

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO CODIFY THE CHARTER OF THE CITY OF HOBOKEN
AS ADOPTED NOVEMBER 8, 1952**

WHEREAS, on November 8, 1952, the City of Hoboken adopted a municipal governance plan by vote of the qualified voters of the municipality and certification of the County of Hudson on November 8, 1952; and

WHEREAS, at the time of adoption, in 1952, the City Government failed to codify the charter, as adopted; and,

WHEREAS, the City of Hoboken hereby seeks to properly codify the municipal charter, as adopted in 1952.

NOW, THEREFORE, BE IT ORDAINED by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (amendments after first reading noted by underline):

SECTION ONE: CODIFICATION

ARTICLE I: CITY CHARTER

Section 1: Municipal Incorporation and Powers

- A. The City of Hoboken is hereafter governed by the Faulkner Act, N.J.S.A. 40:69A-1 et seq., Mayor-Council Plan, until and unless the City of Hoboken should adopt another form of government as provided by law, in accordance with the adoption of that plan by the qualified voters of the municipality and certification of the County of Hudson on November 8, 1952.
- B. All powers and obligations conferred to municipalities under the Faulkner Act, Mayor-Council Plan form of government shall apply to the City of Hoboken by virtue of the Charter and all applicable statutes.
- C. The City of Hoboken shall remain a municipal body corporate and politic with perpetual succession, and with such corporate name and seal as it heretofore or hereafter adopts.

Section 2: Interpretation of Chapter

A. Definitions.

For the purposes of all ordinances, in the interpretation and application of all ordinances contained herein, and in the interpretation of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

“Charter” or “city charter” means the Mayor-Council plan form of Municipal Government as described in Chapter 210 of New Jersey Laws of 1950 (N.J.S.A. 40:69A-1 et seq.), as amended and supplemented, and any and all statutory provisions of the state of New Jersey as may be lawfully applicable to the City.

“City” means the City of Hoboken, in the County of Hudson, State of New Jersey.

“Clerk” or “city clerk” means the registered municipal clerk duly appointed pursuant to the charter or ordinance, and shall also include the appointed deputy clerk when such individual is performing the functions of the clerk in accordance with all applicable Laws.

“Council” means the local legislative body of the City, as authorized by Chapter 210 of New Jersey Laws of 1950 (NJSA 40:69A-1) et seq.), constituted and elected pursuant to the charter.

“Fiscal year” means that calendar year beginning on the 1st day of January and ending on the 31st day of December.

“Governing body” means the city council as constituted under the charter.

“Ordinance” means any act of local legislation heretofore or hereafter adopted, pursuant to law, so long as it remains in force and effect.

“Person” means any corporation, firm, partnership, association, organization or other entity, as well as an individual.

“Month” means a calendar month unless otherwise specifically provided.

“State” means the State of New Jersey.

“Street” means and includes a highway, road, avenue, court, public lane or alley; and, it shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.

“Year” means a calendar year unless otherwise specifically provided.

B. Construction of Terminology.

For the purposes of all ordinances, in the interpretation and application of all ordinances contained herein, and in the interpretation of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

1. The present tense includes the past and future tenses; and the future, the present.
2. The masculine gender includes the feminine and neuter.
3. The singular number includes the plural; and the plural, the singular.
4. "Shall" is mandatory, and "may" is permissive.
5. The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.
6. "Writing" and "written" include printing, typewritten and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

Section 3 – City Code Section Titles

The titles of the several sections of the code of the city of Hoboken, New Jersey, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the titles, are amended or reenacted.

Section 4 – City Code Invalidation

If any chapter, article, section or part of these ordinances shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such chapter, article, section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, articles, sections or parts of this codification of ordinances.

ARTICLE II: CITY COUNCIL

Section 1 Incorporation and Powers

A. Powers and duties general. The City Council shall consist of nine (9) voting members with six (6) ward council persons and three (3) at-large Council persons. The terms of the ward council persons and at-large council persons shall be staggered as follows:

(i) The terms of current ward council members shall expire on July 1, 2015. Thereafter, each ward council member shall serve for a term of four (4) years.

(ii) The terms of the current at-large council members shall expire on July 1, 2013. Thereafter, each at-large council member shall serve for a term of four (4) years.

Any council member elected to fill a vacancy shall fill only the unexpired term, pursuant to N.J.S.A. 40:69A-34. It is the intent of this section to confer on the Council all general legislative powers, and such investigative powers as are germane to the exercise of its legislative powers, but to retain for the Mayor full control over the administration of City services, in accordance with N.J.S.A. 40:69A-37.1, specifically, and in accordance with N.J.S.A. 40:69A-1 et seq., generally.

B. Legislative powers. The legislative power shall be exercised by the City Council, subject to procedures set forth in the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq., and shall be exercised by ordinance as allowed by law, except for the exercise of those powers that under this plan of government or general law do not require action by the Mayor as a condition of approval for the exercise thereof and may, therefore, be exercised by resolution, including but not limited to:

1. The override of a veto of the Mayor;
2. The exercise of advice and consent to actions of the Mayor;
3. The conduct of a legislative inquiry or investigation;
4. The expression of disapproval of the removal by the Mayor of officers or employees;
5. The removal of any municipal officer for cause;
6. The adoption of rules for the Council;
7. The establishment of times and places for Council meetings;
8. The establishment of the Council as a committee of the whole or the delegation of two of its members to standing committees or to a special committee, for a specific purpose as an ad hoc committee;
9. The declaration of emergencies respecting the passage of ordinances;

10. The election, appointment, setting of salaries and removal of officers and employees of the council, subject to any pertinent contractual obligations, and within the general limits of the municipal budget;
11. Designation of official newspapers;
12. Approval of contracts presented by the Mayor;
13. Actions specified as resolutions in the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.);
14. The expression of Council policies or opinions which require no formal action by the Mayor;
15. Appointment of members of any board, authority or commission only when clearly required by either specific terms of the general law or local ordinance; otherwise, all Municipal appointments shall vests with the Mayor, with advice and consent of Council; and,
16. Establishment by ordinance of departments, as allowed by law.

C. Other powers. In addition to such other powers and duties as may be conferred upon it by the Charter or Code or otherwise by general law, the Council:

1. May require any City officer in its discretion to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the City government in accordance with N.J.S.A. 40:69A-37;
2. May remove, by at least two-thirds vote of the whole number of the Council, any municipal officer, other than the Mayor or a member of Council, for cause, upon notice and an opportunity to be heard in accordance with N.J.S.A. 40:69A-37;
3. Shall act in all matters as a body, unless otherwise specifically provided by the Charter;
4. Shall deal with administrative services and employees solely through the Mayor or the Mayor's designee, except as otherwise provided by law or the Charter, and shall not give orders to any subordinates of the Mayor, either publicly or privately;

5. May appoint committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the City and delegating to such committees or commission such powers of inquiry as the City Council may deem necessary;
6. May make a written request to the Mayor and require a report on any aspect of the government of the City. An individual Council member may make such a written request without an action of the body as a whole, pursuant to N.J.S.A. 40:69A-37.1;
7. May, by a majority vote of the whole number of its members, require the Mayor or Mayor's designee to appear before Council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the City as the Council may determine necessary to ensure clarification of any matter formally under investigation, pursuant to N.J.S.A. 40:69A-37.1; and,
8. May, by a majority vote of the whole number of its members, designate any number of its members, not to exceed four (4) as an ad hoc committee to consult with the Mayor or the Mayor's designee to study any matter and to report to the Council thereon, pursuant to N.J.S.A. 40:69A-37.1.

D. Financial control.

(1) The Council shall exercise financial control as set forth and in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq. and the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq. [Note: Said exercise to include the employment by Council of a registered municipal accountant to prepare the City's annual audit of its books, accounts and financial transactions, in accordance with N.J.S.A. 40A:5-4, and the adoption of a cash management plan with deposits of the City's funds pursuant to that Plan, in accordance with N.J.S.A. 40A:5-14. The Council shall, annually act on the budget as required by law, after it has been submitted by the Mayor.

(2) The Council shall approve or disprove all bills, claims or vouchers which shall be recorded in the minutes of the Council meetings by attaching to said minutes a list of all bills, claims or vouchers approved at each meeting, as well as the vote of each Council

member on the motion to approve. Bills, claims or vouchers may be approved in a group or groups. Council members may vote on bills, claims or vouchers in which they have a direct financial interest, such as the fixing of wages, salaries or compensation, to extent allowed by law, pursuant to N.J.S.A. 40A:9-165.

E. Organization of Council.

(1) President of Council. At its annual reorganization meeting, the Council will elect a President of the City Council from among its members. In the absence of the President, the Council may elect a Vice-President. The President of the Council shall:

- (a) Preside at all meetings of the Council;
- (b) Appoint members of standing committees;
- (c) Appoint members to such special committees of the Council as may be authorized by motion or resolution;
- (d) State the questions and announce the result on all matters on which the Council may vote;
- (e) Rule on all questions or orders subject to approval by the Council;
- (f) Sign all ordinances and resolutions adopted in the President's presence and in the President's absence the Vice-President shall sign ordinances and resolutions adopted in the Vice President's presence;
- (g) Have other such functions, powers and duties as the Council may prescribe.

(2) Clerk of the Council. The Council shall appoint a City Clerk and Deputy City Clerk for the term prescribed by law. The City Clerk shall serve as Clerk of the Council and have such other functions, powers and duties as are provided by law and applicable statutes. In the absence of the Clerk and the Deputy City Clerk, the President shall appoint an attorney from the Office of Corporation Counsel to act as Clerk pro tempore.

(3) Committees. Council shall have the following standing committees: Finance, Public Safety and Personnel. The Council may also act as committee of the whole, and rules of the Council shall govern the meetings of the committee of the whole as well as any other committee of the Council. By motion or resolution, special committees may be established for any appropriate and reasonable specified purpose including an ad hoc committee to consult with the Mayor or the Mayor's designee or department heads to study any matter and report to the Council thereon.

F. Meetings of Council. Regular meetings, special meetings or emergency meetings shall be open to the public and shall be held at such times as are provided by the Charter and the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). The Mayor may attend meetings of Council and may take part in discussions of Council, but shall have no vote, unless otherwise provided by law. (N.J.S.A. 40:69A-41) Within seven days of its annual reorganization, Council shall establish, post and maintain a schedule of meetings to be held during the year (N.J.S.A. 10:4-18).

(1) Annual reorganization meetings. The Council shall meet annually to reorganize on the first Wednesday following July 1, except in the years in which municipal officers are elected at a regular municipal election when it shall meet to reorganize on July 1.

(2) Regular meetings. Subsequent to its annual meeting, Council shall meet regularly thereafter at a time fixed by resolution. When the time for any regular meeting of the Council falls on a legal holiday such meeting shall be held at the same hour on the preceding or next succeeding day which is not a legal holiday. The City Corporate Counsel, City Clerk, Business Administrator and any such other municipal officers and employees as may be required shall attend regular meetings of Council.

(3) Special meetings. The Mayor may at any time call the President of the Council upon request of a majority of the Council members shall, call a special meeting of Council. The request and call for a special meeting shall specify the agenda for the meeting to the extent known and whether formal action may or may not be taken. The call for a special meeting shall be filed with the Clerk and served upon each Council member as hereinafter provided at least 48 hours prior to the time for which the meeting is called. Upon the filing of any call for a special meeting, the Clerk shall post the announcement in the public place reserved for such announcements and shall mail, telephone or hand deliver the notice to at least two newspapers, which newspapers shall have the greatest likelihood of informing the public within the City, one of which shall be the official newspaper, and the Clerk shall give notice by telephone or telefacsimile to each Council member, at such place as the member shall have previously designated for that purpose and shall also serve or cause to be served a written copy of the call upon each Council member by a delivery of a copy to the member personally or by the leaving of a copy in the member's usual place of abode. The Police Department shall cooperate with the Clerk in effectuating such service of notice.

(4) Emergency meetings. Notwithstanding its failure to provide adequate public notice, the Council may hold an emergency meeting upon the affirmative vote of 3/4 of the members present if:

(a) Such meeting is required in order to deal with matters of such emergency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

(b) The meeting is limited to discussion of, and acting with respect to, such matters of urgency and importance; and

(c) Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place reserved for such announcements and also notifying the two newspapers most likely to affect notice within the City, including the official newspaper, by telephoning or by delivering a written notice to said newspapers; and

(d) Either the City Council could not reasonably have foreseen the need for such a meeting at a time when adequate notice could have been provided; or although City Council could reasonably have foreseen the need for such a meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

(5) Meetings and conferences. The Council may meet in informal conference for such purpose as may be deemed appropriate, including preparing for meetings, studying matters before it and consulting with professional advisers. Such informal conferences shall be designated "work sessions" and shall be open to the public. The work session will not include public participation or a public portion, unless Council permits. The Council reserves the right to take formal action at work sessions. Work sessions shall be scheduled by resolution.

(6) Place of meetings. All regular or special meetings shall be held in the Council Chambers in City Hall, except when, in the opinion of a majority of the Council, it is desirable to meet at some other location of public nature. Work sessions shall be held in the caucus room in City Hall.

(7) Open Public Meetings Act.

(a) All meetings and notices shall be governed and subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) Where it is anticipated that a meeting on a given subject will not be concluded in the time allotted and might be resumed, the advance notice should explicitly recognize the possibility of such a postponement.

(8) Closed or executive session.

(a) Council may close a portion of its meetings to the public for purposes as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12) upon adoption of a resolution at a meeting to which the public is admitted; said resolution stating the general nature of the subject to be discussed, and stating as precisely as possible, the time when and circumstances under which the discussion conducted in closed session can be disclosed to the public. (N.J.S.A. 10:4-13)

(b) Minutes of closed sessions shall be approved in open sessions of Council within one month of the closed session; however, the release of the minutes to the public shall only occur after review by Corporation Counsel and when there is no further need for confidentiality.

(9) Agenda.

(a) The agenda for each meeting shall be prepared by the Clerk, under the direction of the President of Council.

(b) Except for emergency matters, the agenda for each regular meeting of the Council shall include only such matters of Council business as have been presented or delivered to the Clerk by the Mayor, a department head with the approval of the Mayor, Council members, Business Administrator or City Corporate Counsel not later than 12:00 noon on the Friday preceding the meeting.

(c) As soon as the agenda has been prepared, the Clerk shall deliver a copy to each Council member, the Mayor, Business Administrator, City Corporate Counsel, department heads and newspapers.

(d) Emergency matters, including the request for a closed session, may be added to the agenda at any time, with the approval of the President of Council.

G. Nominations and appointments.

(1) Nominations submitted by the Mayor shall be considered by the Council at its next regular meeting. Any member of the Council may move a nomination. Confirmation or rejection of said nomination shall not be postponed or delayed beyond one regular

meeting. Within two days after confirmation or rejection of said nomination, the Clerk shall serve written notice to the office of the Mayor.

