11 <sup>th</sup> St., Madison to Monroe Sts.	0.23	Private (easement)
29	MetroStop public plaza, NWRDV	800 Jackson St., w/s/o Jackson St. at 8th St.	0.28	Private
30	9th St. LRT plaza	800 Jackson St., w/s/o Jackson St. at 9th St.	0.05	City (ROW)
<b>NOTE: other governmental entities (Hudson County, Housing Authority, Bd. of Ed.) have created open space that is available to the public in varying degrees.</b>				
31	JFK Stadium	10 <sup>th</sup> and Jefferson Sts., adjacent to Columbus Park	4.00	Bd. of Education
32	Hsg. Authority ballfield	NW corner 4 <sup>th</sup> & Jackson Streets	1.70	Housing Authority
33	Columbus Park	w/s/o Clinton St., 9 <sup>th</sup> - 10 <sup>th</sup> St.	3.20	Hudson County

**TOTAL 50.53 acres**

SOURCE: 2004 Master Plan (Table III-1 & Table III-2); MP Open Space Concept Map; ROSI (Rec.& Open Space Inventory, dated 1/11/04) memo dated 8/13/08 prep'd by CD Dir. Fred Bado; NJACTB (assessor's website); Sanborn Map Company (2/04)

LEGEND: SoWRDV South Waterfront Redev. Plan  
 NWRDV Northwest Redev. Plan  
 OHRDV Observer Highway Redev. Plan  
 OS open space  
 PA Port Authority  
 ROW right-of-way

MAP#	NAME	LOCATION	SIZE (A)	OWNER
<b>Note: the following sites are City or County owned or are privately owned sites that have agreed to public access easements or are to be deeded to the City or granted easements</b>				
A	1600 Park	Park Ave. to Willow Ave., 16th St. to city boundary	2.10	City
B	16th St. Pier	16th St. & Hudson River (stub perpendicular to deteriorated pier at 16th St.)	0.50	City
C	14th St. Viaduct	area beneath the Viaduct including the marginal roads running from Grand westward past Madison St.	0.87	Hudson County
D	Shipyards Tennis Cts	Hudson St, n/o 14th St.	1.81	Private (TBD)
E	Bijou alley	alley parallel to n/s/o 14th St. from Park Ave. to Garden St.	0.16	Private (easement)
F	Hoboken Cove alley	alley parallel to n/s/o 14th St. from Bloomfield to Washington St.	0.12	Private (easement)
G	Hoboken Cove	SW corner of 15 th St & Hudson St. (plaza)	0.08	Private (easement)
H	Hoboken Cove	undeveloped area running parallell to Park Ave. along Weehawken Cove	1.75	Private (easement)
J	Garden St. Mews	Garden St. extension n/o/ 14th St.	0.25	City
K	SoWRDV, Block B	n/s/o 2nd St., River St.-Sinatra Dr. (off.bldg.)	0.30	Priv.bldg.; PA land
L	NWRDV, Monroe Center	Jackson Street between 7 <sup>th</sup> and 8 <sup>th</sup> Streets, paved multi-use public plaza	1.29	Private (TBD)
15	Waterfront Walkway	Erie-Lackawanna Terminal to Weehawken boundary (est. total 9900 linear ft. @ 30ft. ROW); about 1/3 incomplete	2.32	City and private owners
<b>Note: the following sites have been identified as possible public open space; NJT &amp; Western Edge Redevelopment Plans are yet to be written and/or adopted but will have an undetermined amount of public open space</b>				
M	PSE&G	mid-blk. Willow to Clinton, 17th -18th Sts.	0.46	PSE&G
N	NJT RDV	Erie-Lackawanna Terminal and train yards	TBD	NJT
P	Western Edge RDV	9th-12th Sts. w/s/o Monroe St.; Madison to Monroe, 12th-14th Sts.; Jefferson to Madison, 13th-14th Sts.	TBD	Private (various)
Q	West.Edge RDV: 900 Monroe St.	n/s/o 9th St., Monroe St. to City boundary (acreage shown is commitment by developer through ZBA developer agt.)	0.35	Private
R	Cognis-Henkel	1113-1131 Madison St. (this was included in op. sp. ord.)	1.15	Private
		1201 Madison St./1200 Adams St. (double block)	4.27	Private
		1301-1311 Jefferson St. (this was included in op. sp. ord.)	0.69	Private

MAP#	NAME	LOCATION	SIZE (A)	OWNER
SW6	Southwest Six (SW 6)	w/s/o Marshall St., 1st. St. to boundary	2.18	Private (various)
		Harrison to Marshall, Observer to Paterson	2.37	Private (various)
		Paterson to 1st St., w/o Harrison	0.43	Private (various)
		Jackson to Harrison, Observer to Paterson	0.95	Private (various)
		65-69 Paterson Ave.	0.05	City
		Observer to Paterson w/o Monroe	0.08	Private (various)
T	NWRDV, Z3 sub-zone	n/s/o 11th St., Madison to Monroe St.	0.92	Private
U	NWRDV, Z3 sub-zone	n/s/o 11th St., Jefferson to Madison St.	0.34	Private
		n/s/o 11th St., Jefferson to Madison St.	0.34	Private
V	600 Harrison St.	w/s/o Harrison St., 6th-7th St. (14,410sf for site + 262ft.Harrison St. frontage x 30ft.of street to be developed as public passageway/pedestrian st.)	0.51	Private
W	600-632 Jackson St.	w/s/o Jackson St., 6th-7th St.; thru to Harrison (262ft.Harr.St.x30ft. as above)	0.18	Private
X	triangle	street area bounded by Newark, Adams & Jefferson Sts.	0.28	Private
Y	720-732 Grand St.	s/s/o 8th St. from Grand to Adams St.	0.34	Private
Z	605-633 Jackson St.	e/s/o Jackson St., 6th to 7th St. ; s/s/o 7th, Jackson to Monroe St.	1.03	Private

**TOTAL 28.46 acres**

SOURCE MP (2004 Master Plan Table III-1 & Table III-2); MP Open Space Concept Map; memo dated 8/13/08 prep'd by CD Dir. Fred Bado  
 ROSI (Rec.& Open Space Inventory, dated 1/11/04); NJACTB (assessor's website)/Sanborn Map Company (2/04)

NOTE open space will be created in the NJT & Western Edge Redevelopment plans but the amount has not been determined yet  
 open space will be creatd in the Southwest Redevelopment Plan but a new investigation study has just begun  
 the letters "I" and "O" were not used because they are easiliiy confused with numbers

LEGEND SoWRDV South Waterfront Redev. Plan  
 NWRDV Northwest Redev. Plan  
 OHRDV Observer Highway Redev. Plan  
 NJT New Jersey Transit

**CITY OF HOBOKEN**  
**Department of Administration**



**DAWN ZIMMER**  
Mayor

**Arch Liston**  
Business Administrator

February 25, 2011

VIA EMAIL AND CERTIFIED MAIL

Dorothy Donnelly  
Director of Procurement Division  
New Jersey Office of the State Comptroller  
PO Box 024  
Trenton, New Jersey 08625-0024

**Re:     *Comptroller Review of the City of Hoboken Procurements***

Dear Ms. Donnelly,

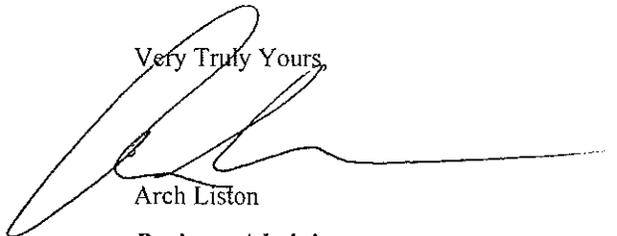
Please accept this letter and enclosures in response to your letter dated February 1, 2011. Pursuant to your letter, I have enclosed a written description of the City of Hoboken's ("City") present procurement practices, entitled "City of Hoboken Professional Service/ Extraordinary Unspecifiable Service Contracting Action Plan." To demonstrate the City's intent to cooperate with your procurement oversight, you will see in the Action Plan that the City has agreed to set up a formal evaluation committee, even though there is no legal requirement to do so in order to demonstrate use of the "Fair and Open Process."

Although the City intends to work with the Office of the State Comptroller to demonstrate proper procurement procedures are in place and maintained, the City respectfully requests the State Comptroller take into account the entire factual background which led to the negative audit the City received. The first of two main concerns was inability of the City to produce documents showing the City properly utilized the "Fair and Open Process" pursuant to N.J.S.A. 19:44A-20.7 in procuring professional service and EUS contracts between 2008 and 2009. As you may be aware, the City of Hoboken was under state supervision during that time period, pursuant to N.J.S.A. 52:27BB-54 et seq.. As a result, the City's procurement of professional service and EUS contracts was directed and controlled by the State's Director of the Division of Local Government Services, and the State's Fiscal Monitor appointed to the City. The current City Administration, therefore, requests the State Comptroller consider review of the City's procurement records in six (6) months or less, to determine whether continued supervision,

under N.J.S.A. 52:15C-11, is necessary. Given the current City Administration's significant efforts to update its policies and procedures, which began well before receiving your recent letter, it seems unwarranted to require additional measures not otherwise required by law, such as a thirty (30) day notice to the State Comptroller prior to publishing any RFP/RFQ.

Therefore, the City requests the State Comptroller reevaluate the City's procurement procedures and records in six (6) months or less, and agree to release the City from the State Comptroller's oversight if all procedures and records show that the current Administration's procurement procedures and files show resolution of the two issues addressed in your letter. The City also requests a waiver from the thirty (30) day notice requirement whenever emergency situations require the City to procure services expeditiously. The City further requests guidance on the means of providing the State Comptroller with the thirty (30) day notice. The Administration would prefer to provide someone from your office with all of the thirty (30) day notices via email. Please advise whom those notices should be sent to, and the email address that the notices should be directed to. Lastly, I am enclosing a template of the City's evaluation criteria sheet, which is utilized by the Review Committee for each submission on all City RFP's/RFQ's. The City Administration respectfully requests your written approval of the form. The City of Hoboken looks forward to cooperating with your efforts to assure State-wide procurements are properly achieved. We, additionally, look forward to demonstrating that the City of Hoboken's current procedures are satisfactory in meeting the procurement requirements and in eliminating the concerns you posited in your letter. I remain,

Very Truly Yours,



Arch Liston

*Business Administrator*

AL/amps

Encls.

cc: Dawn Zimmer, Mayor of the City of Hoboken (*VIA HAND DELIVERY*)  
A. Matthew Boxer, State Comptroller (*VIA CERTIFIED MAIL*)

**CITY OF HOBOKEN**  
Office of Corporation Counsel

**DAWN ZIMMER**  
Mayor



**MARK. A. TABAKIN**  
Corporation Counsel

***CITY OF HOBOKEN PROFESSIONAL SERVICE/ EXTRAORDINARY UNSPECIFIABLE SERVICE  
CONTRACTING ACTION PLAN***

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The City of Hoboken, pursuant to Local Public Contracts Law and City of Hoboken Ordinance Chapter 20A, shall use competitive contracting procedures for all professional service contract and extraordinary unspecifiable services, except where waiver of those provisions is allowed by law. In an attempt to maintain compliance with state and local contracting laws, the Administration hereby formalizes this Action Plan to document its current public contracting procedures, which are followed by all Administrative Departments in the contracting of professional service and/or extraordinary unspecifiable service vendors. Whenever the Director of a City Administrative Department determines the need for a professional service (PS) or extraordinary unspecifiable services (EUS) the following process shall be followed:

- A meeting shall be held between the Director and Business Administrator to determine the specific needs of PS or EUS. An estimated budget amount shall be determined between the Director and the Business Administrator. Once the need is affirmed by the Business Administrator, the City shall forward a notice to the State Comptroller that the City intends to create and effectuate an RFP/RFQ for PS or EUS.<sup>1</sup>
- The Director or Division head shall meet with a member of the Corporation Counsel's Office (CCO) to determine the legal requirements, format and need for the PS or EUS
- The scope of work within the Request for Proposals (RFP) / Request for Qualifications (RFQ) shall be prepared in substance by the Director/Division Head requesting the services, and forwarded to the Qualified Purchasing Agent (QPA), Business Administrator (BA) and the CCO. The QPA, BA and CCO have created a standardized RFP/RFQ form, which incorporates all the legal

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<sup>1</sup> Although the Comptroller has requested a thirty (30) day notice prior to publication of any RFP/RFQ, the City asserts that there will be instances where thirty (30) day notice will not be possible. The City will notify the State Comptroller immediately upon realizing any PS or EUS is necessary. However, the City will not delay time constrained necessary services in order to effectuate the requested thirty (30) day notice, when such would be to the detriment of the City. For example, when litigation documents are served on the City, by law the City is required to respond within an express period of time (i.e. to file an answer within thirty (30) days). In such cases, if outside specialized legal counsel is required which the City has not previously appointed and contracted with pursuant to law, providing the State Comptroller with the thirty (30) day review prior to publishing for the services would constitute a default in the litigation by the City. Although the City agrees to comply with the thirty (30) day requirement for all annually reoccurring PS and EUS contracts, and will make every effort to provide immediate notice of any anticipated RFP/RFQ, the City respectfully requests a waiver of the thirty day requirement for unexpected, unanticipated and emergent municipal service needs.

requirements and incorporates an evaluation sheet and evaluation process, to maintain transparency. The scope of work shall be imputed into the standard RFP/RFQ form, and reviewed by the CCO or the Qualified Purchasing Agent (QPA) who must both approve the finalized RFP/RFQ for legal content, transparency, appropriate evaluation criteria and form.

- The RFP/RFQ once approved shall be forwarded to the City Clerk's Office for publication in the official newspaper(s) of the City. Each RFP/RFQ will also be posted on the City's website on or before the publication date (www.hobokennj.org). A minimum of 15 days shall be allowed from date of publication for response, unless a lesser period of time is expressly stated in the RFP/RFQ and allowed by law. All responses shall be received by the City Clerk's Office and date stamped upon receipt.
- The City Clerk's Office shall forward all RFP/RFQ responses, on or before the date and time of submission, to the CCO. All RFP/RFQ shall be opened at the date and time specified. The opening may be done by the QPA or an attorney from the CCO. All documents shall be held by the CCO and retained at that location.
- A standing Review Committee has been established by the Administration. Each member of this Review Committee shall receive a copy of each submission for each RFP/RFQ within two business days of the opening date. This Committee includes an employee from the Mayor's Office, the Business Administrator, the Purchasing Agent, and the Director of the Department which requested the services. An attorney from the CCO shall act as an administrative member of the Committee. The attorney shall screen all Committee members for conflicts of interest, shall dispense a copy of each RFP submission to each member of the Review Committee, and shall accept finalized evaluation sheets from each member of the Committee within fifteen (15) days of the submission date.
- The attorney from the CCO shall assess the final evaluation scores, shall review each submission for compliance with all the submission requirements and contract submission forms. The CCO shall then forward a memorandum to the Business Administrator, QPA, Mayor, requesting Director, and City Council stating the successful vendor, and whether that vendor met all the other contract compliance requirements. The City Clerk and CCO shall create a Resolution to be placed on the next City Council Agenda for City Council approval of the successful vendor.
- Once the Resolution approving the successful vendor is passed by the City Council, a copy of the resolution shall be forwarded, with a copy of the RFP/RFQ notice of publication, a copy of the RFP/RFQ, and a copy of each evaluation sheet, to the State Comptroller's Office for review and recording.
- The Administration shall provide the State Comptroller with a thirty (30) day period of review for each potential contract submitted hereunder. If the Administration does not hear, affirmatively or negatively, from the State Comptroller within that thirty (30) day period, a contract shall be executed by the Mayor with the successful PA or EUS vendor, in concurrence with the City Council resolution. All executed contracts shall be forwarded to the City Clerk's Office, posted on the City's website and retained by the Contract Compliance Officer.

**BASIS OF AWARD**  
**EVALUATION CRITERIA**

Request for Qualifications from Individuals or Firms  
Interested in Serving as \_\_\_\_\_ to the City of Hoboken  
for the Period \_\_\_\_\_ through \_\_\_\_\_

The following is the criteria for evaluation of the proposal. Points shall be awarded based on the information contained in the proposal for each category as listed below on a scale of 1-10, with 10 meeting all required criteria and 1 not meeting the required criteria. The highest total score shall be the basis for the contract award, except where a majority of the Review Committee votes to override the highest total score based on the "Additional Comments" included by any member of the Review Committee.

EVALUATION CRITERIA	SCORE/ POINTS
<b>TECHNICAL CRITERIA</b>	
Vendor's proposal demonstrates a clear understanding of the scope of work and related objectives	
Vendor's proposal is complete and responsive to the technical/RFP requirements	
Vendor's past performance of like projects	
Vendor's use of innovative technology and techniques	
<b>MANAGEMENT CRITERIA</b>	
History and experience in performing work	
Availability of personnel, facilities, equipment, etc.	
Qualification and experience of personnel	
Comprehensive work plan and schedule	
<b>COST CRITERIA</b>	
Cost of goods/services to be provided	
Vendor's financial ability to meet obligations	
<b>POINT TOTALS</b>	

**Additional Comments:**



State of New Jersey

OFFICE OF THE STATE COMPTROLLER  
P.O. BOX 024  
TRENTON, NJ 08625-0024

**CHRIS CHRISTIE**  
*Governor*  
**KIM GUADAGNO**  
*Lt. Governor*

**A. MATTHEW BOXER**  
*State Comptroller*

February 1, 2011

Mr. Arch Liston  
Business Administrator  
City of Hoboken  
94 Washington Street  
Hoboken, New Jersey 07030

Re: Review of City of Hoboken Procurements

Dear Mr. Liston:

Pursuant to N.J.S.A. 52:15C-1 et seq., the Office of the State Comptroller ("OSC") is charged with monitoring and reviewing the solicitation process and award of contracts by units of government to ensure that the process complies with applicable public contracting laws, rules, and regulations. In furtherance of this statutory authority, over the past year OSC requested and reviewed selected contract-related documents from the City of Hoboken (the "City") and other municipalities.

As a result of that review, OSC has identified several issues in connection with the City's procurement of its professional services. We write this letter to bring these issues to your attention and to ensure that they are addressed going forward.

The City informed OSC that its professional services procurements are conducted through a "fair and open" process. N.J.S.A. 19:44A-20.7. Specifically, the City used a Request for Qualifications ("RFQ") process in 2008 and 2009 for Labor Counsel (Negotiations), Auditor, Risk Manager and Planner (Joint Municipal Works Facility). In accordance with N.J.S.A. 19:44A-20.5, "a municipality...shall not enter into a contract having an anticipated value in excess of \$17,500...with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L. 1973, c. 83 (C. 19:44A-1 et seq.) ..." A "fair and open process" means at a minimum that the contract shall be: (1) "publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient

time to give notice in advance of the contract”; (2) “awarded under a process that provides for public solicitation of proposals or qualifications”; (3) “awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications”; and (4) “publicly opened and announced when awarded.” N.J.S.A. 19:44A-20.7. In addition, best practices provide for the formation of an evaluation committee to evaluate and score professional services proposals, and further call for such scoring to be documented.

The City did not use a formal evaluation process in determining which vendor would be awarded the aforementioned contracts. For example:

- (a) the City did not convene an evaluation committee to score the competing proposals;
- (b) although the City’s RFQs stated selection criteria, the City did not document any resultant evaluations;
- (c) the City did not use any scoring sheets to document the scoring of the proposals;
- (d) the City officials involved in the award process were not provided with any instructions, guidelines or procedures to guide their award decisions; and
- (e) no written recommendations concerning which vendors should receive the contracts were issued by City officials involved in the evaluation process.

In subsequent correspondence with the OSC, the City acknowledged that in 2008 and 2009 “there was no formal scoring process utilized for selecting vendors to provide these professional services...” Also, no steps were taken to screen City officials involved in the award process for potential conflicts of interest. However, the City has noted that in accordance with the “fair and open” process it has utilized scoring sheets since January 2010 and will continue to use them going forward.

In addition, the City has not been able to locate the responsive submissions for the auditor position. As such, OSC cannot verify whether the procurement process used in selecting the auditor was appropriate. It is recommended that the City improve its retention procedures to better preserve and maintain its pertinent documents.

As a result of these deficiencies, we are unable to confirm whether the City’s procurement of its professional services vendors was actually conducted through a “fair and open” process. Specifically, the lack of a formal evaluation process along with the City’s failure to document its evaluation of competing proposals raises questions as to whether these contracts were in fact “awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications.” Moreover, the process used by the City lacked accountability and transparency.

As a result of the issues identified in this letter and in order to ensure compliance with applicable laws, regulations and rules, pursuant to N.J.S.A. 52:15C-11(a) OSC hereby requires that the City:

- (1) Prepare a detailed Action Plan that addresses the steps that the City intends to take to address the issues identified in this letter and provide the Action Plan to OSC no later than March 1, 2011; and
- (2) Provide notice to OSC at least 30 days prior to the advertisement of any of the City's professional services contracts.

If you would like to discuss any of the issues raised in this letter or have any questions, please call me at (609) 984-2888. Thank you for your continued cooperation in this matter.