(2) With respect to appointments to be made by the Council, any member of the Council may nominate as many candidates as there are offices to be filled. Where there is a single office to be filled, the nominee on receiving a majority shall be deemed appointed such as on a board, commission or authority; the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the President of the Council a group of nominations may be considered at once when there is no apparent division in the Council as to the nominees included in the group.

H. Filing of reports and resolutions. All reports to Council and all resolutions, ordinances, petitions, correspondence and other papers considered by or presented to Council shall be filed with the Clerk.

I. Vacancies. Should a vacancy occur in the position of a member of City Council, it shall be filled in accordance with state laws, including, but not limited to, Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq..

J. Hearings. In any matter in which a hearing is permitted or allowed before the City Council of the City of Hoboken, with the exception of disciplinary hearings regarding employment, such hearing may be delegated to a hearing officer to be selected on motion by the City Council of the City of Hoboken. Designated hearing officers may include, but are not limited to the Business Administrator or a department head. In the alternative, Council may designate a retired judge or an attorney licensed to practice law within the State of New Jersey. The hearing officer shall present a report and recommendation to City Council, which may adopt and confirm said report and recommendation as its determination and findings, or, in the alternative, Council may reject any such report and recommendation and conduct a hearing de novo. Council shall consider the report and recommendation, together with any written submissions by the City and any other interested party, in making its determination to adopt or reject a report and recommendation from a hearing officer.

ARTICLE III: MAYOR

Section 1: Incorporation and Powers

- A. General. The executive and administrative functions of the City of Hoboken's government shall be conducted by an elected mayor. The mayor shall be elected by the voters of the municipality, and shall serve for a term of four (4) years, with the term of the currently elected mayor shall expire July 1, 2013.
- B. Vacancies and absences. Any vacancy in the office of the mayor shall be filled in accordance with the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq.. During any temporary absence of the mayor, the mayor shall designate an acting mayor pursuant to N.J.S.A. 40:69A-42. In the event of absence of the elected mayor for a period greater than sixty (60) days, or whenever the mayor does not designate an acting mayor during a short term absence, the City Council shall appoint an acting mayor. Acting mayors shall have all the rights and obligations given to the mayor pursuant to this Charter during the term of their designation or appointment.
- C. Powers and duties. Any administrative or executive functions assigned by general law to the governing body shall be exercised by the mayor. The mayor shall:
1. Enforce the charter and ordinances of the municipality and all general laws applicable thereto;
 2. Report annually to the council and to the public on the state of the municipality, and the work of the previous year; he shall also recommend to the council whatever action or programs he deems necessary for the improvement of the municipality and the welfare of its residents. He may from time to time recommend any action or programs he deems necessary or desirable for the municipality to undertake;
 3. Supervise, direct and control all departments of the municipal government and shall require each department to make an annual and such other reports on its work as he may deem desirable;
 4. Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as he deems necessary;
 5. Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

6. Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the governing body;
 7. Sign all contracts, bonds or other instruments requiring the consent of the municipality;
 8. Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the council;
 9. Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance;
 10. Negotiate contracts for the municipality, subject to council approval;
 11. Assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, franchise or other contract are faithfully kept and performed;
 12. Serve as an ex officio, nonvoting member of all appointive bodies in municipal government of which he is not an official voting member.
- D. Veto powers. Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.
- E. Attendance at Council Meetings. The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.
- F. Preparation of Budget. The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the

mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests.

- G. Setting of Salaries. The mayor shall, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget, fix the amount of salary, wages or other compensation to be paid to employees of the administrative departments of the municipal government, except that the salary, wages or other compensation paid the director of each department shall be fixed by the council pursuant to N.J.S.A. 40:69A-180, and except that salaries of officers which are required by law to be fixed by ordinance shall be fixed by ordinance.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION REQUIREMENTS

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: August 24, 2011

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

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

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

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

Dawn Zimmer, Mayor



September 1, 2011

Dear City Council Members,

On the agenda this week is a very important bond ordinance for various capital improvements, including an upgrade of the HVAC system in the Police Department, a new street sweeper, and a rewiring of City Hall's communications system.

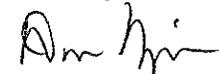
It is critically important that this funding be approved now, or else there will not be time to upgrade the heating system in the Police Department before the winter. We cannot allow our Police to go another winter without a proper heating system in place.

One of our street sweepers continually requires repairs and is frequently unusable, which means our streets are not being properly cleaned. Although Secaucus Mayor Gonnelli has graciously agreed to lend us one of their street sweepers, this is only a short-term solution, and we must replace our broken street sweeper with a new one.

Finally, it is past time to upgrade the wiring in City Hall so that we have a modern telecommunications network. During the last few weeks, dozens of phone lines in City Hall have been out of operation, and due to a strike by Verizon, they were not repaired. Many of our phone lines still are not working, and residents are unable to reach departments and receive service.

These are all long overdue investment in our aging infrastructure, and I urge you to support the bond ordinance so we can make these important improvements.

Sincerely,


Mayor Zimmer



City of Hoboken
Office of Emergency Management
94 Washington Street
Hoboken, N.J. 07030



Dawn Zimmer
Mayor
Captain James Fitzsimmons
O.E.M. Coordinator

Joel Mestre
Patrick Ricciardi
Captain Thomas Molta
Deputy Coordinators

**DECLARATION OF EMERGENCY
CITY OF HOBOKEN**

To all residents and persons within the City of Hoboken, New Jersey and to all departments of the Municipal Government of the City of Hoboken:

WHEREAS, pursuant to the powers established by Chapter 251 of the Laws of 1942, as amended and supplemented, and codified at N.J.S.A. App. A: 9-30 et seq., the Municipal Emergency Management Coordinator, in conjunction with the Mayor of Hoboken, is authorized to declare a local disaster emergency to exist within the boundaries of the City of Hoboken; and,

WHEREAS, as of 1:00 P.M. on Friday, August 26, 2011, a local disaster emergency is declared to exist within the boundaries of the City of Hoboken, due to Hurricane Irene bringing the potential for severe weather conditions including: heavy rains, high winds, and heavy flooding that may threaten homes and other structures and endanger the lives of the citizens of Hoboken; and,

WHEREAS, these potential conditions may adversely affect the health, safety and welfare of the people in the City of Hoboken; and,

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations as are necessary to meet the various problems which have or may occur due to such an emergency; and,

WHEREAS, it has been determined that the entirety of the City of Hoboken should be declared a disaster area and that certain measures must be taken in order to ensure that the authorities are able to maintain an orderly flow of traffic, and to protect persons and property affected by these adverse weather conditions.

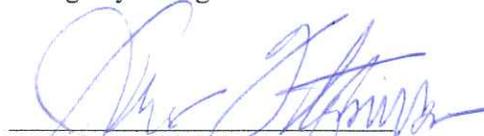
NOW, THEREFORE, in accordance with the aforesaid laws, it is promulgated and declared that the following regulations shall be implemented, in addition to all other laws of the State of New Jersey and the City of Hoboken:

1. All vehicles parked on the traveled portion of the roadway, in such a manner as to endanger the welfare of the residents of the City of Hoboken, are subject to being summonsed and towed at the expense of the owner.

2. The Municipal Emergency Management Coordinator or his designee shall be empowered to restrict all non-essential motor vehicle operation at any location within the City of Hoboken.

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3. A copy of this declaration shall be transmitted immediately to the Hudson County Office of Emergency Management.



Emergency Management Coordinator

Date: August 26, 2011

Time: 1:00 p.m.



Mayor

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Hudson County Office of
Emergency Management



CITY CLERK
HOBOKEN, NJ 07030

2011 SEP -1 AM 10:45

RECEIVED

REVOCATION OF DECLARATION OF EMERGENCY City of Hoboken

August 31, 2011

WHEREAS, a Declaration of Emergency in the City of Hoboken was issued by Mayor Dawn Zimmer and Emergency Management Coordinator James Fitzsimmons, on August 26, 2011 in anticipation of extreme weather conditions;

WHEREAS, the City took necessary and appropriate steps to implement the declarations therein to protect the public and property from harm and continues to do so as the City begins repairs and recovery from the extreme weather; and

WHEREAS, revocation of all regulations, directions, and orders associated with the August 26, 2011 Declaration is advisable at this time.

NOW THEREFORE, by the power vested in me as Mayor of the City of Hoboken, as provided in New Jersey Statute N.J.S.A. App. § A:9-33 et seq., it is hereby ordered and directed:

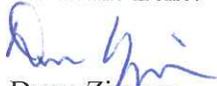
§1. That the State of Emergency is hereby terminated effective at 12:00 NOON on August 30, 2011.

§2. All emergency directions, emergency regulations, and emergency orders associated with the Declaration of Emergency are hereby lifted.

§ 3. Any person who knowingly violates any provision of this Order is guilty of a class B misdemeanor.

§ 4. This Order shall take effect immediately.

At this time I would also like to express my gratitude to the residents of the City of Hoboken for their cooperation, and to the tireless efforts of the emergency personnel who responded promptly and effectively in maintaining the health, safety and general welfare of the City of Hoboken relating to Hurricane Irene.


Dawn Zimmer
Mayor


James Fitzsimmons
Emergency Management Coordinator



CITY CLERK'S OFFICE

**CITY OF HOBOKEN
HOBOKEN, NEW JERSEY 07030
(201) 420-2074**

**JAMES J. FARINA
CITY CLERK**

September 7, 2011

The City of Hoboken Municipal Council
94 Washington St.
Hoboken, NJ 07030

Re: The March 30, 2011 and April 11, 2011 referendum petitions regarding Ordinance (Z-88) AN ORDINANCE AMENDING CERTAIN PROVISIONS CHAPTER 155 OF THE CITY CODE, ENTITLED, "RENT CONTROL".

Dear Council Members:

I write regarding the referendum petitions filed by the Committee of Petitioners on March 30, 2011 and April 11, 2011. Pursuant to the Court's August 25, 2011 Order, I have been instructed to certify the signatures reflected on the petitions and deem the petitions valid for referendum pursuant to the Faulkner Act. Accordingly, Ordinance Z-88 has been suspended as of August 25, 2011. Pursuant to N.J.S.A. 40:69A-191, the Council may either elect to repeal Ordinance Z-88 by September 27, 2011, or take no action. If the Council takes no action, Ordinance Z-88 will be placed on the ballot at the next General Assembly election for the voters' consideration.

Please be guided accordingly.

Very truly yours,

James J. Farina
City Clerk

cc: Honorable Dawn Zimmer, Mayor
Mark Tabakin, Esq., Corporation Counsel
Victor A. Afanador, Esq., Rent Control Counsel

SPONSORED BY: _____

SECONDED BY: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
SEPTEMBER 7, 2011**

PARKING FACILITIES 1 ITEM

RITE PARK, LLC AT 720 MONROE ST
21 BURNHAM CT.
SCOTCH PLAINS, NJ

VENDOR 1 ITEM

#1 JADE
SAI CHIN CHENG
191 FAIRVIEW AVE.
JERSEY CITY, NJ 07304

**CITY OF HOBOKEN
CLAIMS LISTING
September 7, 2011**

Department	PO #	Vendor	Description	Amount
ADM BUSINESS ADMINISTRATION	CY-01050	JERSEY JOURNAL	NOTIFICATION OF AGENDA	\$ 333.62
	CY-01051	STAR LEDGER	NOTIFICATION OF AGENDA	\$ 286.52
	CY-01991	BOMARK INSTRUMENTS INC.	SOUND LEVEL METERS	\$ 5,464.80
ADM CITY COUNCIL	CY-02629	UNITED DECORATING	FLAGS	\$ 100.00
	CY-02886	STAN'S SPORT CENTER	NAME PLATES	\$ 60.00
	CY-03136	AARON JAMES HEADLEY	AUDIO ENGINEER SERVICES	\$ 150.00
ADM ELECTIONS	CY-03054	ROYAL PRINTING	ELECTION BALLOTS	\$ 30,500.00
	CY-03262	JERSEY JOURNAL	ELECTION AD	\$ 96.61
ADM FINANCE SUPERVISORS OFF	CY-02640	HOBOKEN POLICE SUPERIOR	QTR ENDED 6/30/11 OEP DUES	\$ 4,684.00
	CY-02783	NJLM	SEMINAR NEW HEALTH BENEF.LAW	\$ 55.00
	CY-03059	AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 2,936.56
	CY-03271	AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 5,970.02
ADM LEGAL ADVERTISING	CY-01695	NORTH JERSEY MEDIA GROUP	LEGAL ADVERTISEMENTS	\$ 380.16
	CY-02436	JERSEY JOURNAL	ADS FOR 6/11	\$ 2,272.87
	CY-02437	STAR LEDGER	ADS FOR 6/11	\$ 190.24
	CY-02566	JERSEY JOURNAL	LEGAL ADS FOR 7/11	\$ 1,961.91
	CY-02567	STAR LEDGER	LEGAL ADS FOR 7/11	\$ 257.52
ADM MAYOR'S OFFICE	CY-02746	HOBOKEN CHAMBER OF COMMERCE	ANNUAL MEMBERSHIP DUES 2011	\$ 150.00
ADM MUNICIPAL COURT	CY-02670	THOMPSON WEST	SUBSCRIPTION RENEWAL	\$ 328.50
	CY-02837	W.B. MASON CO., INC.	BINDERS	\$ 87.25
	CY-02887	TELE-MEASUREMENTS INC.	ANNUAL MAINTENANCE AGREEMENT	\$ 1,535.00
	CY-03076	ALCAZAR COMMUNICATION,INC.	SVCS RENDERED INTERPRETATION	\$ 4,345.00
	CY-03127	HOBOKEN LOCK & SUPPLY	SERVICE & REPAIR OF SAFE	\$ 120.00
ADM OEM	CY-03252	RMPP	SHIRTS FOR NJSO CONCERT-CERT	\$ 466.00
ADM PARKING UTILITY	CY-02624	VINYL-DECALS	DECALS FOR HOPS/SHUTTLE	\$ 474.00
	CY-02787	NOVA RECORDS MANAGEMENT, LLC	STORAGE - JULY 2011	\$ 283.18
	CY-02930	ARCOLA BUS SALES	HPU BUS REPAIR/PARTS	\$ 1,797.94
	CY-03001	HOBOKEN LOCK & SUPPLY	SERVICE AT GARAGE B	\$ 80.00
	CY-03046	FIVEPM TECHNOLOGY, INC.	SHUTTLE TRACKING - AUGUST 2011	\$ 2,285.00
	CY-03144	BUY WISE AUTO PARTS	SHUTTLE PARTS	\$ 331.43
	CY-03165	Z'S IRON WORKS	REPAIR WORK-SIGNAL & TRAFFIC	\$ 240.00

ADM PARKING UTILITY

CY-03197	CENTRAL PARKING	REIMBURSEMENT	\$ 1,585.00
CY-03200	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 627.76
CY-03201	J.S. DESIGN	GRAPHIC DESIGN FORMATS	\$ 500.00
CY-03202	REMINGTON & VERNICK ENGINEERS	PROFESSIONAL SERVICES	\$ 991.50
CY-03203	METRIC GROUP, INC.	PARKING METER EQUIPMENT	\$ 1,055.00
CY-03204	EXXONMOBIL FLEET/GECC	FUEL PURCHASES - JULY 2011	\$ 386.21
CY-03205	FEDEX	SHIPMENT FEE/916 GARDEN ST.	\$ 6.69
CY-03208	KEVCO ELECTRIC INC.	REPAIRS-SIGNAL & TRAFFIC	\$ 745.00
CY-03209	AT&T MOBILITY	MULTI-METERS - JULY 2011	\$ 180.70
CY-03214	ROBERT ORSINI	REIMBURSEMENT	\$ 42.80
CY-03243	HOBOKEN GLASS COMPANY	REPLACE GLASS WINDOW	\$ 345.00
CY-03244	ADVANCED DOOR SALES, INC.	SERVICE/REPAIR OVERHEAD DOOR	\$ 282.60
CY-03245	T & M CONTRACTING CO., INC.	WORK ON METRIC METER BASES	\$ 13,500.00
CY-03247	PAETEC COMMUNICATIONS INC.	LD/TOLL SERVICES - JULY 2011	\$ 238.72
CY-03323	PITNEY BOWES, INC.	TERM RENTAL CHARGES	\$ 206.00
CY-03248	THE OFFICE	PRINTING SERVICES	\$ 3,300.00
CY-02580	WEST GROUP	INFORMATION SERVICES	\$ 337.63
CY-02735	CHASAN, LEYNER & LAMPARELLO, PC	LEGASL SERVICES	\$ 9,564.87
CY-02747	ADAM B REISMAN, ATTY AT LAW	LEGAL SERVICES	\$ 250.00
CY-02748	GUARANTEED SUBPOENA SERVICES	SUBPOENA SERVICES	\$ 85.00
CY-02985	THE BUZAK LAW GROUP LLC	LEGAL SERVICES	\$ 6,172.40
CY-02987	THE BUZAK LAW GROUP LLC	LEGAL SERVICES	\$ 5,270.19
CY-02996	ANSELL ZARO GRIMM & AARON	LEGAL SERVICES	\$ 1,545.20
CY-03113	WEINER & LESNIAK, LLP	LEGAL SERVICES	\$ 21,157.14
CY-03131	ADAM B REISMAN, ATTY AT LAW	PROFESSIONAL LEGAL SERVICES	\$ 1,000.00
11-00383	ADAMS, REHMANN & HEGGAN ASSOC.	PREPARATION OF TAX MAPS	\$ 9,832.50
CY-00412	VINCENT J. LAPAGLIA	LEGAL SERVICES	\$ 5,104.79
CY-03163	MCGUIRE ASSOCIATES	PROFESSIONAL SVS	\$ 18,333.32
CY-02782	GENERAL CODE PUBLISHERS	BILLING PER CONTRACT	\$ 5,475.00
CY-01156	NFPA FULFILLMENT CENTER	CODE BOOKS FOR OFFICE USE	\$ 254.43
CY-01632	NFPA FULFILLMENT CENTER	CODE BOOKS FOR OFFICE USE	\$ 46.30
CY-02453	BOOKMARK CUSTOMER SERVICE	2009 INTERNATIONAL RES CODE	\$ 96.83
CY-02969	DREW & ROGERS, INC.	STATE FORMS FOR PERMIT ISSUANC	\$ 980.00
CY-03303	JERSEY PROFESSIONAL MANAGEMENT	BILLING FOR MANGEMENT SPECIALI	\$ 1,870.00
CY-03315	ALYSIA PROKO-SMICKLEY	REIMBURSEMENT	\$ 425.00

ADM PERSONNEL

ADM SPECIAL COUNSEL

ADM TAX ASSESSOR

ADM/CODIFICATION

ADM/CONSTRUCTION CODE

ADM/CORPORATION COUNSEL

CAPITAL ACCOUNT	10-02755	BIRDSALL SERVICES GROUP	HOBOKEN COVE	\$	6,379.59
	11-01929	REMINGTON & VERNICK ENGINEERS	HOBOKEN COVE & 1600 PARK AVE	\$	23,758.55
CAPITAL IMP TO CITY BLDG	CY-02951	KEYSTONE APPLIANCE	AIR CONDITIONER FOR CH	\$	1,250.00
CD DIRECTOR'S OFFICE	11-00872	REMINGTON & VERNICK ENGINEERS	ENGINEERING SERVICES - 9/11	\$	640.50
	CY-01130	MARAZITI, FALCON & HEALEY	Redevelopment Counsel	\$	2,421.30
	CY-03349	MARAZITI, FALCON & HEALEY	PROFESSIONAL SERVICES	\$	1,012.50
CD GRANTS MANAGEMENT	CY-02894	HOPES INC.	CITY MATCH HOPES MAY & JUNE	\$	8,421.82
CD MLUL PB ESCROW ACCTS	CY-02793	BIRDSALL SERVICES GROUP	PROFESSIONAL SERVICES	\$	4,144.00
	CY-02851	ROSENBERG & ASSOCIATES	PROFESSIONAL SERVICES	\$	1,345.50
	CY-02875	MARAZITI, FALCON & HEALEY	928-930 JEFFERSON ST	\$	1,215.00
	CY-03137	EFB ASSOCIATES, LLC	PROFESSIONAL SERVICES	\$	843.75
CD MLUL PLANNING BOARD	CY-02890	NORTH JERSEY MEDIA GROUP	PROFESSIONAL SERVICES	\$	62.80
	CY-02895	BIRDSALL SERVICES GROUP	PROFESSIONAL SERVICES	\$	2,432.50
CD MLUL ZBA ESCROW ACCTS	CY-00225	THE GALVIN LAW FIRM	ZONING BOARD ESCROW ACCOUNTS	\$	2,295.00
	CY-02980	H2M GROUP	PROFESSIONAL SERVICES	\$	1,812.50
	CY-02998	THE GALVIN LAW FIRM	PROFESSIONAL SERVICES	\$	700.00
CD MLUL ZONING BD OF ADJ	CY-03020	THE GALVIN LAW FIRM	PROFESSIONAL SERVICES	\$	5,693.66
ES CENTRAL GARAGE	CY-02716	DAVE'S AUTO REPAIR	REBUILT ENGINE P.D.	\$	4,457.00
	CY-02727	ENVIRONMENTAL CLIMATE CONTROL	AC REPAIR C.G.	\$	2,425.00
	CY-02806	BUY WISE AUTO PARTS	PARTS FOR P.D. #128	\$	45.78
	CY-02872	LINCOLN SERVICES EQUIPMENT	PARTS CUSHMAN #112	\$	188.94
	CY-02884	BUY WISE AUTO PARTS	DECEMBER CG PARTS PURCHASES	\$	954.25
	CY-02914	W.E. TIMMERMAN CO., INC.	PARTS SWEEPER #101	\$	139.18
	CY-03012	BUY WISE AUTO PARTS	PARTS PARK VEH.#139	\$	102.68
	CY-03013	BUY WISE AUTO PARTS	AC FILTER P.D.VEH.	\$	8.92
	CY-03016	BUY WISE AUTO PARTS	PARTS ALL VEHICLES CG	\$	46.70
	CY-03017	CUSTOM BANDAG, INC.	TIRES FOR P.D. VEHICLES	\$	946.20
	CY-03018	BUY WISE AUTO PARTS	PART CG VEH.#141	\$	84.10
	CY-03019	BUY WISE AUTO PARTS	PARTS ROADS VEH. #155	\$	514.42
	CY-03026	DAVE'S AUTO REPAIR	DAVES AUTO REPAIR APRIL 2011	\$	4,392.36
	CY-03028	DAVES AUTO PARTS & ACCESSORIES	REPAIR P.D. VEH. #103	\$	1,851.00
	CY-03033	THE RADIATOR STORE	PARTS FOR PD VEH. #112	\$	516.00
	CY-03036	JOHN EARL CO.	PAPER SUPPLIES C.G.	\$	796.32
	CY-03070	ROBBINS & FRANKE, INC.	WHEEL ALIGN. VARIOUS CITY VEH.	\$	800.24
	CY-03071	BUY WISE AUTO PARTS	RECREATION VAN #207	\$	712.41

ES CENTRAL GARAGE	CY-03072	GALAXY FENCE	REPAIR FENCE 1ST JACKSON ST.	\$	876.00
	CY-03120	LOMBARDY DOOR SALES	REPAIR DOOR DPW	\$	476.00
	CY-03133	HOBOKEN LOCK & SUPPLY	CYLINDER & KEYS BATHROOM CG	\$	110.00
	CY-03238	ENVIRONMENTAL CLIMATE CONTROL	HVAC REPAIR CG	\$	153.50
	CY-03304	JERSEY PROFESSIONAL MANAGEMENT	SALARY ENV. SER. 7/21-8/4/11	\$	5,567.50
ES DIRECTOR'S OFFICE	CY-00974	CDWG/MICRO WAREHOUSE	TONER CARTRIDGE E.S. OFFICE	\$	294.66
ES PUBLIC PROPERTY	CY-02871	JOHN EARL CO.	PAPER SUPPLIES MSC	\$	1,668.09
	CY-02953	STATE CHEMICAL MFG.	SUPPLIES MSC	\$	745.43
	CY-03027	MAC PEST CONTROL	GENERAL PEST CONTROL 7/01/11	\$	600.00
	CY-03041	MAC PEST CONTROL	GENERAL PEST CONTROL 6/11	\$	600.00
	CY-03102	GS ELEVATOR INDUSTRIES	ELEVATOR MAINT. CITY BLDGS.	\$	588.60
	CY-03118	TAKE ONE ALARM SYSTEMS	FIRE MONITOR MSC	\$	311.40
	CY-03119	QUALITY PLUMBING & HEATING	SEWER FIRE HOUSE 8TH ST.	\$	7,800.00
	CY-03135	QUENCH USA, LLC	CITY HALL WATER COOLER RENTAL	\$	665.00
	CY-03177	ENVIRONMENTAL CLIMATE CONTROL	HVAC REPAIR F.D. 13TH ST.	\$	380.57
	CY-03266	HOBOKEN GLASS COMPANY	GLASS/WINDOW REPAIR CITY WIDE	\$	1,015.00
ES ROADS	CY-02805	BUY WISE AUTO PARTS	PARTS FOR TRK. #155 ROADS	\$	234.96
	CY-02808	LINCOLN SERVICES EQUIPMENT	PARTS TO REPAIR CUSHMAN #112	\$	1,213.32
	CY-02809	LINCOLN SERVICES EQUIPMENT	ADDITIONAL PARTS CUSH #112	\$	347.68
	CY-02913	TILCON NEW JERSEY	ASPHALT CITY STREETS	\$	159.58
	CY-02952	TILCON NEW JERSEY	ASPHALT CITY STREETS	\$	165.12
	CY-03025	TILCON NEW JERSEY	ASPHALT 7/23/11	\$	414.76
	CY-03056	CITY PAINT AND HARDWARE	INV.#187261 8/5/11	\$	818.37
	CY-03150	W.E. TIMMERMAN CO., INC.	REPAIR SWEEPER #101	\$	5,070.49
ES SOLID WASTE	CY-00042	CALI CARTING, INC.	CY2011 SW/RECYC COLL	\$	256,666.66
	CY-03040	CALI CARTING, INC.	SOLID WASTE/RECY. COLL. 7/11	\$	128,333.33
	CY-03068	HUDSON COUNTY IMPROVEMENT AUTH	DISPOSAL FEES 7/11	\$	191,218.61
	CY-03129	CALI CARTING, INC.	SOLID WASTE/RECYCLING 8/11	\$	128,333.33
	CY-03152	CASINGS OF NEW JERSEY, INC.	001-51622 7/20/11	\$	28.75
HS BD OF HEALTH	CY-02964	WIDMER TIME RECORDER CO.	ELECTRIC SEAL EMBOSSER	\$	160.00
	CY-03064	MUNIDEX, INC.	SOFTWARE MAINTENANCE	\$	2,462.00
	CY-03307	PREMIER TECHNOLOGY SOLUTIONS	REIMBURSEMENT FOR PRINTER	\$	120.00
HS CULTURAL AFFAIRS	CY-01068	CDWG/MICRO WAREHOUSE	APPLE AIRPORT EXPRESS BASE STA	\$	238.45
	CY-03078	NJ SYMPHONY ORCHESTRA	PERFORMANCE AT PIER A PARK	\$	40,000.00
	CY-03079	BUZZ UNIVERSE, INC.	PERFORMANCE AT SINATRA PARK	\$	300.00

HS CULTURAL AFFAIRS	CY-03080	GENE TURONIS	PERFORMANCE - SINATRA PARK	\$	500.00
	CY-03160	MUSIC PLAY STUDIOS, LLC	FAMILY FUN NIGHT PERFORMANCE	\$	500.00
	CY-03161	THE BROWNSTONE	FOOD FOR SPAGHETTI DINNER	\$	3,128.50
	CY-03265	JERSEY JOURNAL	AD TO PROMOTE SUMMER EVENTS	\$	389.00
HS DIRECTOR'S OFFICE	CY-03305	MARYANN C. VALENTE	INK CARTRIDGE FOR PRINTER	\$	37.25
HS MUNICIPAL ALLIANCE	CY-03015	TRUGLIO'S MEAT MARKET	SANDWICHES FOR YOUTH ACADEMY	\$	1,350.00
	CY-03222	A&P	WATER FOR POLICE ACADEMY	\$	79.35
HS PARKS	CY-02738	HUDSON REPORTER ASSOC LP	ADVERTISEMENT OF MEETING	\$	215.25
	CY-03031	CLEAN ALL TECH. CORP.	GARBAGE BAGS FOR PARKS	\$	2,142.50
	CY-03081	QUALITY PLUMBING & HEATING	REPAIR WATER FOUNTIAN PIER A	\$	2,900.00
	CY-03083	RICHARD DUNKIN	CLEAN DRAIN AT STEVENS PARK	\$	65.00
	CY-03091	QUALITY PLUMBING & HEATING	REPAIR FOUNTAIN-ELYSIAN PARK	\$	375.00
	CY-03093	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL PIER A	\$	300.00
	CY-03094	MAC PEST CONTROL	BAIT STATIONS - ELYSIAN PARK	\$	100.00
	CY-03095	MAC PEST CONTROL	MONTHLY PEST & RODENT SERVICES	\$	400.00
	CY-03096	MAC PEST CONTROL	ANNUAL WEED CONTROL PROGRAM	\$	1,000.00
	CY-03097	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	\$	150.00
	CY-03162	TIME SYSTEM INTERNATIONAL INC	MAINTENANCE AGREEMENT	\$	280.00
	CY-03234	CITY PAINT AND HARDWARE	SUPPLIES FOR PARKS (JULY 2011)	\$	442.74
	CY-03261	D'ONOFRIO & SON, INC.	LANDSCAPE MAINTENANCE (JULY)	\$	1,536.55
HS RECREATION	CY-02844	STAN'S SPORT CENTER	WALL PADS FOR HIGH SCHOOL	\$	7,683.00
	CY-03085	LISA WANG	REIMBURSEMENT-ART IN THE PARK	\$	25.00
	CY-03098	REY PANTOJA	SERVICES RENDERED REFEREE	\$	500.00
	CY-03260	MILAZZO, CARMEN DR.	PHYSICAL EXAMINATIONS (PAL)	\$	2,000.00
	CY-03291	STAN'S SPORT CENTER	FOOTBALL SPORTING EQUIPMENT	\$	542.95
	CY-03308	LUIS ACEVEDO	PROGRAM COORDINATOR	\$	1,080.00
	CY-03309	MIGUEL ACEVEDO	LEAGUE STAFF	\$	500.00
	CY-03310	REY PANTOJA	STAFF, REFEREE, SCOREKEEPER	\$	500.00
	CY-03311	FUQUAN HICKS	LEAGUE STAFF	\$	250.00
HS RENT LEVELING/STABILIZATION	10-03266	MATEO J. PEREZ	COUNCIL RESOLUTION 5/19/10	\$	2,610.00
	CY-01067	JERSEY JOURNAL	ADVERTISEMENT RENT CONT. MEET.	\$	51.73
HS SENIOR CITIZEN PROGRAM	CY-02846	REBEKAH ARAMINI LUPO	SERVICES RENDERED YOGA CLASSES	\$	320.00
PS FIRE	CY-00972	CDWG/MICRO WAREHOUSE	COMPUTER SUPPLIES	\$	1,076.10
	CY-02284	MOTOROLA NORTHERN DIVISION	RADIOS	\$	3,712.20
	CY-02690	HOBOKEN LOCK & SUPPLY	RESCUE 1 DOOR REPAIRS	\$	170.00