Very truly yours,



Dorothy Donnelly  
Director, Procurement Division

cc: Mayor Dawn Zimmer

**RESOLUTION PROCLAIMING MARCH 13-19, 2011 AS**  
**“SUNSHINE WEEK” IN THE CITY OF HOBOKEN AND URGING THE**  
**ADMINISTRATION’S PARTICIPATION IN MORE OPEN GOVERNMENT**

WHEREAS, Sunshine Week is an annual national initiative to open a dialogue about the importance of open government and the freedom of information; and,

WHEREAS, Sunshine Week was founded in 2005 and is designed to coincide with the anniversary of the birth of the father of the United States Constitution, James Madison, who wrote that the "consent of the governed" requires that the people be able to "arm themselves with the power which knowledge gives," and,

WHEREAS, Sunshine Week is a non-partisan initiative whose supporters are conservative, liberal and every group in between, and its participants include print, broadcast, online news media, civic groups, libraries, non-profits, schools and others interested in the public's right to know; and,

WHEREAS, public oversight is the ultimate safeguard of democracy and policies preserving access to information are essential to our national well-being; and,

WHEREAS, open government instills public trust and the free flow of information serves to keep the process of government honest and robust; and,

WHEREAS, Sunshine Week seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger; and,

WHEREAS, the coverage, commentaries and activities promoting open government during Sunshine Week have led to tangible, meaningful changes to people's lives and the laws that govern them; and,

WHEREAS, the Council of the City of Hoboken hereby commits towards putting the principles of Sunshine Week into action during the other 51 weeks of the year; and,

WHEREAS, the Council urges the Administration to immediately take its own tangible steps towards greater openness and transparency, which should start by the posting of all relevant financial and budgetary data on the City’s website in a format that can be easily reviewed and searched by the general public, so that the public has a better idea of where its money is going.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken hereby proclaims March 13th through 19th, 2011 as SUNSHINE WEEK in the City of Hoboken and encourages all citizens to educate themselves and become aware of the government processes which affect their lives; and,

BE IT FURTHER RESOLVED that the Council urges our State and County representatives to adopt the principles of Sunshine Week in their own work on behalf of the public; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the Mayor of Hoboken and immediately posted on the City's website at least through the completion of Sunshine Week, and certified copies also transmitted to the Governor of New Jersey, our 33<sup>rd</sup> District State Legislators, the Hudson County Executive and the Clerk to the Hudson County Board of Freeholders.

Dated:

Approved as to form:

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Corporation Counsel

SPONSORED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

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

March 2, 2011

**VENDOR (\$100.00 EA.) 17 ITEMS**

JAMIE MATYJEVICH 310 SALEM ST. WEST PITTSTON PA 18643  
ERIN ADAMS 310 SALEM ST., WEST PITTSTON, PA 18643  
SAMUEL E. TONEY 413 WATT ST., DURYEY, PA 18642  
LOUIS SAPOLIS 960 COXTON RD., DURYEY, PA 18642  
MISTY LONGO-LOSAVICH 1633 CROWN AVE., SCRANTON, PA  
PHILIP HECK 165 MAIN ST. HARLEYSVILLE, PA  
WILLIAM NIDO 165 MAIN ST. HARLEYSVILLE, PA  
DANIEL KINTNER 165 MAIN ST. HARLEYSVILLE, PA  
HOWARD OTERY 165 MAIN ST. HARLEYSVILLE, PA  
IBRAHIM DOAR 127 SOUTH ST. PLYMOUTH, CT  
DORA HUAYTA 310 EAST 141<sup>ST</sup> ST. #1 BRONX, NY 10454  
JAMES MONACO  
AND RALPH GALLO 1 MARINE VIEW PLZ. HOBOKEN, NJ 07030  
EDGAR PALAQUIBAY 314 E 141 ST #1 BRONX, NY 10454  
NERY PALAQUIBAY 314 E 141 ST #1 BRONX, NY 10454  
A-PLUS CUSTOM T SHIRTS 1159 KENNEDY BLVD BAYONNE, NJ  
07002:  
MICHAEL SEARS 9 CROSSGATE RD, JERSEY CITY, NJ 07002  
MICHAEL HOELFLING 23 ELDRIDGE AVE, STATEN ISLAND,  
NY

**TAXI, LIVERY, AND LIMOUSINE DRIVERS 29 ITEMS**  
**(SEE ATTACHED)**

**LUMBER YARD (\$250.00 EA) 1 ITEM**

GENERAL LUMBER CO., INC  
200 CLINTON ST  
HOBOKEN, NJ 07030

**TAXICAB OWNERS 13 ITEMS @ \$750.00 EACH**  
**AND 1 HYBRID TAXI @ \$500.00 EACH (SEE ATTACHED)**

# MISCELLANEOUS LICENSES

## DRIVERS

(29 ITEMS @ \$75.00)

EMAD GAYED	27 LOGAN AVE, J.C., NJ	TAXI
JOHAN MARTE-GENAO	224 GRIFFITH ST, J.C., NJ	LIMO
ANULFO RAMIREZ-CUETO	7301 KENNEDY BLVD, N. BERGEN, NJ	LIMO
NESTOR RIVERA	49 LEONARD ST, J.C., NJ	LIMO
NELSON HANGOPOMBOSA	1401 SUMMIT AVE, U.C., NJ	LIMO
HELMY ABDOU	275 DANFORTH AVE, J.C., NJ	LIMO
JOAQUIN PIMENTEL	250 MYRTLE AVE, FORT LEE, NJ	LIMO
ADA RAMOS	312-12 <sup>TH</sup> ST, UNION CITY, NJ	TAXI
ASHRAF ISRAEIL	1812 KENNEDY BLVD, J.C, NJ	TAXI
SHEHATA BESHAI	130 W 19 <sup>TH</sup> ST, BAYONNE, NJ	TAXI
REMON FELISTINY	475 WESTSIDE AVE, J.C., NJ	TAXI
SELWYN SARGEANT	161 N ARLINGTON AVE, E ORANGE, NJ	LIMO
LUIS CHUQUI	508 NEW YORK AVE, U.C., NJ	TAXI
JESUS ROBALINO	438 NEW YORK AVE, J.C., NJ	LIMO
ROSA CHAVARRO	550 55 <sup>TH</sup> ST, W.N.Y, NJ	LIMO
ANGELICA ROSA	1302 WASHINGTON ST, HOBOKEN, NJ	LIMO
FRANCIS RUSSO	700 21 <sup>ST</sup> ST, U.C., NJ	LIMO
MARIO QUINTO	62 BEACON ST, J.C., NJ	LIMO
WALTER JAIME	47A-64 <sup>TH</sup> ST, W.N.Y., NJ	LIMO
MOHAMED JALLOH	108-136 MARTIN LUTHER KING DR, J.C., NJ	LIMO
GUILLERMO MORA	29 STOUT ST, PATTERSON, NJ	LIMO
JORGE ALVARDO	1215 WILLOW AVE, HOBOKEN, NJ	LIMO
LUIS ROSARIO	201 OGDEN AVE, J.C., NJ	LIMO
TEODOLO MARQUEZ	707 18 <sup>TH</sup> ST, U.C., NJ	LIMO
RADAMES CABRAL-FARANO	69 STORM ST, J.C., NJ	LIMO
JESUS R. PEREZ	322 12 <sup>TH</sup> ST. U.C., NJ	TAXI
JOSE A. MARTINEZ	5101 PARK AVE, U.C., NJ	TAXI
JORGE L. MONTANO	303 4 <sup>TH</sup> ST, U.C., NJ	TAXI
ANTONIO C CARABALLO	311 HARRISON ST., HOBOKEN, NJ	TAXI

## OWNERS

MOEJA CORP #20	24 ELOCADIA CT, HAZLET, NJ	\$750/TAXI
DIAMOND CAB CORP. #15	907 LINCOLN ST, RED BANK, NJ	\$750/TAXI
QUICK SERVICE CAB #14	18 PALMER PLACE, KEANSBURG, NJ	\$750/TAXI
SMALL YUDA TAXI CORP #43	71-50 PARSON BLVD, FLUSHING, NY	\$750/TAXI
SPEEDY TAXI LLC. #47	9 COLONIAL DR, BAYONNE, NJ	\$750/TAXI
NOUR & SARAH INC #4	722 MURRAY ST, AVENEL, NJ	\$750/TAXI
NOUR & SARAH INC #44	722 MURRAY ST, AVENEL, NJ	\$750/TAXI
HAMZA CORP. #13	2828 KENNEDY BLVD, J.C., NJ	\$750/TAXI

GRACIANA LISBOA #16	109 NORTH ST, J.C., NJ	\$750/TAXI
ABOKR S. CORP #18	2828 KENNEDY BLVD, J.C., NJ	\$750/TAXI
SAHM CORP #21	497 WESTSIDE AVE, J.C., NJ	\$750/TAXI
HUDSON PLACE TAXI #29	284 OLD BERGEN RD, J.C., NJ	\$750/TAXI
SMALL YUDA TAXI CORP. #49	71-50 PARSONS BLVD, FLUSHING, NY	\$750/TAXI
M&M TRANSIT INC #61	8 FERNWOOD PL, OLD BRIDGE, NJ	\$500/HYBRID TAXI

**29 DRIVERS**  
**14 OWNERS**

APPROVED LICENSES

OFFICE OF THE TAX COLLECTOR  
MONTHLY REPORT

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

Honorable Mayor and Council Members,

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

2011 Receipts on Taxes

2011 Taxes 1st & 2nd Quarters...	25,394,017.26	
N.G. Checks Minus....	25,464.18	
Added Assessments....	150,818.29	
Total 2011 Taxes Collected		25,519,371.37

Receipts on Taxes

2010 Receipts on Taxes

2009 Taxes 3 - 4 Quarters....	184,401.03	
Total 2010 Taxes Collected....		184,401.03

Miscellaneous Tax Receipts

Interest on Taxes...	27,622.78	
N.G. Checks Minus....	45.09	
Duplicate Bill Fee....	65.00	
Bounced Check Fee....	140.00	
Tax Serarch.....	10.00	
Total Miscellaneous Tax Receipts		27,792.69

Pilot Accts

Pilot Principal.....	986,331.99	
Interest....	3.98	
Total collected on Pilot Accts.....		986,335.97
Total Taxes & Miscellaneous Tax Receipts....		<u><b>26,717,901.06</b></u>

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

Abatements

Abatement Principal.....	67,455.44	
Abatement Interest.....	192.62	
Abatement Totals.....	*****	<u><b>67,648.06</b></u>

Bounced Checks

Amount

179/40/C0008	1,880.21
268.1/2/C001H	1,423.50
262.3/1/CPH01	4,215.94
25/1/C015D	2,075.94
183/14/C003L	818.52
47/29/C002L	1,190.70
15/35/C004B	1,166.08
82/1/C003A	2,135.25
204/15	3,033.25
237/2	4,663.56
214.1/34/C000C	<u>2,906.32</u>
Total	25,509.27

Respectfully yours,

Sharon Curran, Tax Collector





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 Range: Block: First to Last  
 Lot:  
 Qual:  
 Range of Codes: First to Last  
 Range of Batch Ids: First to Last  
 Range of Spec Tax Codes: First to Last  
 Payment Type Includes: Tax: Y Sp Charges: Y Lien: Y Sp Assmnt: Y  
 Misc: Y  
 Cash: Y Check: Y Credit: Y  
 Range of Years: First to 2012  
 Range of Periods: 1 to 12  
 Range of Dates: 02/01/11 to 02/28/11  
 Print Ref Num: N  
 Range of Installment Due Dates: First to Last  
 =====

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2009	2010	Future		
001 TAX-Billing	11999	0.00	0.00	184,401.03	25,300,455.47	26,582.11	25,511,438.61
014 ADDED ASSESSMENT/OMI	93	0.00	0.00	679.58	150,138.71	62.62	150,880.91
082 IN LIEU OF TAXES	17	0.00	0.00	0.00	986,331.99	3.98	986,335.97
SUB SUBSEQUENT TAX	31	0.00	0.00	0.00	93,561.79	978.05	94,539.84
<b>Tax Payments</b>	<b>12140</b>	<b>0.00</b>	<b>0.00</b>	<b>185,080.61</b>	<b>26,530,487.96</b>	<b>27,626.76</b>	<b>26,743,195.33</b>
00L OUTSIDE REDEEM FEE	32	52,355.36	0.00	0.00	0.00	7,071.80	59,427.16
	4	220.00	0.00	0.00	0.00	0.00	220.00
<b>Lien Payments</b>	<b>36</b>	<b>52,575.36</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,071.80</b>	<b>59,647.16</b>
005 BOUNCED CHECK FEE	7	140.00	0.00	0.00	0.00	0.00	140.00
010 TAX SEARCHES	1	10.00	0.00	0.00	0.00	0.00	10.00
012 DUPLICATE BILLS	8	65.00	0.00	0.00	0.00	0.00	65.00
<b>Misc Payments</b>	<b>16</b>	<b>215.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>215.00</b>
NSF BOUNCED CHECK	12	0.00	0.00	0.00	25,464.18-	45.09-	25,509.27-
<b>Tax NSF</b>	<b>12</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>25,464.18-</b>	<b>45.09-</b>	<b>25,509.27-</b>
<b>Payments Total:</b>	<b>12192</b>	<b>52,790.36</b>	<b>0.00</b>	<b>185,080.61</b>	<b>26,530,487.96</b>	<b>34,698.56</b>	<b>26,803,057.49</b>
<b>NSF Reversals Total:</b>	<b>12</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>25,464.18-</b>	<b>45.09-</b>	<b>25,509.27-</b>
<b>Total:</b>	<b>12204</b>	<b>52,790.36</b>	<b>0.00</b>	<b>185,080.61</b>	<b>26,505,023.78</b>	<b>34,653.47</b>	<b>26,777,548.22</b>

Total Cash: 56,752.56

Total Check: 26,720,795.66

Total Credit: 0.00

<b>REDEMPTIONS FOR THE MONTH OF FEBRUARY 2011</b>									
DATE REDEEMED	BLOCK	LOT	QUAL.	CERTIFICATE #	ADDRESS	REDEMPTION AMOUNT	PREMIUM AMOUNT		
2/4/2011	214.1	26	C0PS1	050187	318 HUDSON ST	1,653.94	-		
2/4/2011	214.1	26	C0PS1	040152	318 HUDSON ST	839.28	500.00	OLD PREMIUM ACCT	
2/4/2011	214.1	26	C0PS1	060216	318 HUDSON ST	7,003.90	-		
2/10/2011	29	1		09-80041	514 FIRST ST	39,658.81	4,100.00		
2/10/2011	206	7	C0002	09-80154	707 BLOOMFIELD ST	8,295.68	-		
2/25/2011	243	20	C0004	09-80180	1120 BLOOMFIELD ST	2,195.55	300.00		
						59,647.16	4,900.00		
2/18/2011	95	21	C0P18	050114	920 JEFFERSON	591.95	200.00	OLD PREMIUM	

Rcvd Batch Id Range: First to Last		Rcvd Date Start: 02/18/11 End: 02/25/11		Report Format: Condensed		
Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
02/23/11	CHRIS	11-01912	WATERFRONT BULKHEAD INSPECTION	00031	BOSWELL ENGINEERING	62,505.00
02/23/11	CHRIS	CY-00326	MULTI-SERVICE REHABILITATION	00031	BOSWELL ENGINEERING	9,692.10
02/23/11	CHRIS	CY-00452	Waterfront Inspection Spec Res	00031	BOSWELL ENGINEERING	217,029.00
02/23/11	CHRIS	11-01950	CAR WINDOW	00141	HOBOKEN GLASS COMPANY	320.00
02/23/11	CHRIS	CY-00202	AD FOR RABIES CLINIC	00190	HOBOKEN REPORTER	344.40
02/23/11	CHRIS	CY-00199	OVERHEAD DOOR REPAIRS	00279	LOMBARDY DOOR SALES	889.00
02/23/11	CHRIS	CY-00265	2011 MEMBERSHIP DUES	00394	HUDSON CO. ASSESSORS ASSOC.	660.00
02/23/11	CHRIS	CY-00345	NAME PLATES	00690	STAN'S SPORT CENTER	75.00
02/23/11	CHRIS	11-02081	PPE	00801	TURNOUT FIRE AND SAFETY	1,329.65
02/23/11	CHRIS	11-01651	ENGINE 4 REPAIRS EMERGENCY	00811	CUMMINS POWER SYSTEMS	5,475.20
02/23/11	CHRIS	CY-00665	PRINTING SERV-ELECTION 6/7/11	00836	ROYAL PRINTING	475.00
02/23/11	CHRIS	CY-00666	PRINTING SERV 5/10/11 ELECTION	00836	ROYAL PRINTING	2,050.00
02/23/11	CHRIS	CY-00191	ADS 12/10 CLERK	00879	STAR LEDGER	117.16
02/23/11	CHRIS	CY-00192	LEGAL ADS CLERK 12/10	00879	STAR LEDGER	29.00
02/23/11	CHRIS	CY-00193	LEGAL ADS CLERK 1/11	00879	STAR LEDGER	40.60
02/23/11	CHRIS	CY-00108	ZONING BOARD ESCROW ACCOUNTS	01270	H2M GROUP	3,218.00
02/23/11	CHRIS	CY-00260	ZONING BOARD ESCROW ACCOUNTS	01270	H2M GROUP	1,341.00
02/23/11	CHRIS	11-01533	SERVICES RENDERED BUS DRIVER	01294	MICHAEL HEITZMAN	460.00
02/23/11	CHRIS	CY-00754	CONSULTANT SERV 2/3-16/11	01501	JERSEY PROFESSIONAL MANAGEMENT	4,377.50
02/23/11	CHRIS	11-01563	ZONING BOARD ESCROW ACCOUNTS	02147	ROSENBERG & ASSOCIATES	1,708.70
02/23/11	CHRIS	CY-00263	PLANNING BOARD ESCROW ACCOUNTS	02147	ROSENBERG & ASSOCIATES	1,636.70
02/23/11	CHRIS	CY-00245	SCBA	02423	FIRE FIGHTERS EQUIPMENT CO.	158.91
02/23/11	CHRIS	CY-00387	2011 RENEWAL	02442	DRIVERS LICENSE GUIDE CO.	23.95
02/23/11	CHRIS	11-02080	NEW EQUIPMENT	02743	MURPHY FIRE & SAFETY INC.	5,117.50
02/23/11	CHRIS	11-01914	CITY ORDINANCE FORMS	03611	MIAMI SYSTEMS CORPORATION	3,492.69
02/23/11	CHRIS	CY-00110	REIMBURSEMENT-RECEIPT ATTACHED	04254	PATRUNO, MARIO	11.97
02/23/11	CHRIS	CY-00230	flat tire repair city veh	04254	PATRUNO, MARIO	10.00
02/23/11	CHRIS	CY-00427	ADDITIONAL KEYS MADE FOR OFFIC	04254	PATRUNO, MARIO	11.37
02/23/11	CHRIS	CY-00669	REIMBURSEMENT-KEY MADE	04254	PATRUNO, MARIO	13.00
02/23/11	CHRIS	11-01899	STANDARD NOTEBOOK LIGHT E5410	04919	DELL COMPUTER COMPANY	942.40
02/23/11	CHRIS	CY-00166	PROFESSIONAL SERVICES	05788	THE GALVIN LAW FIRM	1,380.00
02/23/11	CHRIS	11-01619	Communications	06649	MOTOROLA NORTHERN DIVISION	9,199.80
02/23/11	CHRIS	CY-00209	CHEERLEADING COMPETITION REG.	07155	SPIRIT UNLIMITED	4,174.00
02/23/11	CHRIS	CY-00264	PLANNING BOARD ESCROW ACCOUNTS	07968	MASER CONSULTING	4,050.00
02/23/11	CHRIS	CY-00296	CDBG Reimburse 10/1-12/31/10	09170	THE JUBILEE CENTER	11,721.45
02/23/11	CHRIS	11-01977	NJSLOM Add/WesternEdge Planner	09667	NJLM EDUCATIONAL FOUNDATION	110.00
Total for Batch: CHRIS						354,190.05
Total for Date: 02/23/11					Total for All Batches:	354,190.05
02/24/11	CHRIS	CY-00200	FIREHOUSE SUPPLIES	00077	CITY PAINT AND HARDWARE	438.55
02/24/11	CHRIS	11-01758	FORMS NEEDED FOR TAXES	00293	M. G. L. FORMS-SYSTEMS LLC	876.00
02/24/11	CHRIS	CY-00244	PERSONAL PROTECTION EQUIPMENT	00801	TURNOUT FIRE AND SAFETY	90.99
02/24/11	CHRIS	CY-00208	FULL SERVICE CAR WASH	00806	RIVERFRONT CAR WASH	6.00
02/24/11	CHRIS	11-01656	ANNUAL SAFETY INSPECTION	00851	AMERICAN TEST CENTER	2,270.00
02/24/11	CHRIS	11-02067	CONFERENCE ACCOMMODATIONS	01489	TROPICANA CASINO AND RESORT	645.00
02/24/11	CHRIS	CY-00266	REIMBURSEMENT-REGI ST FEE	01503	MURRAY FUSCO	60.00
02/24/11	CHRIS	CY-00302		01597	M & G AUTO PARTS, INC.	561.78
02/24/11	CHRIS	CY-00207	4TH QTR. DOG LICENSE REPORT	02065	TREASURER, STATE OF NEW JERSEY	135.60
02/24/11	CHRIS	CY-00205	CENTRAL STATION MONITORING	02094	SYSTEM 1 ALARM SERVICES	75.00