PS FIRE	CY-02833	TURNOUT FIRE AND SAFETY	EQUIPMENT	\$	32.99
	CY-02945	SHORE SOFTWARE	ONLINE BACKUP	\$	69.95
	CY-02946	M & G AUTO PARTS, INC.	POWERMASTER	\$	314.52
	CY-02949	JOHN EARL CO.	BATHROOM TISSUE	\$	59.68
	CY-02956	CITY PAINT AND HARDWARE	APPARATUS PARTS ETC	\$	541.80
	CY-03062	ABSOLUTE FIRE PROTECTION	REPAIR PARTNER SAW	\$	80.00
	CY-03063	KLINGER TIRE & SERVICE CO.	REPAIRS	\$	1,155.00
PS FIRE SAFETY	CY-02950	GLOBAL EQUIPMENT COMPANY	GAS LEAK DETECTOR	\$	608.92
PS POLICE	CY-02063	ATLANTIC TACTICAL OF NJ	BODY ARMOR	\$	5,132.40
	CY-02717	W.B. MASON CO., INC.	PRINTER,COPIER & FAX SUPPLIES	\$	4,286.95
	CY-02762	MORPHOTRAK, INC	AFIS SERVICE AGREEMENT	\$	2,146.00
	CY-02763	DE LAGE LANDEN PUBLIC FINANCE	MO. LEASE PAYMENT - RISOGRAPH	\$	567.64
	CY-02766	GRAINGER, INC	MV CRASH INVEST. SUPPLIES	\$	989.16
	CY-02767	HUDSON CAMERA CORP	MV CRASH INVEST CAMERAS	\$	394.00
	CY-02768	RIVERFRONT CAR WASH	PD CAR WASH SVC. - JUNE 2011	\$	333.00
	CY-02899	CITY OF JERSEY CITY POLICE DEP	SVS FOR ST.PATTYS PARADE	\$	13,903.23
UNCLASSIFIED	CY-00008	EXXONMOBIL FLEET/GECC	CY2011 GASOLINE	\$	33,701.57
	CY-00018	CABLEVISION LIGHTPATH, INC.	CY2011 INTERNET SERV #45278	\$	1,188.67
	CY-00019	CABLEVISION LIGHTPATH, INC.	CY2011 REVERSE 911 SYST SERV	\$	2,788.78
	CY-00023	VERIZON	CY2011 PHONE SERVICE	\$	11,328.00
	CY-00024	VERIZON WIRELESS	CY2011 CELL SERV-MAYOR	\$	211.20
	CY-00025	OCE IMAGISTICS	CY2011 FAX EQUIP LEASE/MAINT	\$	1,113.00
	CY-00032	BLUE CROSS BLUE SHIELD NJ (D)	CY2011 DENTAL	\$	49,162.11
	CY-00033	BLUE CROSS-BLUE SHIELD OF NJ	CY2011 HEALTH/PRESC INSURANCE	\$	1,521,414.37
	CY-00037	VISION SERVICE PLAN, INC.	CY2011 VISION INSURANCE	\$	10,298.90
	CY-03181	MARY MCDONALD	REIMBURSEMENT, PART B MEDICARE	\$	1,158.00
	CY-03182	ANNAMAE M MORRISROE	REIMBURSEMENT, PART B MEDICARE	\$	1,158.00
	CY-03183	THOMAS P MORRISROE	REIMBURSEMENT, PART B MEDICARE	\$	1,158.00
UNCLASSIFIED/COPIERS	CY-00016	RICOH BUSINESS SOLUTIONS	CY11 COPIER/LEASE/MAINT/SPLY	\$	37,852.98
UNCLASSIFIED/STATIONERY	CY-02678	W.B. MASON CO., INC.	JULY OFFICE SUPPLIES	\$	279.50
HS SUMMER FOOD PROGRAM	CY-03075	KARSON FOOD SERVICE, INC.	SUMMER LUNCH PROGRAM	\$	17,354.28
Grand Total					\$ 2,799,259.06

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

20-Jul-11	TO	03-Aug-11	Paydate	8/10/2011	
<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	10,000.72	0.00	0.00	10,000.72
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	8,937.81	0.00	0.00	8,937.81
ABC BOARD	1-01-20-113	0.00	0.00	121.75	121.75
PURCHASING	1-01-20-114	7,082.16	0.00	0.00	7,082.16
GRANTS MANAGEMENT	1-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	1-01-20-120	12,168.00	1,203.68	0.00	13,371.68
ELECTIONS	1-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	1-01-20-130	25,543.64	0.00	0.00	25,543.64
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	8,932.66	0.00	0.00	8,932.66
ASSESSOR'S OFFICE	1-01-20-150	13,494.27	0.00	0.00	13,494.27
CORPORATE COUNSEL	1-01-20-155	12,054.03	0.00	0.00	12,054.03
COMMUNITY DEVELOPMENT	1-01-20-160	4,520.77	0.00	0.00	4,520.77
TREASURER	1-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	1-01-21-180	6,221.54	0.00	1,584.00	7,805.54
INFORMATION TECHNOLOGY	1-01-20-147	0.00	0.00	0.00	0.00
ZONING OFFICER	1-01-21-186	4,655.46	0.00	0.00	4,655.46
HOUSING INSPECTION	1-01-21-187	5,489.84	243.06	0.00	5,732.90
CONSTRUCTION CODE	1-01-22-195	22,661.96	0.00	200.00	22,861.96
POLICE DIVISION	1-01-25-241	549,831.51	11,566.99	5,521.57	566,920.07
CROSSING GUARDS	1-01-25-241	8,697.43	0.00	0.00	8,697.43
EMERGENCY MANAGEMENT	1-01-25-252	4,437.50	0.00	96.15	4,533.65

<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	404,289.38	88,270.29	1,257.36	493,817.03
STREETS AND ROADS	1-01-26-291-011	23,230.59	5,707.41	0.00	28,938.00
ENV SRVCS DIR OFFICE	1-01-26-290	6,388.00	0.00	0.00	6,388.00
RECREATION SEASONAL EMP	1-0128370016	7,871.38	0.00	0.00	7,871.38
CENTRAL GARAGE	1-01-26-301	1,376.42	955.16	0.00	2,331.58
SANITATION	1-01-26-305	18,904.61	3,625.92	0.00	22,530.53
LICENSING DIVISION	1-31-55-501-101	3,791.75	0.00	0.00	3,791.75
HUMAN SRVCS DIR OFFICE	1-01-27-330	6,678.48	0.00	0.00	6,678.48
BOARD OF HEALTH	1-01-27-332	18,443.11	343.56	0.00	18,786.67
CONSTITUENT SRCS	1-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	1-01-27-336	16,289.65	107.57	0.00	16,397.22
RENT STABILIZATION	1-01-27-347	7,396.83	0.00	0.00	7,396.83
TRANSPORTATION	1-01-27-348	0.00	0.00	0.00	0.00
RECREATION	1-01-28-370	13,076.16	0.00	0.00	13,076.16
PARKS	1-01-28-375	16,220.81	1,991.25	0.00	18,212.06
PUBLIC PROPERTY	1-01-28-377	26,477.31	1,117.83	0.00	27,595.14
PUBLIC LIBRARY	1-0129-390-021	0.00	0.00	0.00	0.00
PUBLIC DEFENDER	1-01-43-495	2,623.81	0.00	0.00	2,623.81
MUNICIPAL COURT	1-01-43-490	38,065.63	0.00	0.00	38,065.63
PARKING UTILITY	1-31-55-501-101	96,161.41	9,837.41	24.46	106,023.28
MUN COURT OVERTIME	T-0340000-037	0.00	2,095.87	0.00	2,095.87
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-02-44-701-390	0.00	0.00	0.00	0.00
GRANT#	G-02-41-100-PSO	0.00	0.00	0.00	0.00
GRANT#	T-03-40-000-003	0.00	0.00	0.00	0.00
FIRE SAFETY	T-13-10-000-000	0.00	4,079.81	0.00	4,079.81
CULTURAL AF AFFAIRS	1-01-271-760-11	3,817.24	0.00	0.00	3,817.24

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>PAY</u>
OTHER:					
SALARY ADJUSTMENT	1-01-36-478-000	0.00	0.00	0.00	0.00
SALARY ADJUSTMENT	1-01-55-901-011	0.00	25.86	13,748.05	13,773.91
SALARY SETTLEMENT	1-01-36-479-000	0.00	0.00	97,537.61	97,537.61
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	40,353.50	40,353.50
RESERVE FOR POAA	T-03-40-000-032	0.00	0.00	0.00	0.00
GRANT	G-02-44-701-310	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP	1-01-25-241-017	0.00	0.00	0.00	0.00
GRAND TOTAL		1,433,433.10	131,171.67	160,444.45	1,725,049.22
					1,725,049.22

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:

04-Aug-11	TO	17-Aug-11	Paydate	8/24/2011	
<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	9,160.47	0.00	0.00	9,160.47
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	1,125.00	9,570.45
BUS ADMINISTRATOR	1-01-20-112	9,049.01	0.00	0.00	9,049.01
ABC BOARD	1-01-20-113	0.00	0.00	153.85	153.85
PURCHASING	1-01-20-114	7,263.89	37.14	0.00	7,301.03
GRANTS MANAGEMENT	1-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	1-01-20-120	14,959.08	2,742.80	0.00	17,701.88
ELECTIONS	1-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	1-01-20-130	23,072.58	0.00	0.00	23,072.58
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	8,932.66	0.00	0.00	8,932.66
ASSESSOR'S OFFICE	1-01-20-150	13,494.27	0.00	0.00	13,494.27
CORPORATE COUNSEL	1-01-20-155	11,617.99	0.00	0.00	11,617.99
COMMUNITY DEVELOPMENT	1-01-20-160	4,580.77	0.00	0.00	4,580.77
TREASURER	1-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	1-01-21-180	6,221.54	645.45	1,584.00	8,450.99
INFORMATION TECHNOLOGY	1-01-20-147	0.00	0.00	0.00	0.00
ZONING OFFICER	1-01-21-186	4,655.46	0.00	0.00	4,655.46
HOUSING INSPECTION	1-01-21-187	5,489.84	364.59	0.00	5,854.43
CONSTRUCTION CODE	1-01-22-195	22,506.96	0.00	200.00	22,706.96
POLICE DIVISION	1-01-25-241	546,652.57	19,284.92	1,759.52	567,697.01
CROSSING GUARDS	1-01-25-241	3,909.23	0.00	0.00	3,909.23
EMERGENCY MANAGEMENT	1-01-25-252	4,437.50	708.00	96.15	5,241.65

<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	405,260.74	50,693.31	33.16	455,987.21
STREETS AND ROADS	1-01-26-291-011	22,532.56	4,761.08	0.00	27,293.64
ENV SRVCS DIR OFFICE	1-01-26-290	6,648.00	0.00	0.00	6,648.00
RECREATION SEASONAL EMP	1-0128370016	7,690.75	0.00	0.00	7,690.75
CENTRAL GARAGE	1-01-26-301	1,376.42	619.56	0.00	1,995.98
SANITATION	1-01-26-305	18,743.90	3,824.52	0.00	22,568.42
LICENSING DIVISION	1-31-55-501-101	3,791.75	0.00	0.00	3,791.75
HUMAN SRVCS DIR OFFICE	1-01-27-330	6,678.48	0.00	0.00	6,678.48
BOARD OF HEALTH	1-01-27-332	19,640.76	201.12	0.00	19,841.88
CONSTITUENT SRCS	1-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	1-01-27-336	15,848.15	0.00	0.00	15,848.15
RENT STABILIZATION	1-01-27-347	7,396.83	0.00	0.00	7,396.83
TRANSPORTATION	1-01-27-348	0.00	0.00	0.00	0.00
RECREATION	1-01-28-370	11,629.55	0.00	0.00	11,629.55
PARKS	1-01-28-375	16,815.54	0.00	0.00	16,815.54
PUBLIC PROPERTY	1-01-28-377	27,936.90	215.27	0.00	28,152.17
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	35,751.41	0.00	0.00	35,751.41
PARKING UTILITY	1-31-55-501-101	97,934.32	11,890.13	92.13	109,916.58
MUN COURT OVERTIME	T-0340000-037	0.00	1,929.82	0.00	1,929.82
GRANT#	T0340000004	0.00	0.00	0.00	0.00
GRANT#	G-02-44-701-380	0.00	0.00	0.00	0.00
GRANT#	G-02-44-701-390	0.00	0.00	0.00	0.00
GRANT#	G-02-41-100-PSO	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	3,225.18	0.00	0.00	3,225.18

<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>
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OTHER:

SALARY ADJUSTMENT	1-01-36-478-000	0.00	0.00	0.00	0.00
SALARY SETTLEMENT	1-01-36-479-000	0.00	0.00	6,015.24	6,015.24
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	29,798.00	29,798.00
RESERVE FOR POAA	T-03-40-000-032	0.00	0.00	0.00	0.00
GRANT	G-02-44-701-310	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP	1-01-25-241-017	0.00	0.00	0.00	0.00
		=====	=====	=====	=====
GRAND TOTAL		1,425,130.10	97,917.71	40,857.05	1,563,904.86
					1,563,904.86

Introduced by: _____
Seconded by: _____

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

**RESOLUTION TO AMEND THE CONTRACT WITH OKIN,
HOLLANDER & DELUCA, LLP FOR SERVICES AS SPECIAL LEGAL
COUNSEL – BANKRUPTCY TO THE CITY OF HOBOKEN RELATING
TO THE BANKRUPTCY FILINGS INVOLVING HOBOKEN
UNIVERSITY MEDICAL CENTER TO INCREASE THE NOT TO
EXCEED AMOUNT BY FIFTY THOUSAND (\$135,000.00)**

WHEREAS, the filing of a bankruptcy suit relating to Hoboken University Medical Center made it necessary to retain bankruptcy counsel on an emergency basis in order to fully protect the City’s interests throughout these proceedings; and,

WHEREAS, the Administration has chosen to appoint Paul S. Hollander, Esq. of Okin, Hollander & DeLuca, LLP to serve as Special Legal Counsel relating to any bankruptcy proceedings commencing in relation to Hoboken University Medical Center, and the Council authorized such appointment by Resolution dated August 18, 2011; and,

WHEREAS, the City of Hoboken currently has a contract with Okin, Hollander & DeLuca, LLP, in the amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00), which not to exceed amount needs to be increased by One Hundred Thirty Five Thousand Dollars (\$135,000.00); and,

WHEREAS, the August 4, 2011 proposal of Paul S. Hollander which previously constituted the Agreement between Okin, Hollander & DeLuca, LLP and the City relating to the within services shall be supplemented and amended as described herein; and,

WHEREAS, Okin, Hollander & DeLuca, LLP is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, there is an emergency need for said service, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

WHEREAS, funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED that the contract with Okin, Hollander & DeLuca, LLP, as authorized by Resolution dated August 18, 2011, shall be amended to increase the not to exceed amount by One Hundred Thirty Five Thousand Dollars (\$135,000.00);

BE IT FURTHER RESOLVED that no other changes shall be made to the original contract;

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

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

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

Meeting Date: September 7, 2010

Approved:

Approved as to Form:

Arch Liston
Business Administrator

Mark A. Tabakin
Corporation Counsel

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that an additional \$135,000.00 is available in the following appropriations:

These funds are sufficient to meet the contractual commitment providing for:

SPECIAL LEGAL COUNSEL – BANKRUPTCY

For payment to be submitted to the following contractor:

Okin, Hollander & DeLuca, LLP
One Parker Plaza
Fort Lee, New Jersey 07024

I further certify that, this commitment together with all previously made commitment 0s 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 AMENDMENT OF THE 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 TO COMMENCE FEBRUARY 2, 2011 AND
TERMINATE DECEMBER 31, 2011**

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 the City is now faced with a new environmental matter, *In re 325 River Street, ED ID No. PEA 08003-017665*, for which the City seeks to be represented by John Scagnelli; 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, 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, this special expertise and knowledge, as well as the emergent need for continuous expert legal representation, provide a basis for continuance of the waiver of the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance with regard to John Scagnelli; 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, said services require the City to increase the contract sum in the amount of One Hundred Fifty Five Thousand Dollars (\$155,000.00); 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 the professional service contract between the City of Hoboken and Scarinci and Hollenbeck be amended as follows:

1. The services of Joel Glucksman shall remain unchanged;
2. John Scagnelli shall continue to serve as Special Counsel for environmental issues for the City of Hoboken relating to the Hoboken Cove Matter;

3. John Scagnelli shall be retained Special Legal Counsel – Environmental to represent the City in the matter of *In re 325 River Street, ED ID No. PEA 08003-017665*;
4. The not to exceed amount of the contract shall be increased by One Hundred Fifty Five Thousand Dollars (\$155,000.00) for a total contract sum of Two Hundred Thirty Thousand Dollars (\$230,000.00).

BE IT FURTHER RESOLVED that the remainder of the original contract terms shall remain unchanged; 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 December 31, 2011.

Meeting Date: September 7, 2011

Approved:

Approved as to Form:

Arch Liston
Business Administrator

Mark A. Tabakin
Corporation Counsel

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that ADDITIONAL FUNDS in the amount of \$155,000.00 are available in the following appropriations:

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

AN AMEDNED AGREEMENT: 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 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 RESCINDS THE AWARD OF A CONTRACT TO APPLIED LANDSCAPE TECHNOLOGIES FOR THE CONSTRUCTION OF 1600 PARK ARTIFICIAL TURF FIELD FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 11-14.

WHEREAS, on July 1, 2011, by way of Resolution Number 14, the City awarded a contract to Applied Landscape Technologies for the construction of the 1600 Park artificial turf field in accordance with the specifications in Bid No. 11-14; and,

WHEREAS, the City has since been provided with new information by the New Jersey Department of Environmental Protection (“DEP”) that the property has been approved for a decreased elevation level, and such decreased elevation levels would positively benefit the City and the park project scheduled for 1600 Park; and,

WHEREAS, in light of the new information and approvals from the DEP, the City seeks to pursue lowering the property elevation for the benefit of the City and the project; and,

WHEREAS, as a result of the change in circumstances, and the new direction the City must pursue to effectuate the elevation approvals of the DEP, the provisions called for in the contract awarded to Applied Landscape Technologies are no longer appropriate or necessary; and,

WHEREAS, the City Council hereby rescinds the award of said contract and directs the Administration to take the appropriate action to effectuate this rescission.

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution rescinds the award of a contract to Applied Landscape Technologies which was authorized by the City Council’s Resolution #14 of 1 July 2011, for the reasons stated herein; and,
- B. The City Council requests the Administration to take the appropriate action to effectuate this Resolution, and to take whatever additional action is necessary to reap the benefits of the recent approvals of the DEP relating to the decrease in elevation at 1600 Park; and,
- C. This resolution shall take effect immediately upon passage.

Meeting of: September 7, 2011

APPROVED:

APPROVED AS TO FORM:

Arch Liston, Business Administrator

Mark A. Tabakin, Corporation Counsel

Sponsored by: _____

Seconded by: _____

City of Hoboken
Resolution No.:____

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A “SHARED SERVICE AGREEMENT” WITH THE COUNTY OF HUDSON RELATING TO TRAFFIC SIGNALS AND ROADWAY REPAIRS

WHEREAS, the Administration, has negotiated an agreement with the County of Hudson which provides for the County to repair a portion of Observer Highway in consideration for the City constructing a traffic signal at 1600 Park; and,

WHEREAS, the agreed upon terms are laid out in the Shared Service Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

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

1. The City Council hereby accepts the Shared Service Agreement, *attached hereto*, as negotiated between the City and the County; and,
2. The City Council hereby directs the Mayor and her Administration to notify the County of this acceptance immediately.
3. The Mayor and/or her agents are hereby authorized and directed to proceed to execute and finalize this agreement, or a substantially similar agreement without material changes, expeditiously, and to take any steps necessary to effectuate the Agreement.

MEETING: September 7, 2011

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

SHARED SERVICES AGREEMENT

This **AGREEMENT** is made this ____ day of ____, 2011, between the County of Hudson (the “County”), a body politic and corporate of the State of New Jersey with its administrative offices located at 567 Pavonia Avenue, Jersey City, New Jersey 07306, and the City of Hoboken, (the “City”) with its principal offices located at 94 Washington Street, Hoboken, New Jersey, 07030.

RECITALS

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

WHEREAS, the City is finalizing the design of a new park approximately bounded by Park Avenue (to the east), Willow Avenue (to the west), 16th Street (to the south), and the Hudson-Bergen Light Rail right-of-way (to the north) in Hoboken, New Jersey with the name of “1600 Park”;

WHEREAS, the County owns the roadways that intersect at the southeast corner of 1600 Park;

WHEREAS, the City and its residents have expressed a desire to make every effort to improve pedestrian safety concerns pertaining to accessing 1600 Park where a large number of visitors are anticipated to arrive on foot;

WHEREAS, the County has agreed to install a traffic signal at the intersection of Park Avenue and 16th Street in Hoboken, New Jersey;

WHEREAS, the City has developed traffic signal plans and a cost estimate to install the traffic signal at a cost of approximately \$350,000.00 (three hundred fifty thousand dollars);

WHEREAS, the Parties agreed in 2010 to the installation of a signal at this location, however, programming by the County for the installation of this traffic signal would not allow for completion until September of 2012;

WHEREAS, both Parties agree that the traffic signal should be installed at this location as quickly as possible in anticipation of the opening of 1600 Park;

WHEREAS, the Parties are already collaborating on a redesign of a segment of Observer Highway that requires funds for construction provided by the City, as well as funds for resurfacing a portion of that roadway provided by the County;

WHEREAS, the Parties have adopted appropriate resolutions approving the terms of this Agreement;

NOW THEREFORE, in consideration of the mutual promises stated in the above recitals, which shall be incorporated herein as contractual obligations of the Parties, the Parties agree as follows:

1. Services.

1. The City intends to issue a municipal bond in the amount of \$350,000.00 (three hundred fifty thousand dollars) to finance the cost of the installation of the traffic signal at the intersection of Park Avenue and 16th Street in Hoboken, New Jersey in an expedited manner;

2. The Parties agree that peripheral roadway striping and appropriate traffic signage shall be installed by the County contemporaneous with the installation of the traffic signal at this location; and

3. In exchange for the City incurring the cost of installing the traffic signal, the County shall expend an amount not less than \$350,000.00 (three hundred fifty thousand dollars) to cover the cost of extending resurfacing improvements beyond the current southerly extent of the County's previously planned resurfacing effort along Observer Highway as an in-kind contribution within one year from the commencement of this Agreement. These services shall include activities required to resurface an area of roadway immediately south of the existing extents of Observer Highway, referred to as the "Resurfacing Area" as described below up to the amount of \$350,000.00:

- Sawcut along the street bed at the southern curblineline of Observer Highway immediately north of the concrete median separating Observer Highway from Vezetti Way from Henderson Street to Hudson Street (approximately 2,300 feet)
- Demolition of concrete median separating Observer Highway from Vezetti Way for its entire length from Henderson Street to Washington Street
- All preparatory work of existing asphalt necessary for mill/overlay of the "Resurfacing Area" contained by the sawcut line to the north, the southern edge of the Vezetti Way R.O.W. to the south, Henderson Street to the west, and Hudson Street to the east, with a length of approximately 2,300 feet and ranging in width from 27 feet to 35 feet north to south.

- Milling of existing asphalt of the "Resurfacing Area" to a depth of approximately two (2) inches, or the County's prevailing standard Mill/Overlay depth for the
- Overlay of new asphalt in the "Resurfacing Area"
- Installation of all necessary thermoplastic pavement markings as part of the proposed redesign roadway configuration

2. Term

This Agreement shall commence on the day it is executed and automatically expire one year from its commencement. The County's obligation in paragraph 1 shall survive termination of this Agreement unless all services under this Agreement are completed within one year of the commencement of this Agreement.

3. Assignment

The Parties shall not assign, transfer or sublet this Agreement or any portion thereof without the prior written consent of the other Party.

4. Indemnification/Insurance

A. The City shall be responsible for all claims and suits resulting from the City's obligations under this Agreement which arise out of the gross negligence or intentional misconduct of employees, agents, or contractors of the City, and the City agrees to fully indemnify and hold harmless the County from any such claims or suits including, but not limited to, any reasonable attorneys fees and costs of suit incurred by the County as a result thereof. The County shall be solely responsible for all other claims and suits relating to those portions owned and/or maintained by the County, and the County agrees to fully indemnify and hold harmless the City from any such claims or suits including, but not limited to, any reasonable attorneys fees and costs of suit incurred by the City as a result thereof.

B. To the extent and subject to limits permitted by applicable laws of the State of New Jersey as in effect from time to time during the term of this Agreement, the County shall:

- a. Indemnify and save harmless the City, its elected officials, agents, employees, officers, and directors (referred to herein jointly as “City”) from and against any claims, demands, liabilities, damages, losses, costs, charges, and any and all other expenses, including but not limited to attorneys’ fees, that the City may incur or be subject to as a consequence, directly or indirectly, of any acts or omissions of the County or any of its agents, employees, or representatives relating to this Agreement or the underlying Project, and arising from any and all casualties, property damage, contract dispute or personal injury.
- C. The City shall provide evidence of insurance coverage as set forth immediately herein below. The City shall furnish to the County, a Certificate of such insurance coverage containing a thirty (30) day advance cancellation clause; and said coverage shall name the County as an additional insured for the City.
- a. Comprehensive General Liability Insurance coverage in the amount of \$2,000,000.00 aggregate combined single limit bodily injury and property damage, including personal liability.
 - b. Automobile Liability insurance with coverage limits of \$1,000,000.00 combined single limit for losses resulting from operation of vehicles and maintenance equipment owned or leased by the City and used in providing services to be rendered under this Agreement and/or operation of vehicles to complete the services.
 - c. Workers compensation insurance coverage in the amount of \$500,000.00.
- D. The County shall provide evidence of insurance coverage as set forth immediately herein below. The County shall furnish to the City, a Certificate of such insurance coverage containing a thirty (30) day advance cancellation clause; and said coverage shall name the City as an additional insured.

- a. Comprehensive General Liability Insurance coverage in the amount of \$2,000,000.00 aggregate combined single limit bodily injury and property damage, including personal liability.
- b. Automobile Liability insurance with coverage limits of \$1,000,000.00 combined single limit for losses resulting from operation of vehicles and maintenance equipment owned or leased by the City and used in providing services to be rendered under this Agreement and/or operation of vehicles to render services pursuant to this Agreement.
- c. Workers compensation insurance coverage in the amount of \$500,000.00.

5. Employees

A. The County shall remain the sole employer of its employees that will provide the services to be rendered pursuant to this Agreement and shall at all times retain sole authority over the terms and conditions of employment of its personnel and shall be solely responsible for the payment of all wages and the proper withholding of all wages and the proper withholding of all applicable taxes, etc.

B. The City shall remain the sole employer of its personnel associated with
the recreational programs and shall at all times retain sole authority over the terms and conditions of employment of its personnel and shall be solely responsible for the payment of all wages and the proper withholding of all applicable taxes, etc.

C. Neither the City nor the County will discriminate against any
employee or
applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sexual orientation or sex. Except with respect to sexual orientation, the

City and the County will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, or sexual orientation or sex.

6. Compliance with Law and Policy

The Parties agree to comply with all federal and state laws and local ordinances.

7. Notices.

Any notice given in connection with this Agreement shall be given in writing and delivered either by hand to the party or by certified mail, return receipt requested, or by fax to the party at that party's address stated herein. Any party may change its address stated herein by giving notice of the change in accordance with this Article.