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
02/24/11	CHRIS	CY-00206	4TH QTR. MARRIAGE LICENSE RPT.	02858	TREASURER, STATE OF NEW JERSEY	2,350.00
02/24/11	CHRIS	CY-00243	EXHAUST SYSTEM	02969	AIR PURIFIERS, INC.	278.00
02/24/11	CHRIS	CY-00667	SVCS RNRD 2/8/11	03678	LINDENFELSER, KENNETH J.	300.00
02/24/11	CHRIS	CY-00198	TRAINING	03977	SAVE-A-LIFE	6,000.00
02/24/11	CHRIS	11-02066	2011 MEMBERSHIP HOB. HLTH DEPT	04305	NALBOH	120.00
02/24/11	CHRIS	CY-00169	PROFESSIONAL SERVICES	04660	KAUFMAN, BERN & DEUTSCH, LLP	3,493.12
02/24/11	CHRIS	11-01764	CHAIR FOR COUNTER	05307	W. B. MASON CO., INC.	224.50
02/24/11	CHRIS	11-00391	COUNCIL RESOLUTION - 07/14/10	06166	MARAZITI, FALCON & HEALEY	5,072.60
02/24/11	CHRIS	CY-00270	AFFORDABLE HOUSING ESCROW ACCT	06166	MARAZITI, FALCON & HEALEY	2,223.16
02/24/11	CHRIS	CY-00246	ONLINE BACKUP	07771	SHORE SOFTWARE	69.95
02/24/11	CHRIS	CY-00317	PROFESSIONAL SERVICES	08695	PHYLLIS T. LEWIS	355.00
Total for Batch: CHRIS						25,645.25
02/24/11	MEM	CY-00156	SIGNAL & TRAFFIC SUPPLIES	00053	GARDEN STATE HIGHWAY PROD.	1,703.00
02/24/11	MEM	CY-00680	JANUARY INVOICES	00077	CITY PAINT AND HARDWARE	1,166.46
02/24/11	MEM	CY-00404	FUNERAL ARRANGEMENT-DE STENO	00114	VERA'S FLORIST	108.95
02/24/11	MEM	CY-00405	KEYS - 916 GARDEN STREET	00142	HOBOKEN LOCK & SUPPLY	16.00
02/24/11	MEM	CY-00678	REPAIRS - HPU VEHICLE	00230	BEYER BROTHERS CORP.	931.27
02/24/11	MEM	CY-00407	CIRCUIT PANEL - GARAGE B	00269	FCA LIGHTING	900.00
02/24/11	MEM	CY-00294	WATER/COFFEE SUPPLIES	00287	METROPOLITAN COFFEE SERVICE	47.00
02/24/11	MEM	CY-00432	UTILITIES - JANUARY 2011	00424	P. S. E. & G. COMPANY	12,547.51
02/24/11	MEM	CY-00433	RESIDENT RENEWAL MAILER	00894	UNIVERSAL MAILING SERVICE	6,116.16
02/24/11	MEM	CY-00429	PHONE/COMPUTER/ALARMS - 1/11	01089	VERIZON	1,421.20
02/24/11	MEM	11-00555	SERV ARCHITECTURAL DRAFTING	01295	CHRISTOPHER A. RICCIARDI	2,000.00
02/24/11	MEM	CY-00431	SNOW REMOVAL/TOWING	01493	AVELLAS GARAGE, INC.	9,125.00
02/24/11	MEM	11-01875	SUPPLIES SIGNAL & TRAFFIC	02167	ALL TRAFFIC SOLUTIONS	5,010.00
02/24/11	MEM	CY-00734	FUEL - HPU FEB. 2011	05470	EXXONMOBIL FLEET/GECC	1,272.54
02/24/11	MEM	CY-00700	LD/TOLL SERVICES	07187	PAETEC COMMUNICATIONS INC.	424.58
02/24/11	MEM	CY-00415	CYLINDER RENTAL - 916 GARDEN	08198	921 WELCO CGI GAS TECH LLC	30.39
02/24/11	MEM	CY-00735	SUPPORT/MAINTENANCE - FEB. 2011	08876	UNITRONICS INC.	11,500.00
02/24/11	MEM	CY-00428	NEW EMPLOYEE UNI FORMS	09152	G & F ENTERPRISE	2,520.00
02/24/11	MEM	CY-00671	UNI FORM/SUPPLIES	09152	G & F ENTERPRISE	1,852.50
Total for Batch: MEM						58,692.56
Total for Date: 02/24/11						Total for All Batches: 84,337.81
02/25/11	CHRIS	11-01706	BUSINESS CARDS FOR STAFF	00419	POGGI PRESS	375.00
02/25/11	CHRIS	11-00517	TONER	05307	W. B. MASON CO., INC.	200.80
02/25/11	CHRIS	CY-00449	Balance Due Audit y/e 06/30/10	09168	FERRAIOLI, WIELKOTZ, CERULLO &	17,975.00
02/25/11	CHRIS	11-00392	COUNCIL RESOLUTION - 07/14/10	09265	MCMANIMON & SCOTLAND, LLC	13,029.00
02/25/11	CHRIS	CY-00448	QAlert-Citizen Service Softwar	1518	QScend Technologies	6,000.00
Total for Batch: CHRIS						37,579.80
02/25/11	MPG	11-01445	SUPPLIES 9, 10, 11/10 CG	00077	CITY PAINT AND HARDWARE	302.00
02/25/11	MPG	11-01542	SUPPLIES 10, 11/10 PP	00077	CITY PAINT AND HARDWARE	589.02
02/25/11	MPG	CY-00189	BLACKTOP FOR CENTRAL GARAGE	00077	CITY PAINT AND HARDWARE	779.40
02/25/11	MPG	CY-00184	RISO EQUIP LEASE 2011 CLT AFF	00180	TOSHIBA BUSINESS SOLUTIONS	475.20
02/25/11	MPG	11-01922	BULBS PIER A PARK	00269	FCA LIGHTING	1,728.00
02/25/11	MPG	11-01331	GATE & FENCE JACKSON ST. PARK	00557	GALAXY FENCE	4,898.00
02/25/11	MPG	CY-00033	CY2011 HEALTH	00701	BLUE CROSS-BLUE SHIELD OF NJ	2,112,146.49

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
02/25/11	MPG	CY-00183	LICENSING FEE CY2011	00842 ASCAP	309.00	
02/25/11	MPG	CY-00180	SNOW PLOW SERV 12/28, 29/10	01499 MILE SQUARE MILLWORK CORP.	3,300.00	
02/25/11	MPG	11-00594	REPAIR POLICE VEHICLES	01502 DAVE'S AUTO REPAIR	317.91	
02/25/11	MPG	11-00595	REPAIR PD CAR #127	01502 DAVE'S AUTO REPAIR	295.03	
02/25/11	MPG	11-00598	REPAIR PD CAR #108	01502 DAVE'S AUTO REPAIR	597.08	
02/25/11	MPG	CY-00732	FLEET REPAIRS 9-12/10	01502 DAVE'S AUTO REPAIR	7,809.85	
02/25/11	MPG	11-01377	REPAIRS TO #147, 117, BUS 434	01597 M & G AUTO PARTS, INC.	189.63	
02/25/11	MPG	11-00695	SUPPLIES FOR SEPTEMBER, 2010	02202 DAVES AUTO PARTS & ACCESSORIES	2,420.44	
02/25/11	MPG	11-01691	EXTERMINATION AT PIER C PARK	02320 MAC PEST CONTROL	800.00	
02/25/11	MPG	CY-00730	PROF SERV 10-12/10 - PARKS	02320 MAC PEST CONTROL	2,200.00	
02/25/11	MPG	CY-00731	PEST CTRL SERV 10-12/10 BLDGS	02320 MAC PEST CONTROL	2,400.00	
02/25/11	MPG	CY-00024	CY2011 CELL SERV-MAYOR	03973 VERIZON WIRELESS	88.41	
02/25/11	MPG	CY-00015	CY2011 REPLENISH POSTAGE	04414 U. S. P. S. (POSTAGE BY PHONE)	20,000.00	
02/25/11	MPG	CY-00022	CY2011 ACCT #141015027	04794 NEXTEL COMMUNICATIONS	7,368.11	
02/25/11	MPG	CY-00018	CY2011 INTERNET SERV #45278	04947 CABLEVISION LIGHTPATH, INC.	1,154.05	
02/25/11	MPG	CY-00019	CY2011 REVERSE 911 SYST SERV	04947 CABLEVISION LIGHTPATH, INC.	2,791.75	
02/25/11	MPG	CY-00749	GENERAL OFFICE ASSISTANCE	06677 STEPHANIE SASSOLA	150.00	
Total for Batch: MPG					2,173,109.37	
Total for Date: 02/25/11					Total for All Batches: 2,210,689.17	

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	Batch Id	Batch Total
Total for Batch:	CHRIS	417,415.10
Total for Batch:	MEM	58,692.56
Total for Batch:	MPG	2,173,109.37
Total Of All Batches:		=====
		2,649,217.03

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	0-01	373,651.13	0.00
PARKING UTILITY FUND	0-31	7,010.00	0.00
Year Total:		380,661.13	0.00
CURRENT FUND	1-01	2,160,239.63	0.00
PARKING UTILITY FUND	1-31	57,682.56	0.00
Year Total:		2,217,922.19	0.00
	D-12	135.60	0.00
	G-55	21,413.55	0.00
TRUST FUND & OTHER	T-03	3,659.20	0.00
	T-13	9,519.80	0.00
	T-24	1,728.00	0.00
Year Total:		14,907.00	0.00
Total Of All Funds:		2,635,039.47	0.00

Project Description	Project No.	Project Total
1130 SINATRA DRIVE	010260	452.00
2 14TH STREET BLOCK F	010477	1,468.00
1028 BLOMMFIELD STREET	1482947	152.00
503 MONROE STREET	292796	1,341.00
609 MONROE STREET	292839	982.35
222 JACKSON STREET	292840	726.35
1314 WASHINGTON STREET	292845	152.00
734 - 738 WILLOW AVE	292850	435.00
714 JEFFERSON STREET	292852	290.00
207 11TH STREET	292855	1,256.35
928 - 930 JEFFERSON STREET	292857	2,223.16
1201 - 1222 WASHINGTON STREET	292859	1,022.00
517 GARDEN STREET	292860	670.35
1405 CLINTON STREET	292862	877.00
1400 HUDSON ST SECT 5 & 5A	45209	2,130.00
		=====
Total Of All Projects:		14,177.56

**Amendment**

Rcvd Batch Id Range: ALISTON to ALISTON Rcvd Date Start: 02/25/11 End: 02/25/11 Report Format: Condensed

Rcvd Date Batch Id PO # Description Vendor Amount Contract

02/25/11	ALISTON	CY-00787	ANIMAL CONTROL SER. (JANUARY)	01136	LIBERTY HUMANE SOCIETY	8,000.00	
02/25/11	ALISTON	CY-00790	SPRING 2011 REFEREE FEES	05342	HOBOKEN ALL-STAR YOUTH SOCCER	8,350.00	

Total for Batch: ALISTON 16,350.00

Total for Date: 02/25/11 Total for All Batches: 16,350.00

**Amendment**

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Batch Id	Batch Total
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Total for Batch: ALISTON 16,350.00

Total Of All Batches: 16,350.00

**Amendment**

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Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	1-01	16,350.00	0.00
Total Of All Funds:		=====	=====
		16,350.00	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:

03-Feb-11	TO	16-Feb-11	Paydate	2/23/2011	
<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (11)</u>	<u>O/T PAY (14)</u>	<u>OTHER PAY (11)</u>	<u>TOTAL PAY</u>
PERSONNEL	1-01-20-105	9,141.96	0.00	0.00	9,141.96
MAYOR'S OFFICE	1-01-20-110	9,155.78	0.00	0.00	9,155.78
CITY COUNCIL	1-01-20-111	8,445.45	0.00	0.00	8,445.45
BUS ADMINISTRATOR	1-01-20-112	8,637.81	0.00	0.00	8,637.81
ABC BOARD	1-01-20-113	0.00	0.00	153.85	153.85
PURCHASING	1-01-20-114	2,646.08	0.00	0.00	2,646.08
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	0.00	0.00	14,959.08
ELECTIONS	1-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	1-01-20-130	24,283.03	0.00	0.00	24,283.03
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	0.00	8,848.81
ASSESSOR'S OFFICE	1-01-20-150	13,494.27	0.00	0.00	13,494.27
CORPORATE COUNSEL	1-01-20-155	11,987.88	0.00	0.00	11,987.88
COMMUNITY DEVELOPMENT	1-01-20-160	3,980.77	0.00	0.00	3,980.77
TREASURER	1-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	1-01-21-180	5,865.00	322.73	0.00	6,187.73
INFORMATION TECHNOLOGY	1-01-20-147	4,305.46	738.12	0.00	5,043.58
ZONING OFFICER	1-01-21-186	7,056.19	0.00	0.00	7,056.19
HOUSING INSPECTION	1-01-21-187	5,489.84	121.53	0.00	5,611.37
CONSTRUCTION CODE	1-01-22-195	22,658.88	0.00	0.00	22,658.88
POLICE DIVISION	1-01-25-241	516,796.63	27,644.09	9,815.46	554,256.18
CROSSING GUARDS	1-01-25-241	12,984.23	0.00	0.00	12,984.23
EMERGENCY MANAGEMENT	1-01-25-252	4,437.50	0.00	250.00	4,687.50

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>TOTAL PAY</u>
FIRE DIVISION	1-01-25-266	413,895.36	668.68	10,882.14	425,446.18
STREETS AND ROADS	1-01-26-291-011	24,168.19	5,342.48	0.00	29,510.67
ENV SRVCS DIR OFFICE	1-01-26-290	9,973.76	0.00	0.00	9,973.76
RECREATION SEASONAL EMP	1-0128370016	3,170.00	0.00	430.00	3,600.00
CENTRAL GARAGE	1-01-26-301	3,199.00	1,241.48	0.00	4,440.48
SANITATION	1-01-26-305	27,417.21	2,833.41	0.00	30,250.62
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	10,648.84	0.00	0.00	10,648.84
BOARD OF HEALTH	1-01-27-332	18,702.69	0.00	0.00	18,702.69
CONSTITUENT SRCS	1-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	1-01-27-336	16,086.43	0.00	0.00	16,086.43
RENT STABILIZATION	1-01-27-347	7,352.96	0.00	0.00	7,352.96
TRANSPORTATION	1-01-27-348	0.00	0.00	0.00	0.00
RECREATION	1-01-28-370	13,026.88	0.00	0.00	13,026.88
PARKS	1-01-28-375	16,824.62	154.08	732.76	17,711.46
PUBLIC PROPERTY	1-01-28-377	29,609.10	32.04	0.00	29,641.14
PUBLIC LIBRARY	1-0129-390-021	0.00	0.00	0.00	0.00
PUBLIC DEFENDER	1-01-43-495	2,623.81	0.00	0.00	2,623.81
MUNICIPAL COURT	1-01-43-490	39,814.11	0.00	0.00	39,814.11
PARKING UTILITY	1-31-55-501-101	81,131.76	10,595.45	112.62	91,839.83
MUN COURT OVERTIME	T-0340000-037	0.00	1,957.08	0.00	1,957.08
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	0.00	0.00	0.00
GRANT#	T-03-40-000-003	0.00	0.00	0.00	0.00
FIRE EDUCATION	T-13-10-000-000	0.00	0.00	0.00	0.00
CULTURAL AF AFFAIRS	1-01-271-760-11	3,016.14	0.00	0.00	3,016.14

<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>
<b>OTHER:</b>					
SALARY SETTLEMENT	1-01-36-479-000	0.00	0.00	793.95	793.95
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	29,542.50	29,542.50
RESERVE FOR POAA	T-03-40-000-032	0.00	0.00	0.00	0.00
GRANT	G-02-44-701-310	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP	1-01-25-241-017	0.00	0.00	0.00	0.00
<b>GRAND TOTAL</b>		1,419,567.85	51,651.17	52,713.28	1,523,932.30
					1,523,932.30

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO. : \_\_\_\_\_**

**RESOLUTION AUTHORIZING A CONTRACT WITH SCARINCI &  
HOLLENBECK, LLC FOR THE SERVICES OF JOHN SCAGNELLI, ESQ AS  
SPECIAL COUNSEL FOR ENVIRONMENTAL LITIGATION AND JOEL  
GLUCKSMAN, ESQ. AS SPECIAL COUNSEL FOR BANKRUPTCY  
LITIGATION AND RAMONE RIVERA, ESQ. AS SPECIAL COUNSEL FOR  
EMPLOYMENT LITIGATION, AS NEEDED, FOR A ONE YEAR PERIOD  
TO COMMENCE FEBRUARY 2, 2011 AND TERMINATE FEBRUARY 1,  
2012 FOR AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND  
(\$75,000) DOLLARS.**

**WHEREAS**, the City of Hoboken currently has outstanding bankruptcy litigation relating to In re Tarragon Development Corporation (Docket Number 09-10555(DHS)), In re Monroe Center, LLC (Docket Number 08-27203(DHS)), In re Monroe Center II Urban Renewal Company, LLC (Docket Number 08-32556(DHS)), In re Monroe Center Management (Docket Number 08-27104(DHS)), and 1200 Grand Condominium Association v. 1200 Grand Street Urban Renewal, LLC d/b/a/ Tarragon (Docket Numbers HUD-L-4213-08 and 09-1465(DHS)) for which Joel Glucksman, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken from the commencement; and,

**WHEREAS**, the City of Hoboken currently has outstanding environmental issues relating to the Hoboken Cove Matter for which John Scagnelli, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken's legal interests from the commencement; and,

**WHEREAS**, the City of Hoboken currently has outstanding employment litigation relating to "Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-754" for which Ramon Rivera, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken's legal interests from the commencement; and,

**WHEREAS**, the above referenced bankruptcy litigation will require the skilled expertise of an experienced bankruptcy attorney to represent the City of Hoboken's interests, which skilled expertise and experience Joel Glucksman has demonstrated throughout his representation; and,

**WHEREAS**, the above referenced environmental legal issues will require the skilled expertise of an experienced environmental attorney to represent the City of Hoboken's interests, which skilled expertise and experience John Scagnelli has demonstrated throughout his representation; and,

**WHEREAS**, the above referenced employment litigation will require the skilled expertise of an experienced employment attorney to represent the City of Hoboken's interests, which skilled expertise and experience Ramon Rivera has demonstrated throughout his representation; and,

**WHEREAS**, Joel Glucksman, Esq. has intricate knowledge of the legal issues relating to the above referenced litigations due to his continued representation of the City's interests regarding said litigation; and

**WHEREAS**, John Scagnelli, Esq. has intricate knowledge of the legal aspects the above referenced environmental issues due to his continued representation of the City's interests regarding said issues; and

**WHEREAS**, Ramon Rivera, Esq. has intricate knowledge of the legal aspects the above referenced environmental issues due to his continued representation of the City's interests regarding said issues; and

**WHEREAS**, this special expertise and knowledge, as well as the emergent need for continuous expert legal representation, provide a basis for waiving the competitive negotiation provisions of

Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

**WHEREAS**, Scarinci & Hollenbeck, LLC is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken) and the affirmative action contract compliance requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.; and,

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

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

**NOW THEREFORE, BE IT RESOLVED** (*a majority of the whole Council concurring*) that a professional services contract be authorized, for a fixed period from February 2, 2011 until February 1, 2012, in an amount not to exceed Seventy-Five Thousand (\$75,000.00) Dollars with the firm of Scarinci & Hollenbeck, LLC, for the services of:

1. Joel Glucksman, Esq. to serve as Special Counsel for bankruptcy litigation for the City of Hoboken for: In re Tarragon Development Corporation (Docket Number 09-10555(DHS)), In re Monroe Center, LLC (Docket Number 08-27203(DHS)), In re Monroe Center II Urban Renewal Company, LLC (Docket Number 08-32556(DHS)), In re Monroe Center Management (Docket Number 08-27104(DHS)), and 1200 Grand Condominium Association v. 1200 Grand Street Urban Renewal, LLC d/b/a/ Tarragon (Docket Numbers HUD-L-4213-08 and 09-1465(DHS)).
2. John Scagnelli, Esq. to serve as Special Counsel for environmental issues for the City of Hoboken relating to the Hoboken Cove Matter; and,
3. Ramon Rivera, Esq. to serve as Special Counsel for employment litigation for “Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-754”.

**BE IT FURTHER RESOLVED** that this firm shall be paid a maximum hourly rate of \$150.00 per hour for attorneys based on actual time and expenses; and,

**BE IT FURTHER RESOLVED** that in the matter “Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-754” there shall be a not to exceed amount of Five Thousand (\$5000.00) dollars and the total not to exceed amount for all services billed by Scarinci & Hollenbeck, LLC, including the employment matter listed above, shall be Seventy Five Thousand (\$75,000.00) dollars; and,

**BE IT FURTHER RESOLVED** that this contract shall commence immediately and expire on January 4, 2012, which term shall be renewable upon necessity subject to availability of funds and approval of the term extension by the City Council, pursuant to N.J.S.A. 40A:11-1 et seq.; and

**BE IT FURTHER RESOLVED** that the City Council specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), is waived for the following reasons: (1) failure to maintain continuous legal counsel will jeopardize the City’s legal position; and, (2) the firm of Scarinci & Hollenbeck, LLC offers the City special expertise and substantive knowledge relating to the legal issues underlying the above referenced litigation and environmental issues; and

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

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

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

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and terminate on February 1, 2012.

**Meeting Date: March 2, 2011**

**Approved:**

**Approved as to Form:**

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**Arch Liston**  
**Business Administrator**

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**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 \$75,000.00 is available in the following appropriations:

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

**SCARINCI & HOLLENBECK, LLC FOR THE SERVICES OF JOHN  
SCAGNELLI, ESQ AS SPECIAL COUNSEL FOR ENVIRONMENTAL  
LITIGATION AND JOEL GLUCKSMAN, ESQ. AS SPECIAL COUNSEL FOR  
BANKRUPTCY LITIGATION FOR A ONE YEAR PERIOD TO COMMENCE  
FEBRUARY 2, 2011 AND TERMINATE FEBRUARY 1, 2012.**

For payment to be submitted to the following contractor:

Scarinci & Hollenbeck, LLC  
1100 Valley Brook Avenue  
PO BOX 790  
Lyndhurst, New Jersey 07071-0790

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. \_\_\_\_\_**

**THIS RESOLUTION AWARDS A CONTRACT TO 4WARD PLANNING, LLC  
FOR CONSULTANT SERVICES FOR A MARKETING ANALYSIS OF THE  
WESTERN EDGE REDEVELOPMENT AREA**

**WHEREAS**, proposals were received on Friday, January 7, 2011 in response to the City's RFP for consultant services for a marketing analysis of the western edge redevelopment area; and,

**WHEREAS**, six (6) proposals were received, these being:

<u>VENDOR</u>	<u>PROPOSED NTE AMOUNT</u>
BBP, LLC 111 Annapolis Street Annapolis, MD 21401	\$64,586.00
Delta Development Group 2000 Technology Parkway Mechanicsburg, PA 17050	\$57,500.00
Real Estate Solutions Group 66 Witherspoon Street Princeton, NJ 08540	\$105,000.00
Urban Partners 829 Spruce Street Philadelphia, PA 19107	\$59,799.00
RKG Associates, Inc. 300 Montgomery Street Alexandria, VA 22314	\$69,300.00
4Ward Planning, LLC 100 Park Avenue New York, NY 10017	\$25,700.00

**WHEREAS**, the lowest proposal amount was received from 4Ward Planning, LLC which submission was a responsible and responsive to all the RFP requirements; and,

**WHEREAS**, as a result, the Purchasing Agent recommends that a contract be awarded to 4Ward Planning, LLC for consulting services for a marketing analysis of the western edge redevelopment area, in accordance with 4Ward Planning, LLC's proposal and the scope of work detailed in the City's RFP.