8. Choice of Law

This Agreement shall be governed, construed, and interpreted in accordance with the law of the State of New Jersey as it applies to contracts made and performed in New Jersey. Each of the Parties hereby expressly submits and consents in advance to such jurisdiction in any action or proceeding commenced by the other.

9. Entire Agreement

This is the entire Agreement between the Parties and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed on behalf of each of the Parties.

10. Filing

Upon its execution, this Agreement shall be filed with the Division of Local

Government Services in the Department of Community Affairs pursuant to N.J.S.A.
40A:65-4.

11. Counterparts

This Agreement may be executed in one or more counterparts, each of which when executed shall be deemed to be an original, but all of which taken together shall constitute one and the same instrument.

12. Severability

If any part of this Agreement shall be held to be unenforceable, the rest of the Agreement shall nevertheless remain in full force and effect.

IN WITNESS HEREOF, the Parties have caused these present to be signed by their proper officers, the day and year first above written.

The City of Hoboken

County of Hudson

ATTEST:

ATTEST:

Dawn Zimmer, Mayor

Thomas A. DeGise,
Hudson County Executive

ATTEST:

ATTEST:

James Farina, City Clerk

Jean A. Byrnes, Clerk
Board of Chosen Freeholders

Sponsored By: _____

Co-Sponsored By: _____

CITY OF HOBOKEN
RESOLUTION #: _____

RESOLUTION APPROVING A CHANGE ORDER FOR DEMOLITION WORK PERFORMED AND MATERIAL FURNISHED ON A MULTI-STORY RESIDENTIAL BUILDING AT 417 JACKSON STREET PURSUANT TO BID NO. 11-06

Whereas, the City of Hoboken has appropriated funds totaling \$84,600.00 for the building demolition of 417 Jackson Street; and

Whereas, at the City Council meeting of June 1, 2011, a construction contract for building demolition work of 417 Jackson Street was awarded to Yannuzzi & Sons, Inc., 152 Route 206 South, Suite 14, Hillsborough, New Jersey 08844 in the amount of \$84,600.00; and

Whereas, according to the letter from the City's General Engineers, Boswell McClave Engineering, approval of a Change Order #1 in the amount of Seven Thousand Six Hundred One Dollar and Seventy Five Cents (\$7,601.75) is necessary to cover unforeseen roofline repairs to cover exposed roof rafters at 419 Jackson (adjacent structure) and delay costs associated with the temporary shutdown of the project on July 27, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the attached Change Order #1 in the amount of Seven Thousand Six Hundred One Dollar and Seventy Five Cents (\$7,601.75).

Meeting Date: September 7, 2011

Reviewed by:

Approved as to form:

Arch Liston, Business Administrator

Mark A. Tabakin, Corporation Counsel

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$7,601.75 is available in the following appropriations:

These funds are sufficient to meet the contractual commitment providing for:

**CHANGE ORDER #1 FOR WORK PERFORMED AND MATERIAL
FURNISHED IN THE DEMOLITION OF A MULTI-STORY RESIDENTIAL
BUILDING AT 417 JACKSON STREET**

For payment to be submitted to the following contractor:

Yannuzzi & Sons, Inc.

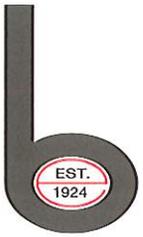
152 Route 206 South – Suite 14

Hillsborough, New Jersey 08844

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

Chief Financial Officer

Date: _____



August 31, 2011

Sent Via E-Mail and Regular Mail

City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Attention: Arch Liston, City Administrator

Re: Multi-Story Residential Building
Demolition - 417 Jackson Street
Bid No. 11-06
City of Hoboken
Hudson County, New Jersey
Our File No. HO-448

Dear Administrator Liston:

Enclosed please find Engineer's Estimate Certificate No. 2 in the amount of \$13,366.00 and Change Order No. 1 in the amount of \$7,601.75 for work performed to date by the contractor, Yannuzzi & Sons, Inc. for the above referenced project.

Boswell McClave Engineering takes no exception to the payment of \$13,366.00 for work completed to date as outlined in Estimate No. 2.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING

Joseph A. Pomante, P.E.
City Engineer

JAP/dm

Enclosures

cc: Chris Baldwin, Purchasing Department, City of Hoboken
Robert Anderson, Yannuzzi & Sons, Inc.

BOSWELL McCLAVE ENGINEERING
330 PHILLIPS AVENUE
SOUTH HACKENSACK, NEW JERSEY 07606

ESTIMATE CERTIFICATE

FOR WORK PERFORMED AND MATERIAL FURNISHED IN THE CONSTRUCTION OF:
MULTI-STORY RESIDENTIAL BUILDING DEMOLITION - 417 JACKSON STREET

BID NO. 11-06

City of Hoboken
Hudson County, New Jersey

Our File No. HO-448

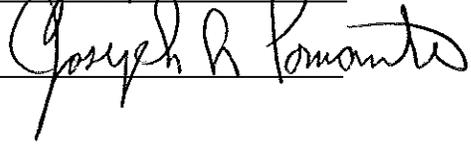
Estimate Number: 2

Period Ending: 8/24/11

Contractor: Yannuzzi & Sons, Inc.
152 Rte. 206 South, Unit #14
Hillsborough, New Jersey 08844

Original Contract Amount:	\$84,600.00	Total Amount Estimated:	\$81,700.00
Less Reductions:		Less 2% Retainage:	\$1,634.00
Plus Increases:	\$7,601.75	Total Net Amount Estimated:	\$80,066.00
Amended Contract Amount:	\$92,201.75	Less Amount Previously Paid:	\$63,700.00
Contract Starting Date:		Amount Due This Estimate:	\$16,366.00
Actual Starting Date:			
Contract Completion Date:			
Extensions:			

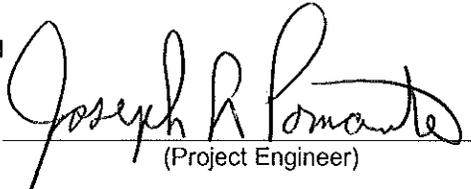
Amended Completion Date:
Time Used:
Percent Complete: 89%

Estimated By: 
Approved By: 

FOR USE BY CITY OF HOBOKEN

Verified by:

(City Administrator)



(Project Engineer)

Audited by:

(Chief Financial Officer)

ESTIMATE CERTIFICATE
FOR WORK PERFORMED AND MATERIAL FURNISHED IN THE CONSTRUCTION OF:
MULTI-STORY RESIDENTIAL BUILDING DEMOLITION - 417 JACKSON STREET

BID NO. 11-06

City of Hoboken
Hudson County, New Jersey

Our File No. HO-448

Estimate Number: 2

ITEM	DESCRIPTION	UNIT	UNIT PRICE	ORIGINAL CONTRACT QUANTITY	AMENDED CONTRACT QUANTITY	QUANTITY PREV. ALLOWED	QUANTITY ALLOWED THIS ESTIMATE	QUANTITY ALLOWED TO DATE	TOTAL AMT. ALLOWED TO DATE	AMOUNT DUE THIS ESTIMATE
BASE BID										
1	Building demolition including disposal, backfill and site restoration.	L.S.	\$69,200.00	1		0.90	0.10	1.00	\$69,200.00	\$6,920.00
2	Allowance for Police Traffic Directors	Allow	\$5,000.00	1		0.54	0.00	0.54	\$2,700.00	\$0.00
3	Repair and restoration of damage to common walls of adjacent structures due to demolition operations.	Allow	\$10,000.00	1		0.00	0.98	0.9800	\$9,800.00	\$9,800.00
4	Asbestos Pipe Insulation	L.F.	\$200.00	1		0.00	0.00	0.00	\$0.00	\$0.00
5	Asbestos containing plaster	S.F.	\$200.00	1		0.00	0.00	0.00	\$0.00	\$0.00
S-1	Roof repair (additional cost)	L.S.	\$852.75	1		0.00	0.00	0.00	\$0.00	\$0.00
E-1	Delay costs (7/27/11)	L.S.	\$6,749.00	1		0.00	0.00	0.00	\$0.00	\$0.00
Total									\$81,700.00	\$16,720.00

INTRODUCED BY: _____

SECONDED BY: _____

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

**APPOINTING COLIN TOBIAS AS
BOARD MEMBER TO THE HOBOKEN ALCOHOL BEVERAGE
CONTROL BOARD TO SERVE THE REMAINDER OF THE TERM
VACATED BY STUART ROSEN, WHICH WILL EXPIRE ON JUNE
30, 2013**

WHEREAS, N.J.S.A. 33:1-1 et seq., and Chapter 9 of the Code of the City of Hoboken establishes the City's Alcohol Beverage Control Board; and

WHEREAS, N.J.S.A. 33:1-5 and Section 9-2 of the Code of the City of Hoboken provide for appointment of Hoboken Alcohol Beverage Control Board Members by the Mayor, subject to Governing Body advice and consent; and

WHEREAS, Commissioner Rosen resigned from the Alcohol Beverage Control Board leaving an vacancy in the seat, and the vacancy needs to be filled for the remainder of the term, which expires on June 30, 2013; and

WHEREAS, the Mayor has appointed Colin Tobias for appointment to the Board of Alcohol Beverage Control to fill said vacancy, and the Governing Body consents to the appointment of Colin Tobias to serve the municipality in such capacity.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Colin Tobias of Hoboken, as a Hoboken Alcohol Beverage Control Board Member, effective immediately, to fill the unexpired term vacated by Commissioner Rosen, which began on July 1, 2010 and expires on June 30, 2013, pursuant to §9-2 of the Code of the City of Hoboken and N.J.S.A. 33:1-5; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Hoboken Alcohol Beverage Control Board Secretary expeditiously.

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

Dated: September 7, 2011

INTRODUCED BY: _____

SECONDED BY: _____

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

**RESOLUTION CONSENTING TO THE MAYORAL APPOINTMENT OF
JON TOOKE AS DIRECTOR OF THE DEPARTMENT OF PUBLIC
SAFETY FOR THE CITY OF HOBOKEN**

WHEREAS, Section 59A-5(C) of the Code of the City of Hoboken establishes the position of Director of the Department of Public Safety within the Department of Public Safety; and,

WHEREAS, the position of Director of the Department of Public Safety is currently vacant, and the Mayor has appointed Jon Tooke to fill said vacancy; and,

WHEREAS, appointment to the position of Director of the Department of Public Safety is for the term of the appointing Mayor and until the appointment of his successor or elimination of the position; and,

WHEREAS, the Council hereby seeks to consent to the Mayor's appointment of Jon Tooke to the Directorship.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Jon Tooke, as Director of the Department of Public Safety, effective immediately, pursuant to and in accordance with the requirements of Section 59A-5(C), including but not limited to, the term and salary requirements therein; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

REVIEWED:

APPROVED AS TO FORM:

Arch Liston
Business Administrator

Mark A. Tabakin, Esq.
Corporation Counsel

Dated: September 7, 2011

CITY OF HOBOKEN

RESOLUTION NO. _____

RESOLUTION TO APPROVE THE “RELEASE AND HOLD HARMLESS AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND THE TOWN OF SECAUCUS

WHEREAS, the City of Hoboken (“Hoboken”) desires to use a street sweeper owned by the Town of Secaucus (“Secaucus”) whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094, on an emergency basis due to the circumstances caused by the hurricane of August 27, 2011; and

WHEREAS, it is understood that Hoboken will utilize the street sweeper in Hoboken, New Jersey, from August 31, 2011 to September 30, 2011; and

WHEREAS, it is understood that Secaucus will receive no compensation from Hoboken; and

WHEREAS, it is understood that Hoboken’s intent is to indemnify and hold harmless the Town of Secaucus whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094, against any and all liability, claims, damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with Hoboken’s use of the street sweeper owned by Secaucus during this time period; and

WHEREAS, it is further understood that Hoboken will make no claim, will file no suit and seek no judgment against Secaucus in connection with the use of the street sweeper owned by the Secaucus during the time period that the street sweeper is being utilized by Hoboken; and

WHEREAS, Hoboken will name the Town of Secaucus as an additional insured on its insurance for the time period of August 31, 2011 to September 30, 2011; and

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

1. Approval of the attached “Release and Hold Harmless Agreement” between the City of Hoboken and the Town of Secaucus, which shall be

considered and governed by the Shared Service and Consolidation Act, N.J.S.A. 40A:65-1 et seq..

2. The Mayor or her agent is hereby authorized to enter into the attached agreement.
3. This resolution shall be retroactive to August 31, 2011.
4. The Clerk shall forward this Resolution and accompanying agreement to the DLGS pursuant to the requirements of the Shared Services and Consolidation Act.

Approved:

Approved to Form:

Arch Liston, Business Administrator
Counsel

Mark A. Tabakin, Corporation

Date: September 7, 2011

RELEASE AND HOLD HARMLESS AGREEMENT

**AGREEMENT, Between the City of Hoboken, New Jersey (“Hoboken”) and the
Town of Secaucus (“Secaucus”)**

WITNESSETH:

WHEREAS, Hoboken and Secaucus seek to enter into a shared service agreement pursuant to N.J.S.A. 40A:65-1 *et. seq.*

WHEREAS, due to the hurricane on or about August 27, 2011, the City will utilize a street sweeper owned by Secaucus whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094. It is understood that Hoboken is utilizing this street sweeper from August 31, 2011 to and including September 1, 2011, on an emergency basis due to the circumstances caused by the hurricane that occurred on or about August 27, 2011.

WHEREAS, Secaucus will receive no compensation from Hoboken.

NOW, THEREFORE, Hoboken agrees to indemnify and hold harmless Secaucus whose principal offices are located at 1203 Paterson Plank Road, Secaucus, New Jersey, 07094, against any and all liability, claims damages, costs and expenses, including counsel fees, which result or may result from any action, accident or incident in connection with the use of the aforementioned street sweeper owned by Secaucus while utilized by Hoboken. And it is further understood that Hoboken will make no claim, will file no suit and seek no judgment against Secaucus in connection with the use of the street sweeper owned by Secaucus during the aforementioned period of time that the street sweeper is under the jurisdiction of Hoboken. In addition, Hoboken will name Secaucus as an additional insured.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seal to be hereunto affixed and to be signed by their proper officer and dated below.

City of Hoboken

Town of Secaucus

By: Mayor Dawn Zimmer

By:

Dated:

Dated:

ATTEST:

ATTEST:

By: _____

By: _____

Dated:

Dated:

Introduced by: _____

Seconded by: _____

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

CITY OF HOBOKEN

**A RESOLUTION OF SUPPORT FOR CITY OF HOBOKEN'S
PARTICIPATION IN PARK(ING) DAY 2011**

WHEREAS, National PARK(ing) Day is a one-day global event in which volunteers temporarily transform metered parking spaces into "PARK(ing)" spaces that serve as temporary public parks and other social spaces for people to enjoy;

WHEREAS, participation in National PARK(ing) Day demonstrates the City's commitment to expanding and improving public space opportunities in Hoboken;

WHEREAS, the City of Hoboken participated in PARK(ing) Day 2010, which as a global event included more than 800 "PARK" installations in more than 180 cities on six continents;

WHEREAS, participating in PARK(ing) Day is recommended in the City of Hoboken's Bicycle and Pedestrian Plan;

NOW, THEREFORE, BE IT RESOLVED, on September 16, 2011, volunteers will be able to set up curbside green spaces in areas where there are none or space is commonly reserved for vehicles in an effort to highlight the need for more open space and parks in our urban areas. At least one individual who participates in this event occupying a parking space shall pay the meter for the duration of their occupancy or must present a valid parking permit demonstration that he or she is entitled to occupy city space for PARK(ing) purposes;

BE IT FURTHER RESOLVED, that the Council of the City of Hoboken hereby lends its support to a one day use of parking spaces for demonstration purposes that public spaces are for people, not just cars.

BE IT FURTHER RESOLVED, that the Mayor and Director of Parking shall be authorized to take whatever additional steps are necessary to effectuate the purpose and intent of this resolution, and the Hoboken Police Department shall work cooperatively with those individuals participating in PARK(ing) day to ensure the safety and welfare of the participants.

Meeting Date: _____

Reviewed by:

Arch Liston
Business Administrator

Approved as to form:

Mark A. Tabakin, Esq.
Corporation Counsel

Sponsor: _____ Councilman Occhipinti _____

Second: _____

HOBOKEN CITY COUNCIL
RESOLUTION NO.: _____

**RESOLUTION AUTHORIZING SPECIFIC ACTIONS RELATING TO A FOR
CAUSE REMOVAL OF NANCY PINCUS FROM HER APPOINTED POSITION
OF CITY OF HOBOKEN ZONING BOARD MEMBER**

WHEREAS, the Council of the City of Hoboken is entitled to remove an appointed City of Hoboken Zoning Board Member for cause, after a public hearing if requested, pursuant to N.J.S.A. 40:55D-69; and,

WHEREAS, prerequisites to removal include providing notice of the intended removal to the Zoning Board Member, and an opportunity for a hearing prior to removal, if requested; and,

WHEREAS, the Council of the City of Hoboken hereby wishes to notify Nancy Pincus of its intention to remove her from her Zoning Board position for cause; and,

WHEREAS, the Council of the City of Hoboken has requested proper RICE notice be provided to Nancy Pincus prior to consideration of the within resolution; and,

WHEREAS, the Council of the City of Hoboken hereby directs written notice of its herein intentions be served on Nancy Pincus, and provides Nancy Pincus with a ten (10) day period from the date of service to notify the City Council in writing if she requests a public hearing prior to removal; and,

WHEREAS, in the event Nancy Pincus requests a public hearing prior to removal, the City Council directs Corporation Counsel to (1) obtain the services of a former New Jersey Judge or Justice (in good standing), to preside as hearing officer over the removal hearing and provide the City Council with a recommendation on removal, including findings of fact and conclusions of law, within forty-eight (48) hours of the hearing, and (2) obtain the services of a New Jersey licensed attorney to prosecute the herein referenced charges on behalf of the City Council, and (3) obtain the services of a certified court reporter to transcribe the hearing contemporaneous to the hearing.

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

1. The City Council hereby puts Nancy Pincus on notice of its intent to remove her from her position as Zoning Board Member, for cause; and,
2. The City Council directs written notice of its herein intentions be served on Nancy Pincus, and provides Nancy Pincus with a ten (10) day period from the date of service to notify the City Council in writing if she requests a public hearing prior to removal; and,
3. In the event Nancy Pincus requests a public hearing prior to removal from the position of Zoning Board Member, the City Council hereby directs Corporation Counsel effectuate:
 - a. A hearing officer be appointed to act on behalf of the City Council and provide the City Council with a factually and legally detailed recommendation concerning removal of Nancy Pincus as a Zoning Board Member, for cause, within forty eight (48) hours of the hearing; and,
 - b. A prosecutor be appointed to prosecute the charges, herein authorized, at the hearing referenced herein; and,
 - c. That the hearing be transcribed by a certified transcriptionist contemporaneous to the hearing.

BE IT FURTHER RESOLVED, that the City Clerk transmits a certified copy of this Resolution to the Mayor and the Office of Corporation Counsel for action in conformity herewith; and,

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately.

APPROVED AS TO FORM:

Corporation Counsel

Meeting Date: September 7, 2011

Introduced by: _____

Seconded by: _____

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

RESOLUTION TO AMEND CAPITAL BUDGET

WHEREAS, the City of Hoboken, New Jersey, desires to amend the 2011 Capital Budget of said municipality by inserting thereon the items therein as shown in such budget for the following reason:

Various Building Improvements, HVAC System, Masson Dump Truck, Portable Vehicle Lift and a Traffic Light.

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

Section 1 of the 2011 Capital Budget of the City of Hoboken is hereby amended by adding thereto a Schedule to read as follows:

**AMENDMENT NO. 1
CAPITAL BUDGET OF THE
CITY OF HOBOKEN, NEW JERSEY
Planned Funding Services for Current Year - 2011**

Project	Est. Cost	Capital Improvement Fund	Capital Surplus	General Bonds	To Be Funded In Future Years
Various Building Improvements	(\$150,000)	(\$7,500)		(\$142,500)	
HVAC System	\$560,000	\$28,000		\$532,000	
Mason Dump Truck	\$46,000	\$2,300		\$43,700	
Portable Vehicle Lift	\$44,000	\$2,200		\$41,800	
Traffic Light	\$350,000	\$17,500		\$332,500	

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

City of Hoboken City Council

Council member	Approved	Opposed	Abstain	Absent
Castellano				
Cunningham				
Giattino				
Marsh				
Mason				
Mello				
Occhipinti				
Russo				
Council Pres. Bhalla				

CERTIFICATION

I, James J. Farina, City Clerk of the Hoboken, hereby certify the foregoing to be a true copy of a resolution adopted by the Hoboken City Council at their meeting held, September 7, 2011 .

WITNESS, my hand and the seal of the City of Hoboken this 7th day of September, 2011.

James J. Farina, CITY CLERK

Introduced by: _____

Seconded by: _____

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Various Streets FY2012 project.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Hoboken City-00090 to the New Jersey Department of Transportation on behalf of City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this _____ day of _____, 20____.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk)

(Presiding Officer)

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

THIS RESOLUTION AUTHORIZES THE EXECUTION OF AN ASSIGNMENT AND RELEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND KAUFMAN, BERN, DEUTSCH & LEIBMAN, LLP RELATING TO OUTSTANDING ESCROW DEBTS ASSOCIATED WITH THE SERVICES OF DOUGLAS BERN AS BOARD ATTORNEY FOR THE ZONING BOARD OF ADJUSTMENT

WHEREAS, Kaufman, Bern, Deutsch & Leibman, LLP provided services in connection with applications for land use applications before the City of Hoboken Zoning Board of Adjustment, further described in the spreadsheet marked SHEET 1 and attached hereto;

WHEREAS, the applicants listed on SHEET 1 failed to provide adequate funds into the escrow accounts related to their land use applications;

WHEREAS, Kaufman, Bern, Deutsch & Leibman, LLP has claims against each of the applicants listed on SHEET 1 in the amounts listed therein, plus interests and costs, for professional legal services rendered as Zoning Board of Adjustment Attorney for the City of Hoboken in connection with each of the applications listed in SHEET 1; and,

WHEREAS, Kaufman, Bern, Deutsch & Leibman, LLP has requested that the City of Hoboken execute an Assignment and Release Agreement, attached hereto, so as to allow Kaufman, Bern, Deutsch & Leibman, LLP to pursue legal action against the applicants and collect the sums due with regard to the within projects on behalf of Kaufman, Bern, Deutsch & Leibman, LLP and the City of Hoboken.

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

- A. That the City Council authorizes the execution of an Assignment and Release Agreement between the City of Hoboken and Kaufman, Bern, Deutsch & Leibman, LLP, attached hereto, so that Kaufman, Bern, Deutsch & Leibman, LLP may pursue its claims against the applicants listed on SHEET 1 in the amounts listed therein;
- B. That the Mayor is authorized to execute and the City Clerk to attest to the attached Assignment and Release Agreement, by and between the City of Hoboken and Kaufman, Bern, Deutsch & Leibman, LLP, in the form and substance as the attached agreement; and,
- C. That a certified copy of this resolution shall be forwarded to Kaufman, Bern, Deutsch & Leibman, LLP.

Meeting of: September 7, 2011

APPROVED:

Arch Liston
Business Administrator

APPROVED AS TO FORM:

Mark A. Tabakin, Esq.
Corporation Counsel

OUTSTANDING BILLS FOR KAUFMAN, BERN DEUTSCH & LEIBMAN

ESCROW BALANCES

			PAID	OUTSTANDING
<u>INVOICE #</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>ESCROW AMOUNT</u>	<u>BALANCE</u>
	109-115 Harrison Street	\$1,526.00	\$150.00	\$1,376.00
	128-132 Harrison Street	\$1,592.50	\$410.00	\$1,182.00
	1416-1428 Clinton Street	\$2,254.00	\$969.37	\$1,284.64
	153 14th Street	\$770.00	\$47.00	\$723.00
	246 Paterson Street	\$2,128.00	\$0.00	\$2,128.00
	257 14th Street	\$105.00	\$0.00	\$105.00
	300 Observer Highway	\$9,616.00	\$417.00	\$9,199.00
	305 Willow Avenue	\$1,344.00	\$0.00	1,344.00
	306 Park Avenue	\$2,009.00	\$0.00	\$2,009.00
	330 Grand Street	\$3,738.00	\$0.00	\$3,738.00
	360-362 14th Street	\$1,666.00	\$1,432.00	\$233.92
	420 Adams Street	\$3,024.00	\$202.00	\$2,822.00
	511 Madison Street	\$770.00	\$0.00	\$770.00
	Stevens Park Garage	\$11,914.00	\$1.15	11,912.85
	515-517 Jefferson Street	\$280.00	\$0.00	\$280.00
	517 Jackson Street	\$1,652.00	0.00	\$1,652.00
	523 Washington Street	\$812.00	\$605.75	\$206.25
	531 Washington Street	\$1,022.00	\$0.00	1,022.00
	532 Monroe Street	\$742.00	\$0.00	\$742.00
	536 Bloomfield Street	\$1,246.00	\$481.00	\$765.00
	603-607 Monroe Street	\$1,295.00	\$86.25	1,208.75
	605 Garden Street	\$1,414.00	\$47.75	\$1,366.25
	624 Monroe Street	\$322.00	\$0.00	\$322.00
	659-666 First Street	\$1,750.00	\$520.00	1,230.00
	70 Monroe Street	\$2,058.00	\$858.92	\$1,199.08
	75 Jackson Street	\$140.00	\$17.00	\$123.00
	78-80 Jackson Street	\$1,732.00	\$0.00	1,732.00
	806 Bloomfield Street	\$4,242.00	\$758.50	\$3,483.50
	833 Willow Avenue	\$294.00	\$0.00	\$294.00
	847 Garden Street	\$595.00	\$0.00	\$595.00

	91 Monroe Street	\$2,121.00	\$26.00	2,095.00	
	918 Castle Point Terrace	\$532.00	\$26.00	\$506.00	
	920 Castle Point	\$1,414.00	\$0.00	1,414.00	
	98 Garden Street	\$798.00	\$182.00	\$616.00	
	All Saints	\$623.00	\$345.00	278.00	
	TOTAL	\$67,540.00		59,960.24	

Assignment and Release Agreement

This Assignment and Release Agreement ("Agreement") is made on this ____ day of _____, 2011

BETWEEN: CITY OF HOBOKEN
94 Washington Street
Hoboken, New Jersey 07030
("City")

AND: KAUFMAN, BERN, DEUTSCH & LEIBMAN, LLP
Fort Lee Executive Park
One Executive Drive
Suite L-15
Fort Lee, New Jersey 07024
("Bern")

Jointly referred to as the "Parties."

THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. Assignment.** Bern has claims against land use applicants, more particularly known and designated within the spreadsheet attached hereto as SHEET 1, which total the amounts listed therein for each applicant, plus interests and costs, for professional services rendered as Board Attorney to the City of Hoboken Zoning Board of Adjustment (the "Claims"). The services in the Claims were rendered in connection with applications for proposed land use projects more particularly described on SHEET 1. The Claims have not been paid because the applicants have failed to provide adequate funds into the escrow accounts, as required by ordinance. The City hereby assigns all its rights to seek payment of the required escrow deposits, to the extent necessary to satisfy the Claims, directly to Bern. The City acknowledges that Bern, as assignee of the City's rights, may pursue legal action against any and all of the applicants and may collect directly the sums due in the claims from each and every applicant.
- 2. Release.** In consideration of the Agreement, Bern hereby forever releases the City and its representatives, agencies, boards, employees, and authorities from any and all obligations to the claims listed on SHEET 1.
- 3. Consideration.** Both parties acknowledge the payment and receipt of good and valuable consideration for the assignments and releases set forth within this Agreement.
- 4. Signatures.** The parties, by affixing their signatures below, hereby agree to the terms and conditions of this Agreement. If this Agreement is signed by a Corporation, its proper corporate

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

5. **Law Governing.** This Agreement shall be governed by the laws of the State of New Jersey.
6. **Effective Date.** This Agreement shall become effective if legally approved by the governing agents of the Authority and the City, in accordance with applicable law. The effective date of this Agreement shall be the date executed by the final signatory on the signature page.
7. **Entire Agreement.** This Agreement supersedes any and all prior or other oral or written Agreements between the parties. This Agreement may be altered, modified or amended only in writing executed by both of the parties hereto. This Agreement contains the entirety of the Agreement between the parties. There are no other oral Agreements or presentations binding the parties hereto.