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

- A. This resolution approves a contract with 4Ward Planning, LLC for consulting services for a marketing analysis of the western edge redevelopment area, pursuant to the RFP and 4Ward Planning, LLC's proposal, for an amount not to exceed Twenty Five Thousand Seven Hundred Dollars (\$25,700.00) and a period not to exceed one (1) year from the

date of execution of the contract; and,

- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract and any other steps necessary to effectuate this resolution.
- C. This resolution shall take effect immediately upon passage. The Clerk shall publish and post this resolution according to law and local ordinance.

Meeting of: March 2, 2011

**APPROVED:**

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Arch Liston  
Business Administrator

**APPROVED AS TO FORM:**

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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 \$25,700 is available in the following appropriations:

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

Consulting Services for a Marketing Analysis of  
the Western Edge Redevelopment Area

As awarded to the following vendor:

4Ward Planning, LLC  
100 Park Avenue  
New York, NY 10017

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 APPOINTMENT OF MARAZITI FALCON &  
HEALEY LLP AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT  
FOR THE PERIOD TO COMMENCE ON JANUARY 2, 2011 AND EXPIRE ON  
DECEMBER 31, 2011**

**WHEREAS**, the City released an RFP for Special Legal Counsel – Redevelopment, with a submission date of February 1, 2011, which Maraziti Falcon & Healey, LLP responded to; and,

**WHEREAS**, the Professional Service Review Committee evaluated all submissions for the RFP for Special Legal Counsel – Redevelopment, and Maraziti Falcon & Healey, LLP's evaluation score ranked the firm as one of the top two firms; and,

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

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

**WHEREAS**, funds are available for this purpose upon adoption of the CY 2011 budget.

**NOW THEREFORE, BE IT RESOLVED** that the professional services contract be authorized with Maraziti Falcon & Healey LLP for services as Special Legal Counsel – Redevelopment to the City of Hoboken from January 1, 2011 through December 31, 2011 in an amount not to exceed Seventy One Thousand (\$71,000) Dollars; and

**BE IT FURTHER RESOLVED** that McManimon & Scotland, LLC shall be paid an hourly rate of \$190.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbursement agreements, in which case the blended rate of \$225.00 per hour for attorneys shall apply; and

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; 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 January 1, 2011 and terminate on December 31, 2011; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

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

Reviewed:

Approved as to form:

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

**Date of Meeting:** March 2, 2011

**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 \$71,000.00 is available in the following appropriations:

Redevelopment Budget Account  
Department of Community Service

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

MARAZITI FALCON & HEALEY LLP AS SPECIAL LEGAL COUNSEL –  
REDEVELOPMENT

For payment to be submitted to the following contractor:

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

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 APPOINTMENT OF MCMANIMON &  
SCOTLAND, LLC AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT  
FOR THE PERIOD TO COMMENCE ON JANUARY 2, 2011 AND EXPIRE  
ON DECEMBER 31, 2011**

**WHEREAS**, the City released an RFP for Special Legal Counsel – Redevelopment, with a submission date of February 1, 2011, which McManimon & Scotland, LLC responded to; and,

**WHEREAS**, the Professional Service Review Committee evaluated all submissions for the RFP for Special Legal Counsel – Redevelopment, and McManimon & Scotland, LLC’s evaluation score ranked the firm as one of the top two firms; and,

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

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

**WHEREAS**, funds are available for this purpose upon adoption of the CY 2011 budget.

**NOW THEREFORE, BE IT RESOLVED** that the professional services contract be authorized with McManimon & Scotland, LLC for services as Special Legal Counsel – Redevelopment to the City of Hoboken from January 1, 2011 through December 31, 2011 in an amount not to exceed Seventy One Thousand (\$71,000) Dollars; and

**BE IT FURTHER RESOLVED** that McManimon & Scotland, LLC shall be paid an hourly rate of \$190.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbusement agreements, in which case the blended rate of \$225.00 per hour for attorneys shall apply; and

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; 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 January 1, 2011 and terminate on December 31, 2011; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

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

Reviewed:

Approved as to form:

\_\_\_\_\_  
Arch Liston  
Business Administrator

\_\_\_\_\_  
Mark A. Tabakin, Esq.  
Corporation Counsel

**Date of Meeting:** March 2, 2011

**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 \$71,000.00 is available in the following appropriations:

Redevelopment Budget Account  
Department of Community Service

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

MCMANIMON & SCOTLAND, LLC AS  
SPECIAL LEGAL COUNSEL – REDEVELOPMENT

For payment to be submitted to the following contractor:

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

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: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO. : \_\_\_\_\_**

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

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

**WHEREAS**, Wallace Roberts and Todd, LLC is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken) prior to the City entering into any binding contract for said services; and,

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

**WHEREAS**, the City Council appointed Wallace Roberts and Todd, LLC at the February 16, 2011 meeting, with the contract execution being subject to appropriations becoming available; and,

**WHEREAS**, funds have been temporarily appropriated by the City Council for said services, and budgeted for by the Administration; and,

**NOW THEREFORE, BE IT RESOLVED** that the City Council hereby appoints Wallace Roberts and Todd, LLC as the professional redevelopment planner for the redevelopment plans at Hoboken Terminal and Rail Yards for a one (1) year period from the date of execution in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00); and,

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the Mayor to execute a contract for the above term and not to exceed amount, according to the terms and conditions of the Request for Qualifications and Wallace Roberts and Todd, LLC’s proposal; 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 this resolution shall take effect immediately.

**Meeting Date: March 2, 2011**

**Approved:**

\_\_\_\_\_  
**Arch Liston  
Business Administrator**

**Approved as to Form:**

\_\_\_\_\_  
**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 \$150,000 is available in the following appropriations:

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

**PROFESSIONAL PLANNER FOR THE REDEVELOPMENT AT HOBOKEN  
TERMINAL AND RAIL YARDS**

and awarded to the following vendor:

Wallace Roberts & Todd, LLC  
1700 Market Street  
28th Floor  
Philadelphia, PA 19103

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: \_\_\_\_\_

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 **\$ 9,362.36**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Bayonne Community Bank 591 Avenue C Bayonne, NJ 07002	16/39/	60 Madison st	3/10	\$ 4,166.53
Natali, Renee 1201 Willow Ave #3F HOBOKEN, NJ 07030	174/1/C003F	1201 Willow Ave	1/09	\$ 1,713.04
207 Second St LLC 600 Palisade Ave Suite 202 Union City, NJ 07087	177/18/	207 Second St	4/10	\$ 3,482.79

Meeting: March 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 February 2, 2011 have been reviewed and approved as to legal form and content.

\_\_\_\_\_  
**Approved as to form:**

**Meeting Date: March 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**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Seventh Street	South	Beginning at a point 35 feet west of the westerly curblineline of Clinton Street and extending for 32 feet westerly therefrom
Clinton Street	East	Beginning at a point 35 feet south of the southerly curblineline 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: March 2, 2011

Sponsored by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**City of Hoboken**  
**Ordinance No.:**\_\_\_\_\_

**AN AMENDED ORDINANCE AMENDING CHAPTER 168 OF THE CODE OF THE CITY OF HOBOKEN DELETING ARTICLES II AND V IN THEIR ENTIRETY AND REPLACING THEM WITH A NEW ARTICLE II ENTITLED "SIDEWALK CAFES"**

**WHEREAS**, the language, rules and regulations of Articles II and V of Chapter 168 of the current Municipal Code of the City of Hoboken lack sufficient detail and have become outdated for the licensing and governance of operations of the city's sidewalk cafes; and

**WHEREAS**, it is in the best interest of the City to update the Municipal Code to reflect modern issues and conditions; and

**WHEREAS**, the City wishes to ensure the quality of life of its residents, and promote a positive environment for economic development that services both residents and businesses alike.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

**SECTION ONE: DELETION**

The current ARTICLE II entitled "Sidewalk Cafes" and ARTICLE V entitled "Limited Sidewalk Cafes" of Chapter 168 of the Municipal Code of the City of Hoboken are hereby deleted in their entirety.

**SECTION TWO: ADDITION**

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

**ARTICLE II**  
**Sidewalk Cafes**

**§168-29. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

BAR -- A place of business whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

NIGHTCLUB -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

RESTAURANT -- Any establishment primarily for the serving of food and drink and offering tables and chairs for the use of dining patrons, where the tables and chairs utilize more than 50% of the customer service area.

RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A class one restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.

RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFÉ -- Partitioned sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than 50% of the customer service area.

### **§168-30. Projection Into Streets.**

- A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken.
- B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.
- C. Where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk café.
- D. Sidewalk cafes shall only be permitted in front of an operating restaurant that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior

nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

- E. Sidewalk cafes shall not be permitted in front of bars, nightclubs, taverns, pubs or retail food establishments as defined herein.

#### **§168-31. General Requirements.**

- A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location on the door or a window of the primary business which faces onto the sidewalk.
- B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way.
- C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.
- D. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.
- E. The sidewalk café shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of eight (8) feet from the sidewalk to the bottom of the awning/umbrella.
- F. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.
- G. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by variance.
- H. Commercial wall mounted electric heating units are permitted provided that all Uniform Construction Code and Electrical Subcode requirements for installation are met and a Certificate of Approval has been issued by the Construction Code Official. Heating units must be mounted not less than eight (8) feet above sidewalk grade and shall not project more than twelve (12) inches from the façade. Heating units must be mounted in such a way that they may be removed when not in use. Operating controls must be located within the interior of the restaurant or in a secure location not accessible to the general public.
- I. Musical instruments, outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.
- J. Smoking shall not be permitted within a sidewalk café.

- K. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.
- L. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.
- M. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.
- N. Food service shall be available during all times in which the sidewalk café is open for business.
- O. Restaurants which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.
- P. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.
- Q. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.
- R. The number of patrons served in the sidewalk café shall be limited to the maximum number indicated on the sidewalk café license. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper.
- S. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.
- T. Class II restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

**§168-32. Terms of License, Dates and Hours of Operation.**

- A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.
- B. Any and all licenses issued pursuant to this article shall permit sidewalk café operations beginning on the Wednesday after the first Saturday in March and terminating on the second Monday in December of each year.

- C. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m.
- D. Hours of operation for Sunday, on weekends of a three-day federal holiday shall be the same as Saturday. Applicable holidays are: Memorial Day, Independence Day when falling on a Monday, Labor Day, Columbus Day, and Veterans Day when falling on a Monday.

**§168-33. Application and Fees.**

- A. Applicants for a sidewalk café shall submit the following documents;
  - 1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.
  - 2. A copy of the restaurant's certificate of liability insurance.
  - 3. A letter of consent from the property owner stating that the restaurant and its operator, by name, are permitted to operate a sidewalk café in front of their property.
  - 4. A letter from the City of Hoboken Health Department confirming that the applicant restaurant is in good standing.
  - 5. A letter from the City of Hoboken ABC Board confirming that the applicant restaurant, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.
  - 6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.
    - a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.
    - b. All tables, chairs and accessory equipment must also be shown.
  - 7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added or removed since its last licensing, or in front of a building that has been significantly altered since the last licensing.
- B. Any person submitting an application for a sidewalk café shall pay an application fee of fifty (\$50) dollars.
- C. Upon approval, any successful applicant for a sidewalk café shall pay an annual license fee, with no proration for a partial year, as provided below:

Base fee, all cafes: \$300

Cafes with 13 or more seats:           +\$25/seat over 12

**§168-34. Insurance Required.**

- A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million (\$1,000,000) dollars, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.
- B. Laps in insurance coverage will result in the immediate suspension of the café license.
- C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

**§168-35. Enforcement.**

- A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.
- B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not less than \$150 nor more than \$500. If the violation(s) is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. The City of Hoboken, through its duly authorized agent, may revoke the license of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within ten (10) days of said citation.
- D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.
- E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the Planning Board or Zoning Board of Adjustment. Such request for hearing shall be in writing and delivered to the Planning Board, attn. Board Secretary, 94 Washington Street, Hoboken, New Jersey, 07030.
- F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

**SECTION THREE: AMENDMENTS**

The following section of Chapter 196, entitled "Zoning" the Municipal Code of the City of Hoboken, is hereby amended to conform with the new language in Chapter 168; deletions shall be noted by strikethrough and additions shall be noted by underline:

**§196-6. Definitions.**

BAR -- A place of business duly licensed by the Alcoholic Beverages Control Board whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment. ~~for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, whether or not food service is also provided.~~ **[Amended 10-19-1994 by Ord. No. R-84]**

NIGHTCLUB -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

RESTAURANT – Any establishment primarily for the serving of food and drink and offering tables and chairs for the use of dining patrons, where the tables and chairs utilize more than 50% of the customer service area. A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use. **[Amended 10-19-1994 by Ord. No. R-84]**

RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A class one restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.

RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK CAFE – Partitioned sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space. Use of the sidewalk beyond the building line for chairs, tables and other space dividers to permit the serving of food and drink for consumption by the patrons of the restaurant fronting on the expanse of sidewalk to be used for this purpose. Facilities shall be fully enclosed by a transparent or translucent temporary structure and shall, in all respects, conform to all applicable city and state regulations, as well as standards set forth elsewhere in this chapter. **[Added 5-19-1982 by Ord. No. C212; amended 6-21-1989 by Ord. No. P-58]**

SIDEWALK CAFE, ENCLOSED -- An enclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter. **[Added 6-21-1989 by Ord. No. P-58]**

~~SIDEWALK CAFE, LIMITED -- The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space, which space is unenclosed and does not have walls, and subject to the conditions set forth in Article V of Chapter 168. [Added 4-5-1995 by Ord. No. R-119]~~

~~SIDEWALK CAFE, OPEN -- An unenclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter. [Added 6-21-1989 by Ord. No. P-58]~~

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than 50% of the customer service area.

### **§196-38. Standards for particular use.**

- Q. Sidewalk café. The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space shall be subject to the following conditions:
- (1) ~~Conformity with the Building Code and all applicable state and local Health Department standards.~~ the rules and regulation set forth in Chapter 168, Article II of the Code of the City of Hoboken.
  - (2) ~~A renewable annual contract between the restaurant management and the Mayor and Council of the City of Hoboken setting forth the annual fee to the city, the hours and conditions of operation and such circumstances as will void renewal of the annual contract.~~ Qualification and retention of a renewable annual license administered by the Zoning Officer.
  - (3) ~~No more than half the sidewalk or six (6) feet, whichever is less, shall be utilized for sidewalk cafes. In no case shall less than four (4) feet of sidewalk be available for pedestrian traffic.~~
  - (4)(3) Site plan review and approval by the Planning Board or Zoning Board of Adjustment shall be required when the standards of compliance set forth in Chapter 168, Article II are not met. When all conditions of Chapter 168, Article II are met the use shall be considered accessory and no site plan review shall be necessary.

### **SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS**

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

### **SECTION FIVE: SEVERABILITY**

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

**SECTION SIX: EFFECTIVE DATE**

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

**SECTION SEVEN: CODIFICATION**

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

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

Date of Introduction: March 2, 2011

ADOPTED:

APPROVED:

\_\_\_\_\_  
James J. Farina, City Clerk

\_\_\_\_\_  
Dawn Zimmer, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark A. Tabakin  
Corporation Counsel

**CITY OF HOBOKEN**  
**Department of Community Development**

**DAWN ZIMMER**  
Mayor



**BRANDY FORBES**  
Director

***MEMORANDUM***

DATE: February 24, 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: Hoboken Cove Acceptance of Deed

We have received the deed offer from Toll Brothers for the Hoboken Cove parcel that they own. Per the developer's agreement for that development, they were required to turn over the parcel they own for the Hoboken Cove Park. In order for us to move forward on the environmental remediation and subsequent construction of the Hoboken Cove Park, we needed to either have Toll Brothers deed the property to us or enter into an access agreement. Toll Brothers felt that deeding over the property was the most logical and expeditious way to proceed. The City's legal representation agreed.

The City's environmental attorney reviewed the DEP's no further action on the property and the deed itself. Everything is in order and ready for introduction of the ordinance to accept the deed at next Wednesday's City Council meeting. All of the City Council members on the Quality of Life Subcommittee, as well as the City Council President, were briefed on this issue and the general consensus is move forward with this item on the March 2, 2011 agenda. The acceptance of this deed is much more straightforward than the one we had for Maxwell Place Waterfront Park where inspections, pier structures and other items were a condition of acceptance. In this case, per the developer's agreement, the improvements and maintenance are the responsibility of the City. Thus, there are no improvements to be inspected or other conditions necessary. Although there is a small portion of the site that is along the waterfront, the County is responsible per the Weehawken Cove Walkway project to reconstruct the bulkhead and riprap.

Please feel free to contact me if you have any questions regarding this agenda item.

Sponsored By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

**CITY OF HOBOKEN**  
**Ordinance No.: \_\_\_\_\_**

**AN ORDINANCE ACCEPTING A DEED FROM HOBOKEN COVE, LLC**  
**FOR A PORTION OF BLOCK 269.4 LOT 1 (HEREINAFTER REFERRED TO**  
**AS "HOBOKEN COVE PARK PARCEL") AS SHOWN ON A MAP FILED**  
**IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 3972**  
**ON AUGUST 11, 2005**

**WHEREAS**, the City of Hoboken is a municipal entity organized under the laws of the State of New Jersey; and

**WHEREAS**, Hoboken Cove, LLC is a New Jersey Limited Liability Company that is the sponsor of a condominium project commonly known as Hoboken Cove, located at 1500 Hudson Street within the City of Hoboken; and

**WHEREAS**, the City is the owner of certain land designated as a portion of Block 267, Lot 1 on the City of Hoboken Tax Maps (the "City's Property") (see attached Exhibit B); and

**WHEREAS**, Hoboken Cove, LLC is the successor in interest to BDLJ Associates, LLC, which received site plan approval of a planned unit development (the "PUD") for Hoboken Cove ("Development Project") by resolutions adopted by the Planning Board of the City of Hoboken (the "Planning Board") on July 17, 1997, February 1, 2000 and March 7, 2000 (the "Prior Approval"); and

**WHEREAS**, on March 2, 2004, Planning Board approval of an application (the "Amended Site Plan Application") to amend the Prior Approval in order to expand the PUD to, among other things, allow the construction of an additional (i) 410 residential units (for a total of 1,278 residential units); (ii) 1,103 square feet of retail floor area (for a total of 70,048 square feet of retail floor area); and (iii) 349 parking spaces (for a total of 1,447 parking spaces), all as more particularly shown on the plans entitled "Amended Preliminary Site Plans and Amended Major Subdivision Plan for Hoboken Cove, City of Hoboken, Hudson County, New Jersey", prepared by Paulus Sokolowski and Sartor, LLC, dated February 7, 1997, last revised October 23, 2003, and consisting of Sheets C-1 through C-18, SP1 through SP13, A1 through A3, and LA1 through LA9 (the "Submitted Plans"); and

**WHEREAS**, the Amended Site Plan Application provides for a public park (the "Park") to be situated on the City's Property and a portion of the Developer's Property (the "Developer's Park Parcel") (see attached Exhibit G Schedule A); and

**WHEREAS**, the proposed improvements of the Park are depicted on the Submitted Plans; and

**WHEREAS**, in conjunction with the aforementioned Planning Board approvals and Resolutions, BDLJ Associates, LLC entered into a Developer's Agreement ("Agreement") with the City of Hoboken, dated July 2004 to which Hoboken Cove, LLC is the successor in title and interest, setting forth in general the rights, duties and obligations of the parties in connection with the Development Project, which Agreement set forth conditions under which certain property known as the Developer's Park Parcel is to be partially developed and fully conveyed to the City of Hoboken; and

**WHEREAS**, per the Agreement a portion of the Developer's Park Parcel (the "15<sup>th</sup> Street Park") (see attached Exhibit E-1) to be developed by the Developer was developed and deeded to the City of Hoboken on June 25, 2008 and filed on July 1, 2008 with the office of the Hudson County Register; and

**WHEREAS**, the balance of the Developer's Park Parcel to be deeded to the City of Hoboken is to be conveyed to the City of Hoboken (the "Dedicated Parcel") to be developed by the City of Hoboken as a public park; and

**WHEREAS**, Hoboken Cove, LLC has represented that it is prepared to transfer the Dedicated Parcel it to the City of Hoboken pursuant to its obligations under the Agreement; and

**WHEREAS**, the City of Hoboken desires to express its willingness and ability to accept the Dedicated Parcel, , consistent with the terms of the Resolutions and the Developer's Agreement; and

**WHEREAS**, this action is authorized pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.

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

1. The City of Hoboken hereby accepts fee title to the Dedicated Parcel, defined in the metes and bounds description as part of the Deed of Dedication from Hoboken Cove, LLC (**Attached hereto as Exhibit One**).
2. The Mayor and City Clerk are hereby authorized to accept the appropriate Deed of Dedication conveying the Dedicated Parcel and arrange for the recording of the Deed in the Office of the Hudson County Registrar.
3. The Mayor and City Clerk and all other appropriate employees and professionals of the City of Hoboken are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.
4. 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 intention that all 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.

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

6. This Ordinance shall take effect upon passage and publication as provided by law, except to the extent that an emergency is declared and the Ordinance is made effective immediately, pursuant to N.J.S.A. 40:69A-181(b).

7. This Ordinance, along with the Deed of conveyance approved hereby shall be recorded in the Office of the Hudson County Registrar upon the satisfaction of the conditions set forth herein, and shall be maintained in the Office of the Hoboken City Clerk.

**Date of Introduction: March 2, 2011**

**ADOPTED:**

\_\_\_\_\_  
**James J. Farina, City Clerk**

**APPROVED:**

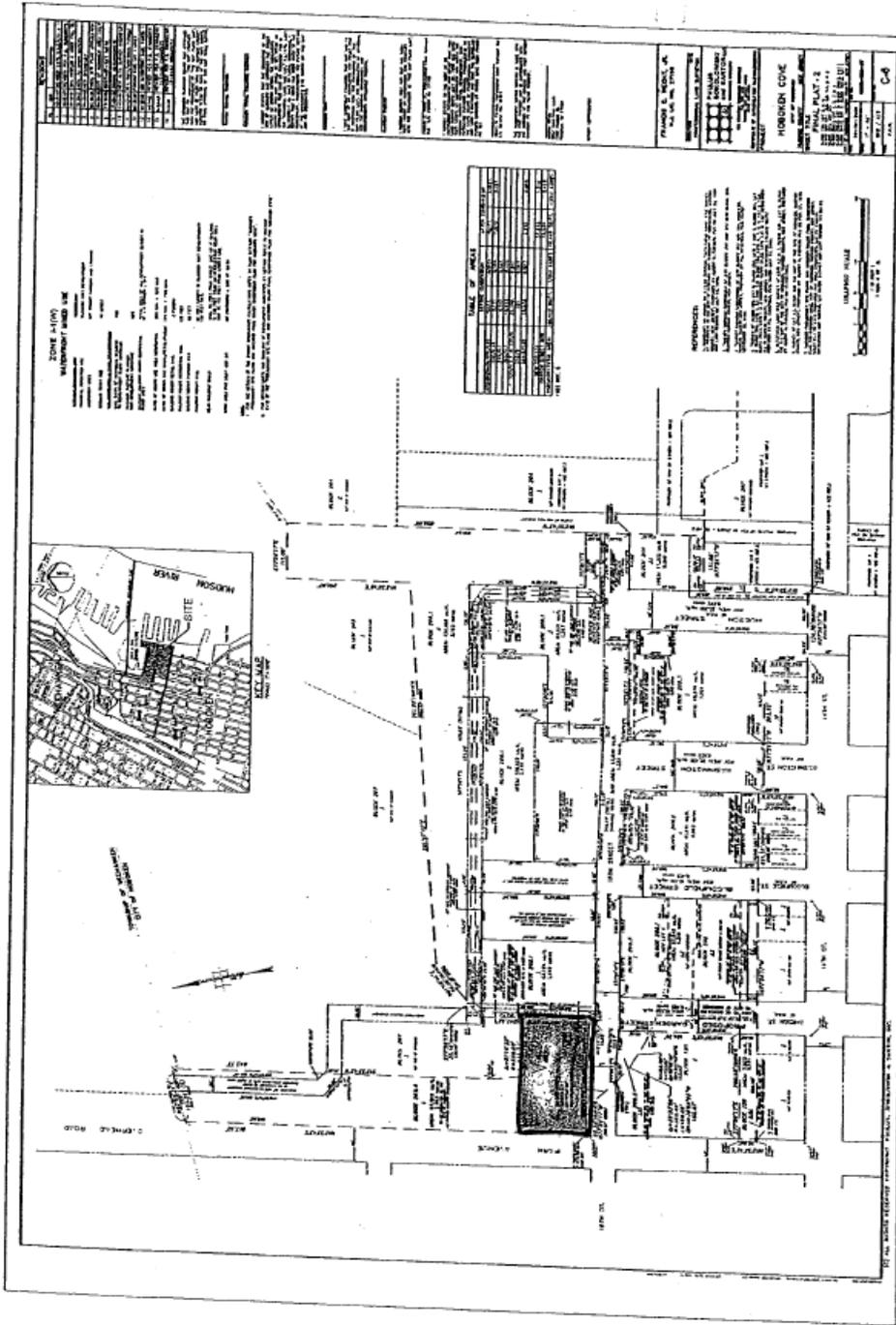
\_\_\_\_\_  
**Dawn Zimmer, Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Mark A. Tabakin, Corporation Counsel**







Law Offices

500 Campus Drive  
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www.drinkerbiddle.com

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February 15, 2011

**VIA FEDERAL EXPRESS**

John Scagnelli, Esq.  
Scarinci & Hollenbeck LLC  
1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst NJ 07071-0790

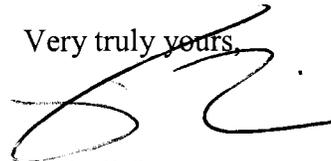
**Re: Toll/Hoboken Cove**

Dear Mr. Scagnelli:

I received a copy of your letter to my colleague Sean Monaghan, dated February 11, 2011, enclosing a form of deed for the transfer of the northern portion of the Hoboken Cove park. As you may know, there is a Developer's Agreement dated July, 2004 that governs the dedication of the park, which I have enclosed for your convenience. Section 5 of the Developer's Agreement specifies that the dedication of the park to the City shall be by deed in the form attached as Exhibit G to the Agreement. In furtherance of the foregoing, enclosed is an execution copy of the deed for the park in conformance with the Developer's Agreement.

If you have any questions or comments, or if you need anything further, please do not hesitate to contact me. I look forward to hearing from you shortly. Thank you for your attention to this matter.

Very truly yours,



Andy S. Norin

ASN/kwd

Enclosure

cc: Mr. Benjamin Jogodnik (via e-mail)  
Mr. Thomas Mulvey (via e-mail)  
Sean Monaghan, Esq. (via e-mail)  
Glenn S. Pantel, Esq. (via e-mail)

Edward A. Granigian, Jr.  
Partner responsible for  
Florham Park Office

Established 1849

RECORD AND RETURN TO:  
John M. Scagnelli, Esq.  
Scarinci & Hollenbeck, LLC  
1100 Valley Brook Avenue  
Lyndhurst, New Jersey 70071-0790

Prepared by:

\_\_\_\_\_  
Andy S. Norin, Esq.

### **DEED OF DEDICATION**

This Deed is made as of February \_\_\_\_\_, 2011 between:

**HOBOKEN COVE, LLC** a New Jersey limited liability company having an address c/o City Living by Toll Brothers, Inc., 1125 Hudson Street, Hoboken, New Jersey 07030, referred to herein as the "Grantor," and

**THE CITY OF HOBOKEN**, having an address at Newark and Washington Streets, Hoboken, New Jersey 07030, referred to herein as the "Grantee."

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (the "Property") described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00).

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) City of Hoboken, County of Hudson: a portion of Block 269.4, Lot 1.

**Property.** The property consists of land in the City of Hoboken, County of Hudson and State of New Jersey. The legal description is:

SEE **SCHEDULE A** ANNEXED HERETO AND MADE A PART HEREOF.

**Promises by Grantor.** The Grantor promises that, except for (i) easements, covenants, restrictions, and other matters of record; (ii) such state of facts as would be disclosed by a survey or inspection of the Property; and (iii) any encumbrances created or requested in connection with the development approvals for the Property (collectively, the "Encumbrances"), the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that, except for the Encumbrances, the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Restrictive Covenants.** By the acceptance and recording of this Deed, Grantee agrees that the Property shall, in perpetuity, be subject to the covenants attached hereto as **SCHEDULE B**, which covenants shall run with the land for the benefit of the property described on **SCHEDULE C** attached hereto (the "Benefited Property").

**Signatures.** This Deed is executed by Grantor as of the date at the top of the first page.

HOBOKEN COVE LLC, Grantor

By: Hoboken Land LP, a New Jersey limited partnership, its  
sole member

By: Toll Land Corp. No. 10, a Delaware corporation, its  
general partner

By: \_\_\_\_\_

Name:

Title:

STATE OF NEW JERSEY )  
 ) SS.:  
COUNTY OF )

Be it remembered that on this \_\_\_ day of February, 2011, Benjamin Jogodnik personally appeared before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person executed the attached document as \_\_\_\_\_ of Toll Land Corp. No. 10, general partner of Hoboken, Land LP, the sole member of HOBOKEN COVE LLC, the Grantor named in this document;

(b) this document was signed and made by the Grantor as its duly authorized and voluntary act and deed; and

(c) the full and actual consideration paid, or to be paid for the rights evidenced by this Agreement, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c) is \$1.00.

---

Notary Public/Attorney at Law of the  
State of New Jersey

**SCHEDULE A**  
**THE PROPERTY**

All that tract or parcel of land and premises, situated, lying and being in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

A portion of that certain lot designated as Block 269.4, Lot 1 on a subdivision map entitled, "Final Plat – 2 Block 126, Lot 5 & 6; Block 255 Lot 4.1, 4.2, 6.1 7 & 8; Block 264, Lot 3.1; Block 268.1, Lot 1, 2, 3 & 4; Block 269.2, Lot 1; Block 269.3, Lot 1; Block 269.4, Lot 1; Block 269.5, Lot 1 City of Hoboken Hudson County New Jersey Major", prepared by Paulus Sokolowski and Sartor LLC, dated September 6, 2000, revised through June 21, 2004, and filed on August 11, 2004 with the office of the Hudson County Register as Plat No. 3972.

A metes and bounds description is attached hereto and made a part hereof.



January 27, 2011

Job No. 207095440005

**DESCRIPTION OF PROPERTY  
TO BE DEDICATED TO THE  
CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY  
PORTION OF LOT 1 BLOCK 269.4  
SITUATED IN  
CITY OF HOBOKEN, HUDSON COUNTY, NEW JERSEY**

Being within a portion of Lot 1, Block 269.4. Said Lot and Block numbers as shown on a map entitled "Hoboken Cove, Final Plat - 2, Block 126 Lot 5 & 6, Block 255 Lot 4.1, 4.2, 6.1, 7 & 8, Block 264 Lot 3.1, Block 268.1 Lot 1, 2, 3 & 4, Block 269.2 Lot 1, Block 269.3 Lot 1, 269.4 Lot 1, Block 269.5 Lot 1 City of Hoboken, Hudson County, New Jersey" prepared by Paulus, Sokolowski & Sartor, LLC, and filed in the Hudson County Register's Office on August 11, 2005 as Filed Map No. 3972.

Portion of Lot 1, Block 269.4 being more particularly described as follows:

**BEGINNING** at a point along the Easterly line of Park Avenue, (65' R.O.W.). Said point being North 12 degrees 33 minutes 43 seconds East, a distance of 196.62 feet measured along the said Easterly line of Park Avenue from a point formed by the intersection of the said Easterly line of Park Avenue with the Northerly line of 15<sup>th</sup> Street, (variable width); thence running

1. North 12 degrees 33 minutes 43 seconds East, a distance of 610.90 feet along the said Easterly line of Park Avenue to a point in the Municipal line between the Township of Weehawken and the City of Hoboken; thence;
2. North 87 degrees 52 minutes 31 second East, a distance of 103.38 feet along the said Municipal line to a point in the same; thence
3. South 12 degrees 33 minutes 43 seconds West, a distance of 637.11 feet to a point; thence;
4. North 77 degrees 26 minutes 17 second West, a distance of 100.00 feet to the point and place of **BEGINNING**.

Containing: 62,400 Square Feet = 1.43 acres

The above described is subject to the rights and restrictions of easements, if any, being within and/or crossing the same bounds as described above.

Prepared by:

**BIRDSALL SERVICES GROUP, INC.**

Frank J. Barlowski  
Professional Land Surveyor  
NJ License No. 39735

**SCHEDULE B**  
**RESTRICTIVE COVENANTS**

Grantee shall comply with all terms of that certain Developer's Agreement between Grantor's predecessor, BDLJ Associates, L.L.C., and Grantee dated July 14, 2004 (the "Developer's Agreement") and shall, without limitation as to the foregoing, promptly and diligently construct the public park improvements required by the Developer's Agreement.

The Property shall, at all times, be in compliance with the terms of any Green Acres Grant received by Grantee, and shall, in perpetuity, be used and operated by Grantee only as a public park (the "Park") for the purposes of providing (a) public pedestrian access to the Weehawken Cove waterfront, (b) passive recreation opportunities for the public, including strolling, jogging and gathering, and (c) active recreation opportunities for the public in designated areas; provided, however, that Grantee may close the Park situated on the Property for limited periods as necessary to perform any repairs or maintenance. Grantee agrees that it shall maintain the Property in a manner consistent with (i) the use thereof as a public park, and (ii) the quality and standards of maintenance implemented by Grantor, its successors and/or assigns, on the portions of the Benefited Property developed for residential or open space use. If, at any time, Grantee fails to maintain the Property pursuant to the terms of the preceding sentence, then Grantor, its successors and/or assigns, shall have the right to maintain the Property on Grantee's behalf, at Grantee's sole cost and expense; provided that Grantor, its successors and/or assigns, first provides written notice to Grantee of Grantee's failure to maintain the Property, and Grantee does not remedy such failure within thirty (30) days of such notice. Public access to the Property shall be regulated by the Grantee in accordance with the rules and regulations set forth below (the "Regulations"), which Regulations may be amended from time to time by Grantee, subject to the approval of Grantor, its successors and/or assigns, which such approval shall not be unreasonably withheld or delayed. The use of the Property shall be subject to all applicable ordinances of the City of Hoboken, including, without limitation, Hoboken City Code, Sections 58-18 through 58-23, and Hoboken City Code, Section 89-5; and all applicable laws of the State of New Jersey.

Grantee agrees and acknowledges that (I) its above covenant to use the Property only as a public park is a material inducement to Grantor's conveyance of the Property to Grantee, (II) the use of the Property as a public park is an integral element of the development of the Benefited Property, and (III) Grantor, its successors and/or assigns, shall have available to it all rights at law and equity in the event of a breach of this covenant, including without limitation, the rights to obtain specific performance of this covenant and damages.

**RULES AND REGULATIONS**

1. INJURY TO PROPERTY

No person shall mark, deface, tamper or remove any benches, seating, fountain, railing, pavings, signs or other property within the Property. No person

shall climb any monument, tree, fountain, railing, fence or any other property not customarily used for such purpose.

2. DAMAGE TO VEGETATION

No person shall cut, carve, transplant or remove any tree or other vegetation, dig or otherwise disturb grass areas or in any other way injure or impair the natural beauty of the Property.

3. REFUSE

All refuse and trash shall be placed in trash and recycling receptacles. No person shall bring in or deposit any bottles, broken glass, paper boxes or any other refuse or trash.

4. USE OF BICYCLES AND SKATES

Bicycles, foot scooters, skateboards, in-line skates, carts or sleds shall be used in a careful and cautious manner and with due regard for other park users.

5. PETS

Pets shall be under the control of their owners at all times. Any feces deposited by a visitor's pet shall be removed and wrapped in plastic and placed in trash receptacles.

6. ALCOHOLIC BEVERAGES

No person shall bring alcoholic beverages onto the Property, nor shall any person drink alcoholic beverages or be under the influence of alcoholic beverages at any time while within the Property.

7. FIRECRACKERS

No person shall bring in or set off any firecracker or other explosive or throw them into or over the Property.

8. USE OF SEATING

No person shall sleep within the Property or protractedly lounge on the seats or benches located within the Property.

9. DISORDERLY CONDUCT

No person shall engage in loud, boisterous, threatening or abusive language, engage in any disorderly conduct or disturb or interfere unreasonably with any other person's use of the Property. No person shall engage in any conduct within the Property, which is prohibited in public parks.

10. MUSIC

No person shall play radios or loud music at any time within the Property.

11. MERCHANDISING

No person shall offer any article or thing for sale or station or place any stand or cart within the Property or on the sidewalk or streets adjacent to the Property without first obtaining any necessary permits from the City of Hoboken.

12. SIGNS

No person shall post placards or advertisements anywhere within the Property or on the sidewalks or streets adjacent to the Property without first obtaining any necessary permits from the City of Hoboken.

13. HOURS OF OPERATION

The Property shall be open daily from 6:00 a.m. through 10:00 p.m., except that during the period commencing the first day of June and ending the 30<sup>th</sup> day of September, the Property shall be open daily from 6:00 a.m. through 11:00 p.m. Without limitation with regard to the foregoing, there shall be no lighted court play, or any other recreational activity, on the Property after dusk. Persons may traverse the Property after hours as a normal means of access to and from adjoining buildings.

**SCHEDULE C**  
**THE BENEFITED PROPERTY**

All that tract or parcel of land and premises, situated, lying and being in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

Those lots designated as Block 255, New Lot 4.03; Block 269.2, Lot 1; Block 269.3, Lot 1; Block 264, Lot 3.1; Block 268.1, Lots 1, 2, 3 and 4; and the portion of Block 269.4, Lot 1 not included in the Property dedicated pursuant to this Deed, on a subdivision map entitled, "Final Plat – 2 Block 126, Lot 5 & 6; Block 255 Lot 4.1, 4.2, 6.1 & 8; Block 264, Lot 3.1; Block 268.1, Lot 1, 2, 3 & 4; Block 269.2, Lot 1; Block 269.3, Lot 1; Block 269.4, Lot 1; Block 269.5, Lot 1 City of Hoboken Hudson County New Jersey Major", prepared by Paulus Sokolowski and Sartor LLC, dated September 6, 2000, revised through June 21, 2004, and filed on August 11, 2004 with the office of the Hudson County Register as Plat No. 3972.

## DEVELOPER'S AGREEMENT

This Developer's Agreement (this "Agreement") is made as of this \_\_\_\_ day of July, 2004, between BDLJ Associates, L.L.C. having an address at 1500 Hudson Street, Hoboken, New Jersey, 07030 Attention: Thomas Mulvey (the "Developer"), and the City of Hoboken, having an address at Newark and Washington Streets, Hoboken, New Jersey 07030, Attention: Fred M. Bado, Director of Community Development (the "City").

## PRELIMINARY STATEMENT

WHEREAS, the Developer is the affiliate and development agent of the ownership of certain land designated on the City of Hoboken Tax Maps as Block 126, Lots 5 and 6; Block 255, Lots 4.1, 4.2, 6.1, 7 and 8; Block 264, Lot 3.1; Block 268.1, Lots 1, 2, 3, and 4; Block 269.2, Lot 1; Block 269.3, Lot 1; Block 269.4, Lot 1; and Block 269.5, Lot 1, and shown as the shaded area on **Exhibit A** attached hereto (the "Developer's Property");

WHEREAS, the City is the owner of certain land designated as a portion of Block 267, Lot 1 on the City of Hoboken Tax Maps and shown as the shaded area on **Exhibit B** attached hereto (the "City's Property");

WHEREAS, the City of Hoboken Planning Board (the "Planning Board") granted site plan approval to the Developer to construct a planned unit development (the "PUD") on a portion of the Developer's Property pursuant to Resolutions adopted July 17, 1997, February 1, 2000 and March 7, 2000 (the "Prior Approval");

WHEREAS, on March 2, 2004, the Developer obtained Planning Board approval of an application (the "Amended Site Plan Application") to amend the Prior Approval in order to expand the PUD to, among other things, allow the construction of an additional (i) 410 residential units (for a total of 1,278 residential units); (ii) 1,103 square feet of retail floor area (for a total of 70,048 square feet of retail floor area); and (iii) 349 parking spaces (for a total of 1,447 parking spaces), all as more particularly shown on the plans entitled "Amended Preliminary Site Plans and Amended Major Subdivision Plan for Hoboken Cove, City of Hoboken, Hudson County, New Jersey", prepared by Paulus Sokolowski and Sartor, LLC, dated February 7, 1997, last revised October 23, 2003, and consisting of Sheets C-1 through C-18, SP1 through SP13, A1 through A3, and LA1 through LA9 (the "Submitted Plans");

WHEREAS, the Amended Site Plan Application provides for a public park (the "Park") to be situated on the City's Property and a portion of the Developer's Property (the "Developer's Park Parcel") shown as the area cross hatched on **Exhibit C** attached hereto;

WHEREAS, the proposed improvements of the Park (the "Park Improvements") are depicted on the Submitted Plans, the applicable portion of which is listed in **Exhibit D** attached hereto; and

WHEREAS, the City and the Developer have agreed to construct and fund the Park Improvements in substantial accordance with the Submitted Plans and pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the foregoing premises, the promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Developer Cost and Construction Obligations. (a) The Developer shall construct, at its sole cost and expense, (i) the portion of the Park Improvements within the area referred to on sheets C-4, C-8, C-9, C-10, C-11 and LA-2 of the Submitted Plans as "Open Lawn/Free Play Area", and on sheet LA-1 of the Submitted Plans as "Play Area – Open Lawn/Free Play" (collectively, the "Southern Lawn"), which, for the purposes herein, shall include the area (A) north of the Southern Lawn extending to the northerly side of the walkway located north of the Southern Lawn and south of the pavilion, pre-teen play area and tot lot, as shown on the Submitted Plans; (B) east of the Southern Lawn extending to the easterly boundary of the City's Property; (C) south of the Southern Lawn extending to the curb line along 15<sup>th</sup> Street; and (D) west of the Southern Lawn extending to the curb line along Park Avenue, all as shown as the shaded area on Exhibit E-1 attached hereto, and (ii) install rip-rap at a 3:1 slope and make repairs to the bulkhead along the waterfront of Hoboken Cove as specified in Exhibit E-2 attached hereto (collectively, the "Developer's Park Improvements").

(b) In addition, subject to the terms of Section 1(d) of this Agreement, the Developer shall pay to the City an amount not to exceed One Million Dollars (\$1,000,000.00) (the "Developer's Contribution") to be applied toward the City Costs (as hereinafter defined in Section 2) and for no other purpose except as set forth in this Agreement. Not more than fifteen percent (15%) of the Developer's Contribution shall be applied toward the soft cost component of the City Costs, which shall consist of all consulting and professional fees expended by the City in connection with the construction of the City Improvements (as hereinafter defined in Section 2), including without limitation, engineering, design and legal fees ("Soft Costs").

(c) The Developer shall pay the Developer's Contribution to the City in installments, provided that:

(i) Prior to paying any individual installment for Soft Costs the Developer shall first receive a certification signed by the City's New Jersey licensed engineer (the "Soft Cost Certification"): (A) providing a detailed itemization of the cost, in an amount equal to the requested installment, incurred by the City for such Soft Costs, along with invoices for the services for which the installment is to be paid, and (B) verifying that the services for which the installment is to be paid have been completed: (I) in accordance with the terms of the contract for such services, and (II) in a professional and satisfactory manner; and

(ii) Prior to paying any individual installment for the balance of the City Costs, the Developer shall first receive from the City a certification (the

"City's Certification") signed by the City's New Jersey licensed engineer: (A) specifically identifying the completed portion of the City Improvements for which the installment is to be paid, (B) providing a detailed itemization of the cost, in an amount equal to the requested installment, incurred by the City for such completed City Improvements pursuant to the City Contract (as hereinafter defined in Section 2) (which contract shall provide for reasonable retainage which shall not be paid by the Developer until required to be paid by the City pursuant to the City Contract), and (C) verifying that the completed portion of the City Improvements have been completed in good and workmanlike manner and in compliance with: (I) all applicable building codes, (II) NJDEP Requirements (as hereinafter defined in Section 4(e)), and (III) the City Contract, including without limitation, the construction plans and specifications referenced therein; and provided further that the Developer also receives a certification from Developer's engineer or architect (the "Developer's Certification"), after the Developer's engineer or architect has reviewed the City's Certification and inspected the completed portion of the City Improvements for which the installment is to be paid, verifying that the completed portion of the City Improvements complies with the requirements of clause (C)(I) – (III) above.

The reasonable cost incurred by the City in obtaining the Soft Cost Certification and/or the City's Certification may be paid by the City from the Developer's Contribution received by it; and the reasonable costs incurred by the Developer in (i) obtaining the Developer's Certification, or (ii) in performing any other oversight of, or related to, the City's construction of the City Improvements, which the Developer, in its sole discretion, deems necessary, shall be paid by the Developer and shall not be credited against the Developer's Contribution. Payment of any installment of the Developer's Contribution shall be made within thirty (30) days of Developer's receipt of (i) the Soft Cost Certification required for such installment or (ii) the City's Certification, provided, however, that the City has not received notice from the Developer or Developer's architect or engineer objecting to such payment for reasons which would preclude issuance of the Developer's Certification.

(d) Notwithstanding anything to the contrary contained in this Agreement, the City shall have the right to draw upon the Developer's Contribution only until December 31, 2007.

2. City Cost and Construction Obligation. (b) The City shall, pursuant to a contract (the "City Contract"), which shall be with duly qualified contractors (any such contractor performing work pursuant to the City Contract is hereinafter referred to as a "City Contractor"), cause all Park Improvements to be constructed in substantial conformance with the Submitted Plans and in accordance with all applicable building codes and other legal requirements, excluding the Developer's Park Improvements to be constructed by the Developer pursuant to Section 1 of this Agreement (the "City Improvements"), provided, however, that the City may construct active recreation improvements requiring paved court areas within any portion of the Park except for the shaded area of the Park shown on Exhibit F attached hereto.

(b) The City shall pay all costs (the "City Costs") of the City Improvements, subject, however, to the Developer's Contribution required pursuant to Section 1 of this Agreement. Notwithstanding the foregoing, or any other terms of this Agreement, the first One Million Dollars (\$1,000,000.00) expended on the City Improvements by the City, whether from any approval or award of a monetary grant received by the City for the City Improvements, from other City funds, or from the Developer's Contribution, shall be utilized only for construction of the City Improvements shown on the Submitted Plans, provided, however that fifteen percent (15%) of said One Million Dollars (\$1,000,000.00) may be expended on Soft Costs associated with said City Improvements.

(c) The City's Contract shall include terms and bond requirements in accordance with all applicable laws and regulations of the State of New Jersey, including, without limitation, the Local Public Contracts Law, N.J.S.A. §40A:11-1, et seq.

3. City's Pre-Construction Obligations. (a) Prior to, and as a condition of, the Developer's construction of the Developer's Park Improvements, the City shall (i) complete environmental remediation of the City's Property in compliance with New Jersey Department of Environmental Protection ("NJDEP") requirements applicable to public use of the Park (the "Remediation"); (ii) obtain a Waterfront Development Permit from NJDEP (the "Waterfront Development Permit") for any Park Improvements and any Remediation, for which such permit is necessary; and (iii) obtain any other permits and approvals required by law to construct the City Improvements (the Waterfront Development Permit and any other permits and approvals required pursuant to this clause (iii) are hereinafter collectively referred to as the "City Permits").

(b) Notwithstanding anything to the contrary in this Agreement, the City shall complete the Remediation by December 31, 2005.

4. Reciprocal License. Subject to the terms of this Section 4: (I) the Developer hereby grants a license to the City to enter the Developer's Park Parcel and, to the extent reasonably necessary to construct the City Improvements, the Developer's Property, in order to construct the City Improvements; and (II) the City hereby grants a license to the Developer to enter the City's Property in order to construct the Developer's Park Improvements.

(a) Indemnification. (i) The City agrees to indemnify and hold Developer harmless from and against any and all loss, cost, damage, liability and expense (including, without limitation, reasonable attorneys' fees) for any damage to property, for injury to or death of any person arising from the exercise or performance of any of the City's rights or obligations pursuant to this Agreement, and for any failure to comply with all applicable legal requirements including, without limitation any claims arising from (A) construction, by or on behalf of the City, on Developer's Property, and (B) any failure to comply with NJDEP Requirements.

(ii) The Developer agrees to indemnify and hold the City harmless from and against any and all loss, cost, damage, liability and expense (including, without limitation, reasonable attorneys' fees) for any damage to property, for injury to or death of any person arising from the exercise or performance of any of Developer's rights or obligations pursuant to this Agreement, and for any failure to comply with all applicable legal requirements including, without

limitation, any claims arising from (A) construction, by or on behalf of the Developer, on the City's Property, and (B) any failure to comply with NJDEP Requirements.

(b) Insurance. (i) The City shall maintain comprehensive liability insurance against claims for bodily injury, death or property damage arising out of the exercise of any of its rights or the performance of any of its obligations pursuant to this Agreement, in a combined single limit amount of at least \$2,000,000.00. Said insurance (i) shall be provided by an insurer authorized to do business in the State of New Jersey, which is reasonably satisfactory to the Developer and which is rated A or better in A.M. Best's Key Rating Guide, (ii) shall name the Developer as an additional insured; and (iii) shall provide that forty-five (45) days prior written notice of suspension, cancellation, termination, modification, non-renewal or lapse or material change of coverage will be given to the Developer. The City shall provide to the Developer certificates of insurance evidencing said coverage on or before the commencement of construction pursuant to this Agreement.

(ii) The Developer shall maintain comprehensive liability insurance against claims for bodily injury, death or property damage arising out of the exercise of any of its rights or the performance of any of its obligations pursuant to this Agreement, in a combined single limit amount of at least \$2,000,000.00. Said insurance (i) shall be provided by an insurer authorized to do business in the State of New Jersey, which is reasonably satisfactory to the City and which is rated A or better in A.M. Best's Key Rating Guide, (ii) shall name the City as an additional insured; and (iii) shall provide that forty-five (45) days prior written notice of suspension, cancellation, termination, modification, non-renewal or lapse or material change of coverage will be given to the City. The Developer shall provide to the City certificates of insurance evidencing said coverage on or before the commencement of construction pursuant to this Agreement.

(c) Subrogation. (i) The City (x) waives and releases the Developer from any and all liabilities, claims and losses for which the Developer may be held liable to the extent of any insurance proceeds received by said injured party, and (y) agrees to have included in its insurance policies a waiver of the insurer's right of subrogation against the Developer. If such waiver is not enforceable or is unattainable, then such insurance policy shall contain either (i) an express agreement that such policy shall not be invalidated if the City waives the right of recovery against the Developer, or (ii) any other reasonable form for the release of Developer.

(ii) The Developer (x) waives and releases the City from any and all liabilities, claims and losses for which the City may be held liable to the extent of any insurance proceeds received by said injured party, and (y) agrees to have included in its insurance policies a waiver of the insurer's right of subrogation against the City. If such waiver is not enforceable or is unattainable, then such insurance policy shall contain either (i) an express agreement that such policy shall not be invalidated if the Developer waives the right of recovery against the City, or (ii) any other reasonable form for the release of the City.

(d) No Liens. (i) The City agrees to discharge or cause to be discharged, by posting a bond or taking such other steps as may be required by law, within ten (10) days after being filed, all mechanic's liens, claims, stop notices, lien claims, amended lien claims, notices of unpaid balance and right to file lien, amended notices of unpaid balance and right to file lien, and any other encumbrance under the Construction Lien Law, or any other applicable law, filed

against the Developer or Developer's Property in connection with any work or maintenance performed on Developer's Property by the City or any City Contractor, respectively, and to indemnify and hold Developer harmless from and against all liabilities, losses, claims, demands, costs and expenses (including reasonable attorneys' fees) and judgments occurring from or in connection with such work or maintenance.

(ii) The Developer agrees to discharge or cause to be discharged, by posting a bond or taking such other steps as may be required by law, within ten (10) days after being filed, all mechanic's liens, claims, stop notices, lien claims, amended lien claims, notices of unpaid balance and right to file lien, amended notices of unpaid balance and right to file lien, and any other encumbrance under the Construction Lien Law, or any other applicable law, filed against the City or the City's Property in connection with any work or maintenance performed on the City's Property by the Developer, and to indemnify and hold the City harmless from and against all liabilities, losses, claims, demands, costs and expenses (including reasonable attorneys' fees) and judgments occurring from or in connection with such work or maintenance.

(e) Standard of Care. (i) The City agrees to perform all work within the Developer's Property in a good and workmanlike manner, with a minimum of inconvenience to Developer and the occupants of Developer's Property, and a minimum of interference with the use and enjoyment of Developer's Property, and in accordance with all applicable legal requirements, including without limitation, compliance with all NJDEP requirements, including, without limitation, the requirements of that certain Deed Notice made by Developer and TSA Investments, LLC, dated September 19, 2000, and recorded in the Hudson County Register of Deeds on October 11, 2000 in Book 5697 at Page 281 (collectively, "NJDEP Requirements"). Except in the case of an emergency, the City shall provide Developer with five (5) days' prior notice of any entry upon Developer's Property in connection with the exercise of any rights, or performance of any obligations, pursuant to this Agreement. The City shall promptly repair any damage or disturbance caused by it, or any City Contractor, to Developer's Property or any improvements thereon, at its sole cost and expense. Promptly after completing any work, the City shall, at the City's sole cost and expense, (I) remove any equipment and debris from Developer's Property, (II) replace, reseed, regrade or repave all portions of Developer's Property that were disturbed by the City, and (III) restore Developer's Property to its condition immediately prior to performing such work. All work shall be undertaken and completed in a prompt manner and with all due diligence.

(ii) The Developer agrees to perform all work within the City's Property in a good and workmanlike manner, with a minimum of inconvenience to the City and the occupants of the City's Property, and a minimum of interference with the use and enjoyment of the City's Property, and in accordance with all applicable legal requirements, including, without limitation, any requirements of the NJDEP. Except in the case of an emergency, the Developer shall provide the City with five (5) days' prior notice of any entry upon the City's Property in connection with their exercise of any rights, or the performance of any obligations, pursuant to this Agreement. The Developer shall promptly repair any damage or disturbance caused by it to the City's Property or any improvements thereon, at their respective sole cost and expense. Promptly after completing any work, the Developer shall, at the Developer's sole cost and expense, (I) remove any equipment and debris from the City's Property, (II) replace, reseed, regrade or repave all portions of the City's Property that were disturbed by the Developer, and (III) restore the City's Property to its condition

immediately prior to performing such work. All work shall be undertaken and completed in a prompt manner and with all due diligence.

5. Dedication and Maintenance. Upon the City entering into the City Contract following procurement of the City Permits, (i) the Developer shall dedicate and convey the Developer's Park Parcel to the City by a deed in the form attached hereto as Exhibit G; and (ii) the City shall simultaneously execute and record in the land records of the County, a declaration of restrictive covenants encumbering the City's Property in the form attached hereto as Exhibit H. Thereafter, the entirety of the Park, including the Developer's Park Parcel, shall be owned and maintained by the City, as a public park, in conformance with the terms of such deed and declaration and at the City's sole cost and expense. All of the City's obligations set forth in this Agreement with respect to construction of the Park, including construction of the City Improvements, shall survive conveyance of the Developer's Park Parcel to the City and upon such conveyance the City shall promptly and diligently pursue the completion of the City's Improvements in accordance with the terms of this Agreement.

6. Design Work. The City acknowledges the acceptability of the Submitted Plans and agrees that the Developer shall have no obligation to perform, or pay for the costs of, any further design of the Park or Park Improvements, except that up to fifteen percent (15%) of the Developer's Contribution may be applied toward Soft Costs as set forth in Section 1(b) of this Agreement.

7. Default. If the City defaults on any obligation contained in this Agreement, without limiting any of the Developer's other rights or remedies contained in this Agreement, or at law or in equity, the Developer shall have the right to terminate this Agreement upon written notice to the City.

8. Original Developer's Agreement. This Agreement shall be deemed to have amended that certain Developers Agreement and General Development Plan among the City, the Planning Board and the Developer, dated December 3, 1997 (the "Original Developer's Agreement"). This Agreement confirms that the City has abandoned any prior roadway improvement plans that the City previously had for the Developer's Park Parcel or the City's Property, including, without limitation, the roadway improvements referred to in Article II, paragraph 6 of the Original Developer's Agreement. The City has instead opted to develop the City's Property and the Developer's Park Parcel as a public park in accordance with the terms of this Agreement. The Developer is, thus, relieved of any requirement to contribute financially to the construction of, or to dedicate any portion of Developer's Property for, such roadway improvements. To the extent of any inconsistency between this Agreement and the Original Developer's Agreement, the terms of this Agreement shall control.

9. Entire Agreement. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof. No subsequent amendments, revisions, or waivers of this Agreement shall be binding, unless in writing signed by the party against whom enforcement is sought.

10. Successors and Assigns. All the terms, covenants, and conditions herein contained shall be binding upon, and shall inure to the benefit of, the respective parties hereto and their successors and assigns.

11. Notices. All notices and communications hereunder shall be in writing, given by personal delivery, delivery by reputable overnight delivery service (such as Federal Express), by hand delivery, or by certified mail, return receipt requested, postage prepaid, addressed to the addresses of the parties set forth above and, in the case of notice to Developer, with a copy provided in like manner to Glenn Pantel, Esq., Drinker Biddle & Reath LLP, 500 Campus Drive, Florham Park, New Jersey 07932. A party may change the address for notices to be given to it, by providing notice to the other party of such address change. All notices shall be effective upon actual delivery (or upon refusal of a party to accept delivery).

12. Headings. All paragraph headings are for convenience of reference purposes only and shall not affect the meaning of the terms of this Agreement.

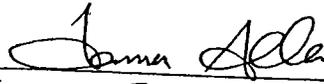
13. Governing Law. This Agreement shall be governed by the law of the State of New Jersey.

14. Validity. If any provision of this Agreement shall be deemed to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby.

15. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when taken together, shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the first date set forth above.

BDLJ ASSOCIATES, L.L.C.

By:   
Name: James Allen  
Title: Authorized Representative

CITY OF HOBOKEN

By:   
Name: David Roberts  
Title: Mayor

New York  
STATE OF NEW JERSEY  
New York  
COUNTY OF HUDSON

:  
: SS.  
:

Be it remembered that on this 9<sup>th</sup> day of June, 2004, James Allen personally appeared before me and acknowledged under oath, to my satisfaction, that:

(a) this person signed, sealed and delivered the attached document as Authorized Representative of BDLJ ASSOCIATES, LLC, a Delaware limited liability company, a party named in this document; and

(b) this document was signed and made by such party as its duly authorized and voluntary act and deed, and was made with all requisite authority.

Sharon Y. Vestal

SHARON Y. VESTAL  
Notary Public, State of New York  
No. 31-4845854  
Qualified in New York County  
Commission Expires May 5, 2006

STATE OF NEW JERSEY  
COUNTY OF HUDSON

:  
: SS.  
:

Be it remembered that on this 19<sup>th</sup> day of July, 2004, David Roberts personally appeared before me and acknowledged under oath, to my satisfaction, that:

(a) this person signed, sealed and delivered the attached document as Mayor, of the City of Hoboken, a party named in this document; and

(b) this document was signed and made by such party as its duly authorized and voluntary act and deed, and was made with all requisite authority.

[Signature]  
ATTORNEY AT LAW IN  
NEW JERSEY

**EXHIBIT A**  
**DEVELOPER'S PROPERTY**

NO.	REVISION
1	PRELIMINARY PLAN
2	REVISED PLAN
3	REVISED PLAN
4	REVISED PLAN
5	REVISED PLAN
6	REVISED PLAN
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48	REVISED PLAN
49	REVISED PLAN
50	REVISED PLAN

**ZONE M-1(W)**  
**WATERFRONT MEDIUM DENSITY RESIDENTIAL**

1. The purpose of this zoning is to provide for a medium density residential use of the waterfront area, which is compatible with the historic character of the area and the waterfront view.

2. The minimum lot area shall be 10,000 square feet.

3. The minimum front setback shall be 10 feet.

4. The maximum height shall be 40 feet.

5. The maximum floor area ratio shall be 0.5.

6. The maximum number of units shall be 10.

7. The maximum number of stories shall be 4.

8. The maximum number of parking spaces shall be 10.

9. The maximum number of cars shall be 10.

10. The maximum number of bicycles shall be 10.

11. The maximum number of motorcycles shall be 10.

12. The maximum number of boats shall be 10.

13. The maximum number of trailers shall be 10.

14. The maximum number of mobile homes shall be 10.

15. The maximum number of accessory structures shall be 10.

16. The maximum number of signs shall be 10.

17. The maximum number of billboards shall be 10.

18. The maximum number of advertisements shall be 10.

19. The maximum number of posters shall be 10.

20. The maximum number of notices shall be 10.

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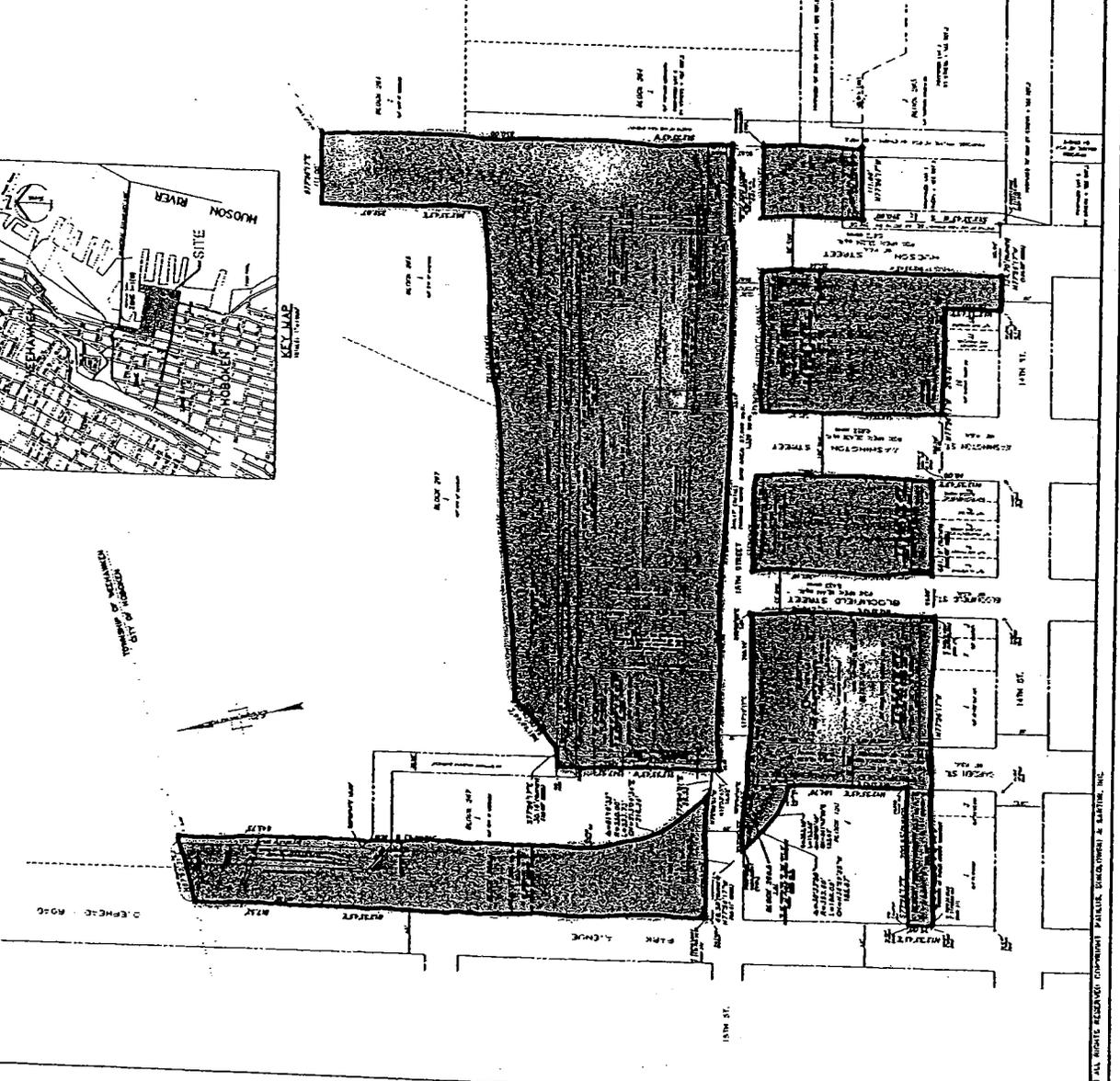
46. The maximum number of notices shall be 10.

47. The maximum number of notices shall be 10.

48. The maximum number of notices shall be 10.

49. The maximum number of notices shall be 10.

50. The maximum number of notices shall be 10.



**TABLE OF AREAS**

NO.	DESCRIPTION	AREA (SQ. FT.)
1	Building Footprint	10,000
2	Building Footprint	10,000
3	Building Footprint	10,000
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5	Building Footprint	10,000
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41	Building Footprint	10,000
42	Building Footprint	10,000
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46	Building Footprint	10,000
47	Building Footprint	10,000
48	Building Footprint	10,000
49	Building Footprint	10,000
50	Building Footprint	10,000

**REFERENCES:**

1. Hudson River Waterfront Development Study, 1980.

2. Hudson River Waterfront Development Study, 1985.

3. Hudson River Waterfront Development Study, 1990.

4. Hudson River Waterfront Development Study, 1995.

5. Hudson River Waterfront Development Study, 2000.

6. Hudson River Waterfront Development Study, 2005.

7. Hudson River Waterfront Development Study, 2010.

8. Hudson River Waterfront Development Study, 2015.

9. Hudson River Waterfront Development Study, 2020.

10. Hudson River Waterfront Development Study, 2025.



**EXHIBIT A**

© ALL RIGHTS RESERVED. DRAWINGS BY PARKER, SHAW, SMITH & BARTON, INC.

**EXHIBIT B**  
**CITY'S PROPERTY**



EXHIBIT C  
DEVELOPER'S PARK PARCEL



EXHIBIT D  
PARK IMPROVEMENTS

# **EXHIBIT D**

## **Park Improvements**

### **Civil Plans:**

- C-4 Zoning Compliance Plan
- C-5 100 Year Flood Elevation Map
- C-6 Final Plat -2
- C-7 Soil Erosion And Sediment Control Plan
- C-8 Site Plan
- C-9 Grading Plan
- C-10 Utility Plan
- C-11 Lighting Plan
- C-12 Section Plan
- C-13 Tax Map
- C-14 Post Development Drainage Areas Map
- C-15 Site Details
- C-16 Site Details
- C-17 Site Details

All of the above plans contain the revision date of 10-23-03

### **Landscape Plans**

- LA-1 Illustrative Landscape Plan,
- LA-2 Landscape Plan
- LA-4 Landscape Details – Park Plaza / Children’s Play Area and Landmark Plaza at Hudson Street
- LA-5 Landscape Details – Esplanade, LA-6 Landscape Details – Pavilions and Informational Panel
- LA-7 Landscape Details – Elements
- LA-9 Perspective Views of Park Plaza & Play Area

All of the above plans contain the date of 10-23-03

**EXHIBIT E-1**  
**DEVELOPER'S PARK IMPROVEMENTS**



**EXHIBIT E-2**  
**DEVELOPER'S PARK IMPROVEMENTS**  
(consisting of three (3) sheets)

**HOBOKEN COVE  
WATERFRONT WALKWAY EDGE TREATMENT  
IN BLOCK 269.4, LOT 1  
WITHIN THE CITY OF HOBOKEN**

**EXHIBIT E-2.a.**

The easterly edge of block 269.4, Lot 1 along the water's edge in the City of Hoboken as shown in Exhibit E-2.b, will be stabilized as described below and depicted in exhibit E-2.c.

The existing wooden soldier piles in block 269.4; Lot 1 will be inspected for their structural integrity, and then cut down to the Mean High Water (MHW) elevation (NGVD 1929 Datum) of approximately 2.8. The grade immediately west of the piles will be cut down to approximately four (4) feet below MHW and then sloped up at 3:1 for a horizontal distance of approximately 14 feet to an elevation of approximately five (5) feet. This sloped area will be stabilized as required, and then covered with a layer of geotextile fabric followed by a one (1) foot thick layer of two (2) inch bedding stone, then a three (3) foot layer of riprap.

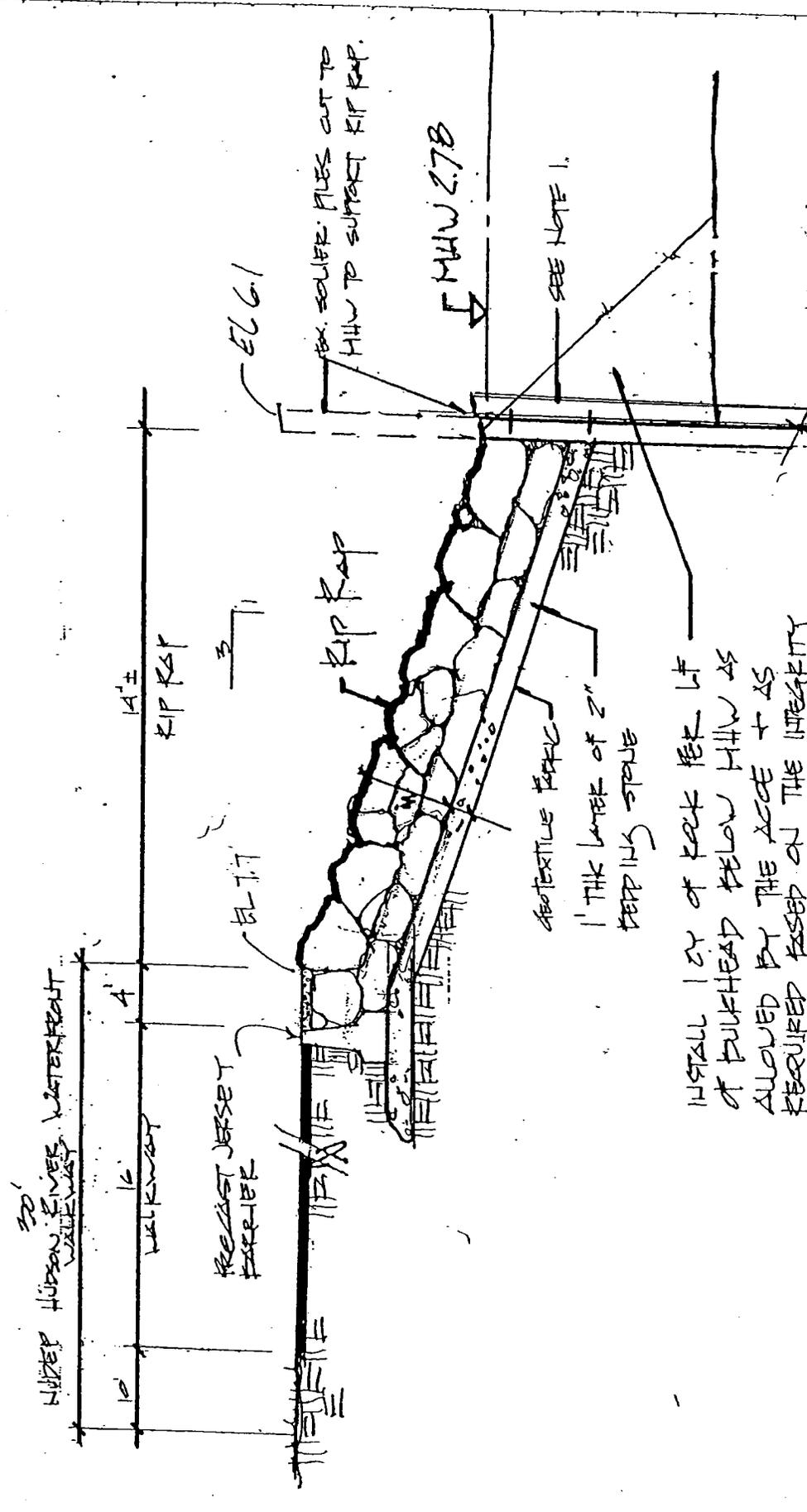
Based upon the structural integrity of the existing soldier piles up to one (1) cubic yard of riprap shall be placed per linear foot of bulkhead below the MHW line elevation as allowed by the Army Corp of Engineers (ACOE). If additional stabilization of the bulkhead is needed based on the integrity of the existing soldier piles, which shall be determined during construction, new piles will be driven directly in front of the existing piles and anchored to the existing piles below MHW line. All new piles will be cutoff at the MHW line.

Finally, a thirty (30) foot wide strip of land starting at the top of the riprap and running the length of the riprap (the waterfront walkway area) shall be leveled, proof rolled, and all soft areas shall be removed and replaced with suitable material.

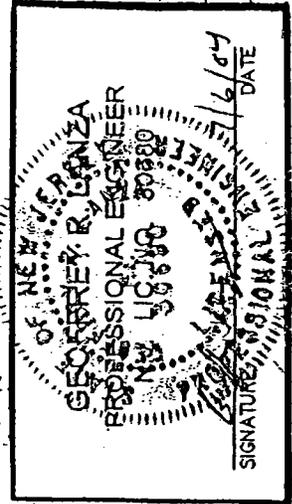


NOTES

1. AS REQUIRED, NEW SOLDER PILES SHALL BE INSTALLED IN FRONT OF EX. PILES + ANCHORS TO BULKHEAD.



INSTALL 1" THICK LAYER OF 2" BEDDING STONE BELOW MHW AS ALLOWED BY THE AGC + AS REQUIRED BASED ON THE INTEGRITY OF THE EXISTING SOLDER PILES.



SECTION - TYPICAL EDGE TREATMENT BULK 2094 LOT 1.

E-Z.C.

**EXHIBIT F**



**EXHIBIT G**  
**DEED OF DEDICATION**

RECORD AND RETURN TO:

[ ]

Prepared by:

\_\_\_\_\_  
Andy S. Norin, Esq.

**DEED**

This Deed is made as of \_\_\_\_\_, 200\_\_ between:

\_\_\_\_\_, a \_\_\_\_\_, having an address at 1500 Hudson Street, Hoboken, New Jersey, 07030, referred to herein as the "Grantor," and

**THE CITY OF HOBOKEN**, having an address at Newark and Washington Streets, Hoboken, New Jersey 07030, referred to herein as the "Grantee."

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (the "Property") described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00).

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) City of Hoboken, County of Hudson: a portion of Block 269.4, Lot 1.

**Property.** The property consists of land in the City of Hoboken, County of Hudson and State of New Jersey. The legal description is:

SEE SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF.

**Promises by Grantor.** The Grantor promises that, except for (i) easements, covenants, restrictions, and other matters of record; (ii) any matters disclosed by that certain survey of the Property entitled, [ ]; and (iii) any encumbrances created or requested by the development approvals for the Property (collectively, the "Encumbrances"), the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that, except for the Encumbrances, the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Restrictive Covenants.** By the acceptance and recording of this Deed, Grantee agrees that the Property shall, in perpetuity, be subject to the covenants attached hereto as SCHEDULE B, which covenants shall run with the land for the benefit of Grantor's property described on SCHEDULE C attached hereto ("Grantor's Property").

**Signatures.** This Deed is executed by Grantor as of the date at the top of the first page.

\_\_\_\_\_  
a \_\_\_\_\_

By: \_\_\_\_\_  
Name:  
Title:

STATE OF NEW JERSEY )  
 )  
COUNTY OF MIDDLESEX )

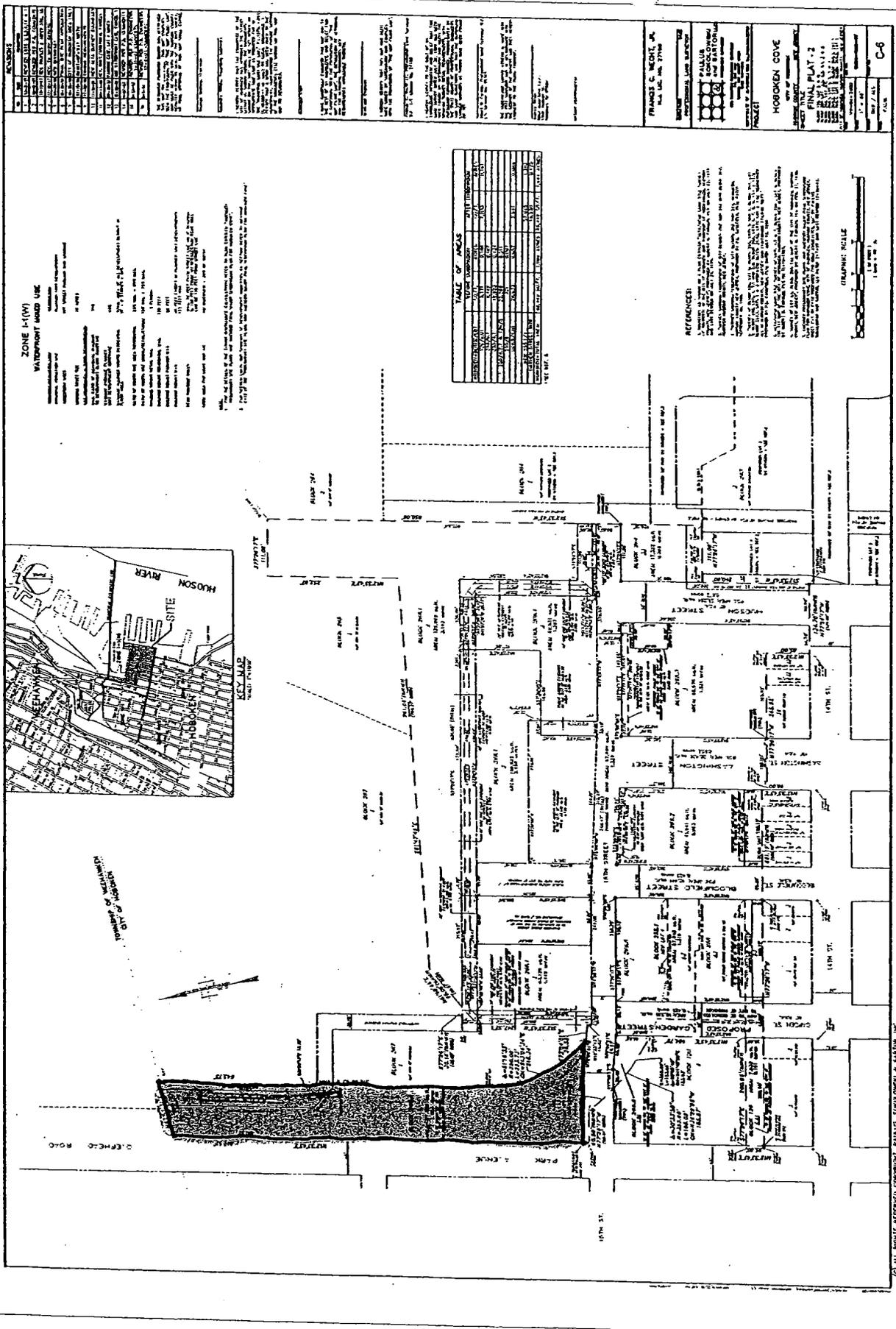
SS.:

Be it remembered that on \_\_\_\_\_, 200\_\_, \_\_\_\_\_  
personally appeared before me, and this person acknowledged under oath, to my satisfaction that:

- (a) this person is the \_\_\_\_\_ of \_\_\_\_\_, the Grantor named in the attached document;
- (b) this person signed and delivered the attached document on behalf of such Grantor, with the full authority to do so by virtue of all requisite corporate authority;
- (c) this document was signed and made by the Grantor as its duly authorized and voluntary act and deed; and
- (d) the monetary or other consideration (as such consideration is defined in N.J.S.A. 46:15-5), which was paid for the Deed and the transfer of title to the Property pursuant thereto was ONE DOLLAR (\$1.00).

\_\_\_\_\_  
Notary Public/Attorney at Law of the  
State of New Jersey

**SCHEDULE A**  
**THE PROPERTY**



**EXHIBIT G  
SCHEDULE A**

**PORTION OF BOLD PROPERTY TO BE PART OF (MARK)  
(PREP) DESCRIPTIONS TO BE PROVIDED)**

(C) ALL RIGHTS RESERVED. COPYRIGHT FRANKS, BURKHOLDER & MONT, INC.

**SCHEDULE B**  
**RESTRICTIVE COVENANTS**

Grantee shall comply with all terms of that certain Developer's Agreement between Grantor and Grantee dated \_\_\_\_\_, 2004 (the "Developer's Agreement") and shall, without limitation as to the foregoing, promptly and diligently construct on the Property the public park improvements required by the Developer's Agreement.

The Property shall, at all times, be in compliance with the terms of any Green Acres Grant received by Grantee, and shall, in perpetuity, be used and operated by Grantee only as a public park (the "Park") for the purposes of providing (a) public pedestrian access to the Weehawken Cove waterfront, (b) passive recreation opportunities for the public, including strolling, jogging and gathering, and (c) active recreation opportunities for the public in designated areas; provided, however, that Grantee may close the Park situated on the Property for limited periods as necessary to perform any repairs or maintenance. Grantee agrees that it shall maintain the Property in a manner consistent with (i) the use thereof as a public park, and (ii) the quality and standards of maintenance implemented by Grantor on the portions of Grantor's Property developed for residential or open space use. If, at any time, Grantee fails to maintain the Property pursuant to the terms of the preceding sentence, then Grantor shall have the right to maintain the Property on Grantee's behalf, at Grantee's sole cost and expense; provided that Grantor first provides written notice to Grantee of Grantee's failure to maintain the Property, and Grantee does not remedy such failure within thirty (30) days of Grantor's notice. Public access to the Property shall be regulated by the Grantee in accordance with the rules and regulations set forth below (the "Regulations"), which Regulations may be amended from time to time by Grantee, subject to the approval of Grantor, which such approval shall not be unreasonably withheld or delayed. The use of the Property shall be subject to all applicable ordinances of the City of Hoboken, including, without limitation, Hoboken City Code, Sections 58-18 through 58-23, and Hoboken City Code, Section 89-5; and all applicable laws of the State of New Jersey.

Grantee agrees and acknowledges that (I) its above covenant to use the Property only as a public park is a material inducement to Grantor's conveyance of the Property to Grantee, (II) the use of the Property as a public park is an integral element of Grantor's plans for the development of Grantor's adjoining property, and (III) Grantor shall have available to it all rights at law and equity in the event of a breach of this covenant, including without limitation, the rights to obtain specific performance of this covenant and damages.

**RULES AND REGULATIONS**

1. INJURY TO PROPERTY

No person shall mark, deface, tamper or remove any benches, seating, fountain, railing, pavings, signs or other property within the Property. No person shall climb any monument, tree, fountain, railing, fence or any other property not customarily used for such purpose.

2. DAMAGE TO VEGETATION

No person shall cut, carve, transplant or remove any tree or other vegetation, dig or otherwise disturb grass areas or in any other way injure or impair the natural beauty of the Property.

3. REFUSE

All refuse and trash shall be placed in trash and recycling receptacles. No person shall bring in or deposit any bottles, broken glass, paper boxes or any other refuse or trash.

4. USE OF BICYCLES AND SKATES

Bicycles, foot scooters, skateboards, in-line skates, carts or sleds shall be used in a careful and cautious manner and with due regard for other park users.

5. PETS

Pets shall be under the control of their owners at all times. Any feces deposited by a visitor's pet shall be removed and wrapped in plastic and placed in trash receptacles.

6. ALCOHOLIC BEVERAGES

No person shall bring alcoholic beverages onto the Property, nor shall any person drink alcoholic beverages or be under the influence of alcoholic beverages at any time while within the Property.

7. FIRECRACKERS

No person shall bring in or set off any firecracker or other explosive or throw them into or over the Property.

8. USE OF SEATING

No person shall sleep within the Property or protractedly lounge on the seats or benches located within the Property.

9. DISORDERLY CONDUCT

No person shall engage in loud, boisterous, threatening or abusive language, engage in any disorderly conduct or disturb or interfere unreasonably

with any other person's use of the Property. No person shall engage in any conduct within the Property, which is prohibited in public parks.

10. MUSIC

No person shall play radios or loud music at any time within the Property.

11. MERCHANDISING

No person shall offer any article or thing for sale or station or place any stand or cart within the Property or on the sidewalk or streets adjacent to the Property without first obtaining any necessary permits from the City of Hoboken.

12. SIGNS

No person shall post placards or advertisements anywhere within the Property or on the sidewalks or streets adjacent to the Property without first obtaining any necessary permits from the City of Hoboken.

13. HOURS OF OPERATION

The Property shall be open daily from 6:00 a.m. through 10:00 p.m., except that during the period commencing the first day of June and ending the 30<sup>th</sup> day of September, the Property shall be open daily from 6:00 a.m. through 11:00 p.m. Without limitation with regard to the foregoing, there shall be no lighted court play, or any other recreational activity, on the Property after dusk. Persons may traverse the Property after hours as a normal means of access to and from adjoining buildings.

SCHEDULE C  
GRANTOR'S PROPERTY

<p><b>REVISIONS</b></p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td>1</td><td>10/1/54</td><td>PRELIMINARY</td></tr> <tr><td>2</td><td>10/15/54</td><td>REVISED</td></tr> <tr><td>3</td><td>11/1/54</td><td>REVISED</td></tr> <tr><td>4</td><td>11/15/54</td><td>REVISED</td></tr> <tr><td>5</td><td>12/1/54</td><td>REVISED</td></tr> <tr><td>6</td><td>12/15/54</td><td>REVISED</td></tr> <tr><td>7</td><td>1/1/55</td><td>REVISED</td></tr> <tr><td>8</td><td>1/15/55</td><td>REVISED</td></tr> <tr><td>9</td><td>2/1/55</td><td>REVISED</td></tr> <tr><td>10</td><td>2/15/55</td><td>REVISED</td></tr> <tr><td>11</td><td>3/1/55</td><td>REVISED</td></tr> <tr><td>12</td><td>3/15/55</td><td>REVISED</td></tr> <tr><td>13</td><td>4/1/55</td><td>REVISED</td></tr> <tr><td>14</td><td>4/15/55</td><td>REVISED</td></tr> <tr><td>15</td><td>5/1/55</td><td>REVISED</td></tr> <tr><td>16</td><td>5/15/55</td><td>REVISED</td></tr> <tr><td>17</td><td>6/1/55</td><td>REVISED</td></tr> 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DATE	DESCRIPTION	1	10/1/54	PRELIMINARY	2	10/15/54	REVISED	3	11/1/54	REVISED	4	11/15/54	REVISED	5	12/1/54	REVISED	6	12/15/54	REVISED	7	1/1/55	REVISED	8	1/15/55	REVISED	9	2/1/55	REVISED	10	2/15/55	REVISED	11	3/1/55	REVISED	12	3/15/55	REVISED	13	4/1/55	REVISED	14	4/15/55	REVISED	15	5/1/55	REVISED	16	5/15/55	REVISED	17	6/1/55	REVISED	18	6/15/55	REVISED	19	7/1/55	REVISED	20	7/15/55	REVISED	21	8/1/55	REVISED	22	8/15/55	REVISED	23	9/1/55	REVISED	24	9/15/55	REVISED	25	10/1/55	REVISED	26	10/15/55	REVISED	27	11/1/55	REVISED	28	11/15/55	REVISED	29	12/1/55	REVISED	30	12/15/55	REVISED	31	1/1/56	REVISED	32	1/15/56	REVISED	33	2/1/56	REVISED	34	2/15/56	REVISED	35	3/1/56	REVISED	36	3/15/56	REVISED	37	4/1/56	REVISED	38	4/15/56	REVISED	39	5/1/56	REVISED	40	5/15/56	REVISED	41	6/1/56	REVISED	42	6/15/56	REVISED	43	7/1/56	REVISED	44	7/15/56	REVISED	45	8/1/56	REVISED	46	8/15/56	REVISED	47	9/1/56	REVISED	48	9/15/56	REVISED	49	10/1/56	REVISED	50	10/15/56	REVISED	51	11/1/56	REVISED	52	11/15/56	REVISED	53	12/1/56	REVISED	54	12/15/56	REVISED	55	1/1/57	REVISED	56	1/15/57	REVISED	57	2/1/57	REVISED	58	2/15/57	REVISED	59	3/1/57	REVISED	60	3/15/57	REVISED	61	4/1/57	REVISED	62	4/15/57	REVISED	63	5/1/57	REVISED	64	5/15/57	REVISED	65	6/1/57	REVISED	66	6/15/57	REVISED	67	7/1/57	REVISED	68	7/15/57	REVISED	69	8/1/57	REVISED	70	8/15/57	REVISED	71	9/1/57	REVISED	72	9/15/57	REVISED	73	10/1/57	REVISED	74	10/15/57	REVISED	75	11/1/57	REVISED	76	11/15/57	REVISED	77	12/1/57	REVISED	78	12/15/57	REVISED	79	1/1/58	REVISED	80	1/15/58	REVISED	81	2/1/58	REVISED	82	2/15/58	REVISED	83	3/1/58	REVISED	84	3/15/58	REVISED	85	4/1/58	REVISED	86	4/15/58	REVISED	87	5/1/58	REVISED	88	5/15/58	REVISED	89	6/1/58	REVISED	90	6/15/58	REVISED	91	7/1/58	REVISED	92	7/15/58	REVISED	93	8/1/58	REVISED	94	8/15/58	REVISED	95	9/1/58	REVISED	96	9/15/58	REVISED	97	10/1/58	REVISED	98	10/15/58	REVISED	99	11/1/58	REVISED	100	11/15/58	REVISED	101	12/1/58	REVISED	102	12/15/58	REVISED	103	1/1/59	REVISED	104	1/15/59	REVISED	105	2/1/59	REVISED	106	2/15/59	REVISED	107	3/1/59	REVISED	108	3/15/59	REVISED	109	4/1/59	REVISED	110	4/15/59	REVISED	111	5/1/59	REVISED	112	5/15/59	REVISED	113	6/1/59	REVISED	114	6/15/59	REVISED	115	7/1/59	REVISED	116	7/15/59	REVISED	117	8/1/59	REVISED	118	8/15/59	REVISED	119	9/1/59	REVISED	120	9/15/59	REVISED	121	10/1/59	REVISED	122	10/15/59	REVISED	123	11/1/59	REVISED	124	11/15/59	REVISED	125	12/1/59	REVISED	126	12/15/59	REVISED	127	1/1/60	REVISED	128	1/15/60	REVISED	129	2/1/60	REVISED	130	2/15/60	REVISED	131	3/1/60	REVISED	132	3/15/60	REVISED	133	4/1/60	REVISED	134	4/15/60	REVISED	135	5/1/60	REVISED	136	5/15/60	REVISED	137	6/1/60	REVISED	138	6/15/60	REVISED	139	7/1/60	REVISED	140	7/15/60	REVISED	141	8/1/60	REVISED	142	8/15/60	REVISED	143	9/1/60	REVISED	144	9/15/60	REVISED	145	10/1/60	REVISED	146	10/15/60	REVISED	147	11/1/60	REVISED	148	11/15/60	REVISED	149	12/1/60	REVISED	150	12/15/60	REVISED	151	1/1/61	REVISED	152	1/15/61	REVISED	153	2/1/61	REVISED	154	2/15/61	REVISED	155	3/1/61	REVISED	156	3/15/61	REVISED	157	4/1/61	REVISED	158	4/15/61	REVISED	159	5/1/61	REVISED	160	5/15/61	REVISED	161	6/1/61	REVISED	162	6/15/61	REVISED	163	7/1/61	REVISED	164	7/15/61	REVISED	165	8/1/61	REVISED	166	8/15/61	REVISED	167	9/1/61	REVISED	168	9/15/61	REVISED	169	10/1/61	REVISED	170	10/15/61	REVISED	171	11/1/61	REVISED	172	11/15/61	REVISED	173	12/1/61	REVISED	174	12/15/61	REVISED	175	1/1/62	REVISED	176	1/15/62	REVISED	177	2/1/62	REVISED	178	2/15/62	REVISED	179	3/1/62	REVISED	180	3/15/62	REVISED	181	4/1/62	REVISED	182	4/15/62	REVISED	183	5/1/62	REVISED	184	5/15/62	REVISED	185	6/1/62	REVISED	186	6/15/62	REVISED	187	7/1/62	REVISED	188	7/15/62	REVISED	189	8/1/62	REVISED	190	8/15/62	REVISED	191	9/1/62	REVISED	192	9/15/62	REVISED	193	10/1/62	REVISED	194	10/15/62	REVISED	195	11/1/62	REVISED	196	11/15/62	REVISED	197	12/1/62	REVISED	198	12/15/62	REVISED	199	1/1/63	REVISED	200	1/15/63	REVISED	201	2/1/63	REVISED	202	2/15/63	REVISED	203	3/1/63	REVISED	204	3/15/63	REVISED	205	4/1/63	REVISED	206	4/15/63	REVISED	207	5/1/63	REVISED	208	5/15/63	REVISED	209	6/1/63	REVISED	210	6/15/63	REVISED	211	7/1/63	REVISED	212	7/15/63	REVISED	213	8/1/63	REVISED	214	8/15/63	REVISED	215	9/1/63	REVISED	216	9/15/63	REVISED	217	10/1/63	REVISED	218	10/15/63	REVISED	219	11/1/63	REVISED	220	11/15/63	REVISED	221	12/1/63	REVISED	222	12/15/63	REVISED	223	1/1/64	REVISED	224	1/15/64	REVISED	225	2/1/64	REVISED	226	2/15/64	REVISED	227	3/1/64	REVISED	228	3/15/64	REVISED	229	4/1/64	REVISED	230	4/15/64	REVISED	231	5/1/64	REVISED	232	5/15/64	REVISED	233	6/1/64	REVISED	234	6/15/64	REVISED	235	7/1/64	REVISED	236	7/15/64	REVISED	237	8/1/64	REVISED	238	8/15/64	REVISED	239	9/1/64	REVISED	240	9/15/64	REVISED	241	10/1/64	REVISED	242	10/15/64	REVISED	243	11/1/64	REVISED	244	11/15/64	REVISED	245	12/1/64	REVISED	246	12/15/64	REVISED	247	1/1/65	REVISED	248	1/15/65	REVISED	249	2/1/65	REVISED	250	2/15/65	REVISED	251	3/1/65	REVISED	252	3/15/65	REVISED	253	4/1/65	REVISED	254	4/15/65	REVISED	255	5/1/65	REVISED	256	5/15/65	REVISED	257	6/1/65	REVISED	258	6/15/6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**EXHIBIT H**  
**DECLARATION OF RESTRICTIVE COVENANTS**

RECORD AND RETURN TO:

Prepared By:

**DECLARATION OF RESTRICTIVE COVENANTS**

This **DECLARATION OF RESTRICTIVE COVENANTS** (this "Declaration") is made as of this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City of Hoboken ("Declarant").

**WHEREAS**, Declarant is the owner of that certain real property located in the City of Hoboken, Hudson County, New Jersey, being known and designated as a portion of Block 267, Lot 1 on the City of Hoboken Tax Maps, and being more particularly described on **SCHEDULE A** annexed hereto and made a part hereof (hereinafter referred to as the "Park");

**WHEREAS**, \_\_\_\_\_ ("Grantor"), its successors and/or assigns, owns or controls that certain real property located in the City of Hoboken, Hudson County, New Jersey, being known and designated on the City of Hoboken Tax Maps as Block 126, Lots 5 and 6; Block 255, Lots 4.1, 4.2, 6.1, 7 and 8; Block 264, Lot 3.1; Block 268.1, Lots 1, 2, 3, and 4; Block 269.2, Lot 1; Block 269.3, Lot 1; Block 269.4, Lot 1; and Block 269.5, Lot 1, and being more particularly described on **SCHEDULE B** annexed hereto and made a part hereof ("Grantor's Property");

**WHEREAS**, Grantor, pursuant to that certain deed (the "Deed") from Grantor to Declarant, dated \_\_\_\_\_, \_\_\_\_\_, and recorded, or about to be recorded, in the office of the Hudson County Register, granted to Declarant a portion of Grantor's Property ("Grantor's Park Parcel") on which Declarant is to construct public park improvements in accordance with a certain Developer's Agreement between Grantor and Declarant dated \_\_\_\_\_, 2004 (the "Developer's Agreement") and which is to be operated and maintained by Declarant as a public park for time immemorial, pursuant to the terms of the Deed; and

**WHEREAS**, the Declarant desires to adopt the covenants contained in this Declaration, for the benefit of Grantor's Property, to govern the use, maintenance and operation of the Park as a public park in a manner that is uniform and consistent with the use maintenance and operation of Grantor's Park Parcel;

**NOW THEREFORE**, the Declarant declares that the Park is and shall be held, transferred, sold, conveyed and occupied subject to the following restrictive covenants.

I. Use/Purpose/Park Construction. Declarant shall comply with all terms of the Developer's Agreement and, without limitation as to the foregoing, shall promptly and diligently construct within the Park the public park improvements required by the Developer's Agreement.

The Park shall, at all times, be in compliance with the terms of any Green Acres Grant received by Declarant and shall, in perpetuity, be used and operated by Declarant only as a public park, for the purposes of providing (a) public pedestrian access to the Weehawken Cove waterfront, (b) passive recreation opportunities for the public, including strolling, jogging and gathering; and (c) active recreation opportunities in designated areas; provided, however, that the construction of active recreation improvements requiring paved court areas shall be prohibited. The Declarant may close the Park for limited periods as necessary to perform any repairs or maintenance.

II. Maintenance. Declarant agrees that it shall maintain the Property in a manner consistent with (a) the use thereof as a public park, and (b) the quality and standards of maintenance implemented by Grantor on the portions of Grantor's Property developed for residential or open space use. If, at any time, Declarant fails to maintain the Park pursuant to the terms of this Declaration, then Grantor shall have the right to maintain the Park on Declarant's behalf, at Declarant's sole cost and expense; provided that Grantor first provides written notice to Grantee of Grantee's failure to maintain the Park, and Grantee does not remedy such failure within thirty (30) days of Grantor's notice.

III. Improvements. Declarant shall not make any changes to the improvements within the Park without the prior written consent of the Grantor.

IV. Regulations. Public access to the Park shall be regulated by the Declarant in accordance with the rules and regulations set forth below (the "Regulations"), which Regulations may be amended from time to time by Declarant, subject to the approval of Grantor, which such approval shall not be unreasonably withheld or delayed. The use of the Park shall also be subject to all applicable ordinances of the City of Hoboken, including, without limitation, Hoboken City Code, Sections 58-18 through 58-23, and Hoboken City Code, Section 89-5; and all applicable laws of the State of New Jersey.

V. Inducement/Remedies. Declarant agrees and acknowledges that (i) its covenant contained in this Declaration to use the Park only as a public park is a material inducement to Grantor's conveyance of Grantor's Park Parcel to Grantee, (ii) the use of the Park as a public park is an integral element of Grantor's plans for the development of Grantor's Property, and (iii) Grantor shall have available to it all rights at law and equity in the event of a breach of this covenant, including, without limitation, the rights to obtain specific performance of this covenant and damages.

## REGULATIONS

### 1. INJURY TO PROPERTY

No person shall mark, deface, tamper or remove any benches, seating, fountain, railing, pavings, signs or other property within the Park. No person shall climb any monument, tree, fountain, railing, fence or any other property not customarily used for such purpose.

### 2. DAMAGE TO VEGETATION

No person shall cut, carve, transplant or remove any tree or other vegetation, dig or otherwise disturb grass areas or in any other way injure or impair the natural beauty of the Park.

3. REFUSE

All refuse and trash shall be placed in trash and recycling receptacles. No person shall bring in or deposit any bottles, broken glass, paper boxes or any other refuse or trash.

4. USE OF BICYCLES AND SKATES

Bicycles, foot scooters, skateboards, in-line skates, carts or sleds shall be used in a careful and cautious manner and with due regard for other park users..

5. PETS

Pets shall be under the control of their owners at all times. Any feces deposited by a visitor's pet shall be removed and wrapped in plastic and placed in trash receptacles.

6. ALCOHOLIC BEVERAGES

No person shall bring alcoholic beverages into the Park, nor shall any person drink alcoholic beverages or be under the influence of alcoholic beverages at any time while within the Park.

7. FIRECRACKERS

No person shall bring in or set off any firecracker or other explosive or throw them into or over the Park.

8. USE OF SEATING

No person shall sleep within the Park or protractedly lounge on the seats or benches located within the Park.

9. DISORDERLY CONDUCT

No person shall engage in loud, boisterous, threatening or abusive language, engage in any disorderly conduct or disturb or interfere unreasonably with any other person's use of the Park. No person shall engage in any conduct within the Park, which is prohibited in public parks.

10. MUSIC

No person shall play radios or loud music at any time within the Park.

11. MERCHANDISING

No person shall offer any article or thing for sale or station or place any stand or cart within the Park or on the sidewalk or streets adjacent to the Park, without first obtaining any necessary permits from the City of Hoboken.

12. SIGNS

No person shall post placards or advertisements anywhere within the Park or on the sidewalks or streets adjacent to the Park, without first obtaining any necessary permits from the City of Hoboken.

13. HOURS OF OPERATION

The Park shall be open daily from 6:00 a.m. through 10:00 p.m., except that during the period commencing the first day of June and ending the 30<sup>th</sup> day of September, the Property shall be open daily from 6:00 a.m. through 11:00 p.m. Without limitation with regard to the foregoing, there shall be no lighted recreational activity, in the Park after dusk. Persons may traverse the Park after hours as a normal means of access to and from adjoining buildings.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date and year first set forth above.

CITY OF HOBOKEN

By: \_\_\_\_\_  
Name:  
Title:

ACKNOWLEDGMENT

STATE OF NEW JERSEY :  
: SS.  
COUNTY OF :

Be it remembered that on this \_\_\_ day of \_\_\_\_\_, 200\_\_,  
\_\_\_\_\_ personally appeared before me, and this person acknowledged under oath, to  
my satisfaction, that:

(a) this person executed the attached document as \_\_\_\_\_ of the City of  
Hoboken, the Declarant named in this document;

(b) this document was signed and made by the Declarant as its duly authorized  
and voluntary act and deed; and

(c) the full and actual consideration paid, or to be paid for the within Easement,  
evidenced by the within Deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c) is  
\$1.00.

\_\_\_\_\_  
Attorney at Law of New Jersey or  
Notary Public

SCHEDULE A  
THE PARK



**SCHEDULE B**  
**GRANTOR'S PROPERTY**



Sponsored by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

CITY OF HOBOKEN RESOLUTION NO. \_\_\_\_\_

**RESOLUTION CONCERNING HOBOKEN COVE DEVELOPER'S AGREEMENT**

WHEREAS, BDLJ Associates, LLC (the "Developer") is the affiliate and development agent of the ownership of a certain tract of real property situated in the City of Hoboken, County of Hudson, State of New Jersey described in **Exhibit A** attached hereto ("Developer's Property");

WHEREAS, the City of Hoboken Planning Board (the "Planning Board") granted site plan approval to the Developer to construct a planned unit development (the "PUD") on a portion of the Developer's Property pursuant to Resolutions adopted July 17, 1997, February 1, 2000 and March 7, 2000 (the "Prior Approval");

WHEREAS, the Developer submitted a bifurcated application to the Planning Board for (i) a variance (the "Variance Application") to permit development block coverage in excess of that allowed by the Hoboken Zoning Ordinance and (ii) amended preliminary site plan and final subdivision approval (the "Amended Site Plan Application") to amend the Prior Approval in order to expand the PUD to, among other things, allow the construction of (a) an additional 410 residential units (for a total of 1,278 residential units); (b) an additional 1,103 square feet of retail floor area (for a total of 70,048 square feet of retail floor area); (c) an additional 349 parking spaces (for a total of 1,447 parking spaces), (d) additional public open space improvements; and (e) other site related improvements, all as more particularly shown on the plans entitled "Amended Preliminary Site Plans and Amended Major Subdivision Plan for Hoboken Cove, City of Hoboken, Hudson County, New Jersey", prepared by Paulus Sokolowski and Sartor, LLC, dated February 7, 1997, last revised October 23, 2003, and consisting of Sheets C-1 through C-18, SP1 through SP13, A1 through A3, and LA1 through LA9 (the "Submitted Plans") (the proposed development of said expanded PUD being hereinafter referred to as the "Project");

WHEREAS, on September 25, 2003 the Developer obtained Planning Board approval of the Variance Application, which approval was memorialized by the Planning Board's Resolution of Approval adopted November 6, 2003 (the "Variance Approval");

WHEREAS, as a condition of the Variance Approval, the Planning Board (i) required that proposed open space included within the Project be dedicated to the public, and (ii) reserved the right to make reasonable comments and restrictions regarding the open space at the time of preliminary and final site plan approval;

WHEREAS, on March 2, 2004, the Developer obtained Planning Board Approval of the Amended Site Plan Application, which approval was memorialized by the Planning Board's Resolution of Approval adopted April 8, 2004 (the "Amended Site Plan Approval");

WHEREAS, as a condition of the Amended Site Plan Approval, the Planning Board required that (i) the Developer enter into a developer's agreement with the City of Hoboken, a body politic of the State of New Jersey, whose address is Newark and Washington Street, Hoboken, New Jersey 07030 (the "City"), in a form satisfactory to the Corporation Counsel, addressing the Developer's and the City's responsibilities and obligations in connection with the construction and maintenance of a park (the "Park") to be constructed on the open space on Developer's Property, and on a parcel of land owned by the City, in conjunction with the development of the Project, and (ii) the Developer shall be responsible for construction of a portion of the Park improvements, and/or make a financial contribution toward the construction of the Park improvements, as set forth in said developer's agreement.

WHEREAS, a developer's agreement has been negotiated between the City and the Developer, which addresses the Developer's and the City's obligations with respect to the Park, including, without limitation the Developer's obligations to (i) construct a portion of the Park improvements, (ii) contribute financially toward construction of the Park, and (iii) dedicate to the City the portion of the Park situated on Developers' Property, all in accordance with and as set forth in more detail in the developers agreement, a copy of which is annexed hereto as **Exhibit B** (the "Developer's Agreement");

NOW, THEREFORE, BE IT RESOLVED, that:

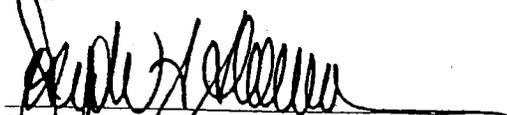
The Developer's Agreement is hereby approved and Mayor David Roberts or designated official are hereby authorized to execute the Developer's Agreement on behalf of the City of Hoboken, in form substantially similar to that annexed hereto.

Approved:



Fred M. Bado  
Director, Community Development

Approved as to Form:

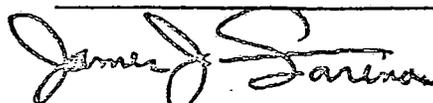


Joseph S. Sherman  
Corporation Counsel

Date of Meeting: July 14,, 2004

A TRUE COPY OF A RESOLUTION ADOPTED BY  
THE COUNCIL OF THE CITY OF HOBOKEN, N.J.  
AT A MEETING HELD ON:

JUL 14 2004



CITY CLERK