Attest:

CITY OF HOBOKEN

James Farina, City Clerk

Dawn Zimmer, Mayor

Sealed:

Dated: _____

Attest:

KAUFMAN, BERN, DEUTSCH & LEIBMAN, LLP

Sealed:

Dated: _____

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 **\$ 11,583.74**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Lee, Joshua 900 Jefferson St Unit # 5I Hoboken, NJ 07030	95/25/C005I	900-912 Jefferson St	2/11	\$ 2,461.47
Polloway, Melanie A & Michael S 1327 Grand St #411 Hoboken, NJ 07030	115/9.01/C0P20	1317-27 Grand/ 1326 Clinton	1/11	\$ 118.62
Polloway, Melanie A & Michael S 1327 Grand St #411 Hoboken, NJ 07030	115/9.01/C0303	1317-27 Grand/ 1326 Clinton	1/11	\$ 1,921.73
Baveja, Gaurav & Deepika Gupta 99 Park Avenue #4C Hoboken, NJ 07030	176/7.1/C04-C	209-215 First St/ 99 Park	1/11	\$ 2,752.10
Cunningham, Peter & Jennifer Walsh 1009 Garden Street Hoboken, NJ 07030	197/4.4	1009 Garden St.	1/11	\$ 4,329.82

Meeting September 7, 2011

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

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

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 24,726.05**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Davenport & Spiotti 219 Changebridge Road Montville, NJ 07045	8/1/C004K	550-554 Newark St	2009	\$ 224.45
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/1	1401-1407 Willow Ave	2009	\$ 4,008.68
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/1	1401-1407 Willow Ave	2010	\$ 4,237.29
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/5	1409-1411 Willow Ave	2009	\$ 1,427.50
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	125/5	1409-1411 Willow Ave	2010	\$ 1,508.91
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	200/29	112 Washington Street	2010	\$ 1,437.74
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	212/14	133 Washington Street	2010	\$ 3,796.00

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	216/15	527 Washington Street	2010	\$ 2,154.23
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	216/16	529 Washington Street	2010	\$ 1,898.00
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	221/12.2	1039 Washington Street	2010	\$ 1,186.25
Hubschman & Roman 318 Bergen Boulevard Palisades Park, NJ 07650	248/6	1314 Washington Street	2010	\$ 2,847.00

Meeting: September 7, 2011

Approved as to Form:

CORPORATION COUNSEL

SHARON CURRAN

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**REFUND ERRONEOUS PAYMENT
CITY OWNED PROPERTY**

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, on May 6, 2011 the City of Hoboken acquired Lot 1, Block 269.4, known as 1501 Park Avenue and,

WHEREAS, this property is city owned and tax exempt as of May 6, 2011.

RESOLVED, that the 3rd Quarter 2011 amount of \$3,507.66, 4th Quarter 2011 amount \$3,507.66, 1st Quarter of 2012 amount of 3,604.38, and 2nd Quarter of 2012 amount of \$3,604.38 be cancelled from the Tax Duplicate.

Meeting: September 7, 2011

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Introduced by: _____

Second by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

Resolved, by the Council of the city of Hoboken, that whereas Michael S. Rosenblum applied for 100% Disabled Veterans Property Tax Deduction Against 2011 taxes, effective June 1, 2011 and whereas his taxes for 2011 2nd quarter has been paid in full; therefore, be it

Resolved: that a warrant be drawn to the order of the following:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount of refund</u>
193	20	M. Rosenblum & Gansberg, Sandra Moss (spouse)	<u>\$3,003.03</u> Michael Rosenblum 631 Garden St. Hoboken, NJ 07030

Pro-rated as follows:

2011 Second Quarter Property Taxes: \$4,504.56

\$4,504.56 / 90 days= \$50.05 per day

\$50.05 x 60 days = \$3,003.00

AND, ALSO BE IT RESOLVED: that the above amount be cancelled from the 2011/2012 tax duplicate Also: Cancel Third and Fourth quarters 2011 \$ 8,531.72

And the First and Second quarters 2012 \$8,770.43 from the Tax Duplicate.
This property is now Tax exempt as per the Tax Assessor.

Meeting: September 7, 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 May 4, 2011, May 18, 2011, June 1, 2011, June 15, 2011 and a Special meeting on June 29, 2011 have been reviewed and approved as to legal form and content.

Approved as to form:

Meeting Date: September 7, 2011

Introduced by: _____
Seconded by: _____

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

**A RESOLUTION APPROVING PARTICIPATION WITH THE NEW JERSEY
DIVISION OF HIGHWAY TRAFFIC SAFETY.
Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown**

WHEREAS, the City of Hoboken is interested in participating with the N.J. Division of Highway Traffic Safety and supporting their **Drive Sober or Get Pulled Over 2011 Statewide Crackdown**, and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related , and

WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year, and

WHEREAS, the end of the year is traditionally a time of social gatherings which often include alcohol , an enforcement crackdown is planned to combat impaired driving, and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety provides grant funding for overtime police enforcement, and has asked law enforcement agencies throughout the state to participate in the Drive Sober or get pulled over 2011 Statewide Crackdown from December 5, 2011 through January 2, 2012 in an effort to increase impaired driving enforcement , and

WHEREAS, a further increase in the awareness of the dangers of drinking and driving in New Jersey will save lives on our roadway; and

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

- 1) The Mayor or her designee is authorized to execute the above referenced grant application, and all other documents to fulfill the intent of the application and subsequent grant funding.
- 2) As a matter of public policy, the City of Hoboken wishes to participate to the fullest extent possible with the **Drive Sober or Get Pulled Over 2011 Statewide Crackdown** both locally and nationally from December 5, 2011 through January 2, 2012 and pledges to increase awareness of the dangers of drinking and driving

Approved as to Form:

Mark A. Tabaikan, Corporation Counsel

Arch Liston, Business Administrator

Sponsored by: _____
Seconded by: _____

City of Hoboken
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 \$2,855,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,712,250 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 \$2,855,000 including the aggregate sum of \$142,750 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 \$2,712,250 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 six containers, four 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 Payloader, a sweeper, an S650 Bobcat skid-steer loader, a utility vehicle with Mason dump and plow and Mohawk portable vehicle lifts, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$460,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$437,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 23,000

- (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 Police building, 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 repairs and/or 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>	\$1,260,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,197,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 63,000

- (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 9.90368 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 \$2,712,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the 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:

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 VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$2,855,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,712,250 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

SECTION 3 (a) (1)

Item	Purpose / Explanation	Cost
3 Cushman (trash trucks)	Daily trash pickup. Have 200 cans emptied daily. Need 3 out every day. Cushmans are useful in an urban environment because the vehicles can park at the corners and double park without impeding traffic flow. They can also be utilized in the parks when theirs breaks down as they have only one. We have many requests for additional trash cans to be located around the city and have ordered more. The old Cushman cannot be cannibalized for parts because they are too old. We only have one Cushman. It is an '03. The other one, also an '03, is in for servicing but they are unable to get the part.	\$120,000
6 containers	Currently the containers are so rusted thru, they have no bottoms to them. When the HCIA checks them we will not pass inspection. They are not safe as they are. We need two 20 yard and two 30 yard. They are used for refuse, metal, recycling, snow removal, as a dumpster, and to move salt. We also need two 2 yard containers at \$500 each.	\$20,000
4 four x four vehicles	Patrol use for snow and regular patrol	\$140,000
1 special operations vehicle	Heavy vehicle to push and remove vehicles out of street	\$55,000
SECTION 3 (a) (1) SUBTOTAL		\$335,000

SECTION 3 (a) (2)

Item	Purpose / Explanation	Cost
1 Payloader	<p>Current model is a 1986. Used for snow plowing, snow removal, salt loading, crushing metal, removing large quantities of garbage, moving concrete blocks for salt storage, moving containers, lifting salt spreaders off trucks, installing steel plates over construction or sink holes. Current payloader is rusted thru. The brake calipers and rotors are rusted and worn. The brake lines are not up to par. The vehicle leaks hydraulic fluid and oil. The floor is rotting out and when you drive rust falls on your head from the roof. The bushings and bearings can't be greased any longer and last time had to be drilled out.</p>	\$165,000
1 Sweeper	<p>Currently we have 3 sweepers. Two of these sweepers are vacuum type and one is a conveyor type. In the past year we have spent \$14,600 at Timmerman on repair. This is due to the hydraulic system. The Tymco sweeper we are proposing has a different hydraulic system which does not require as much repair because the machine uses motor oil instead of hydraulic fluid. It is easier to repair because the parts can be disengaged and brought up manually. The rubber on the chute can be raised to make it easier to pick up leaves. It can even pick up pizza boxes. To rinse it out, it can be hooked up to a hydrant instead of using the hose. Tymco will come and give classes on use and repair at no additional charge and has an annual update class. We currently have an '06 and '08 Elgin Whirlwind and a '03 Husky. The motor for the sweeper and the drive system breaks down. The Husky is not good for leaves because it is a conveyor system. Husky can break down at any time, when it gets hot it shuts down. Also, the hopper area is rusted. The Husky is on its last legs.</p>	\$165,000

1 S650 Bobcat Skid-Steer loader	Critically important for snow removal at corners, taxi stands, bus stops, and sidewalks on emergency routes. We spent thousands this winter on outsourcing and also paid OT for can men to shovel at corners.	\$40,000
Ford 450 or GMC 3500 with Mason Dump and Plow	Needed for road repair. Current is a '94 F350. The vehicle is on its last legs and could go at any time. It is the only vehicle that we have that we can pick up hot asphalt with. New model will include 4 wheel drive, dual rear wheels, 2-3 yard dump with cab shield and tarp, 1 chute in tailgate, strobe light on top that swings to stay level, 2 strobe lights on the back, snow plow, trailer pin hook, trailer wiring and trailer brake control.	\$46,000
Mohawk Portable Vehicle Lifts	Weight capacity 75,000 lbs to allow for fire dept trucks to be repaired a the Central Garage.	\$44,000

SECTION 3 (a) (2) SUBTOTAL \$460,000

SECTION 3 (a) (3)

Item	Purpose / Explanation	Cost
City wide phone and system rewiring system projects	Citywide Phone and rewiring of systems, all departments with VOIP reducing overall telecommunication costs	\$550,000

SECTION 3 (a) (3) SUBTOTAL \$550,000

SECTION 3 (a) (4)

Item	Purpose / Explanation	Cost
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General Building Improvements	Improvements and safety upgrades for police building including sidewalk repairs, cell areas and general work spaces. Fire department headquarters including façade issues and sidewalks and drains. See detailed list. Plus Cost of Issuance for entire project \$150,000.	\$700,000
HVAC	See Engineer's estimate	560,000
SECTION 3 (a) (4) SUBTOTAL		\$1,260,000

SECTION 3 (a) (5)

Item	Purpose / Explanation	Cost
IT / Security Equipment / Computers	Police / City Clerk (OPRA). Start replacement program for all departments with priorities for police, who need replacement of servers and building of redundancy systems. Tax Office is a high priority, along with centralizing OPRA email systems, upgrade of recording systems and improvements to video in the City Council chamber. Improved security for City Hall with additional cameras along with replacement of software for police video system.	\$250,000
SECTION 3 (a) (5) SUBTOTAL		\$250,000

ALL SECTIONS TOTAL

\$2,855,000

\$142,750.00
\$2,712,250.00



—LAW OFFICES—

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Tel: (973) 735-2673

May 26, 2011

Via Email

Nicola Trasente, Director of Finance
Tejal Desai, Assistant Comptroller
City of Hoboken, in the County of Hudson
94 Washington Street
Hoboken, New Jersey 07030

Re: Multipurpose Bond Ordinance

Dear Nick and Tejal:

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

1. A Supplemental Debt Statement must be prepared, executed and sworn to by the Chief Financial Officer and filed with the Clerk on or prior to the date of introduction of the bond ordinance.
2. The bond ordinance may be introduced and read by title only, and adopted by a majority of the members of the governing body present, assuming a quorum.
3. After introduction of the bond ordinance, the Supplemental Debt Statement must be forwarded to Trenton and filed, prior to the final adoption of the bond ordinance, with the Division of Local Government Services.
4. To comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget or temporary capital budget (as applicable). To the extent the governing body has not adopted the capital budget; it should adopt a temporary capital budget including the projects listed in the bond ordinance. To the extent of any inconsistency between the capital budget and the bond ordinance, the bond ordinance should be filed with the Division of Local Government Services along with the Supplemental Debt Statement and the

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resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget or temporary capital budget (as applicable). This resolution is not published.

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

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

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

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

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

10. The bond ordinance can be considered for final adoption not less than ten (10) days after the date of introduction, and not less than seven (7) days after the first publication of such bond ordinance. If the bond ordinance has been posted and copies made available as indicated in paragraph 6 above, then the bond ordinance may be read at this second reading by title only; otherwise the bond ordinance must be read in full. After the appropriate reading of the bond ordinance, the governing body must hold a public hearing and give all members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two thirds of the full membership of the governing body and, if the Mayor's approval is required for the passage of ordinances, upon approval by (or passage over the veto of) the Mayor.

11. The bond ordinance must then be published in full, together with the "Notice of Adoption of Bond Ordinance", a copy of which is enclosed or in approved Summary form, a

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copy of which is also enclosed. The bond ordinance will not become effective until twenty (20) days after the publication of the full text of the bond ordinance along with the "Notice of Adoption of Bond Ordinance" or the approved Summary form.

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

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

Sincerely yours,
GLUCKWALRATH LLP

Marsha Boutin

Marsha Boutin, Legal Assistant

MB

Enclosure

cc: Arch Liston, Business Administrator
Christopher M. Walrath, Esq.

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO.: _____

AN ORDINANCE TO CREATE AND ESTABLISH CHAPTER 184 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED "TOWING"

WHEREAS, N.J.S.A. 40:48-2.49 authorizes municipalities to regulate, by Ordinance, the removal of motor vehicles from private and public property by operators engaged in such practice, including, but not limited to, the fees charged for storage following removal and the mercantile licensing of such operators;

WHEREAS, the City of Hoboken has traditionally contracted with a single towing supplier pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., which has multiple downfalls including, but not limited to, lack of oversight, inefficiency in towing services, lack of necessary services during times of emergency and high volume, litigation, and lack of ability to recoup costs incurred by the City relating to the services; and,

WHEREAS, the City now wishes to move to the towing model authorized by N.J.S.A. 40:48-2.49 in an attempt to increase effectiveness and efficiency of the towing services within the City of Hoboken.

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

SECTION ONE:

Chapter 184 is hereby established within the General Code of the City of Hoboken, entitled "TOWING" as follows:

184-1: Purpose

To establish mercantile licensing for, and rules and regulations associated with, the towing and storage of motor vehicles from public roadways within the city limits of the City of Hoboken.

184-2: Scope

The provisions of this chapter shall apply to any entity that engages in towing and storage of motor vehicles within the city limits of the City of Hoboken for the benefit of the public.

184-3: Definitions

"Abandoned Vehicle" shall mean a motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.

"Accident Vehicle" shall mean a motor vehicle which has been involved in an accident.

"Authorized Agent of the Owner" shall mean any individual who is not the owner who provides sufficient proof of authority, provided by the owner, to represent the owner's interests with regard to a motor vehicle.

“Basic Tow” shall mean the towing of a vehicle at the request of the Hoboken Police Department or Hoboken Department of Parking and Transportation either to the towing service’s storage site from the point of call or to City Hall from the storage site.

“City” shall mean the City of Hoboken.

“Director” shall mean the Director of the Department of Parking and Transportation.

“Disabled Vehicle” shall mean any motor vehicle which is unable to operate under its own power.

“Heavy Duty Tow” shall mean the recovery of any motor vehicle over 7,500 pounds gross vehicle weight which requires the vehicle to be up-righted or recovered from either on or off the traveled portion of a public roadway.

“Heavy Duty Towing List” shall mean the annual rotating list of all heavy duty towing services registered with and licensed by the City of Hoboken.

“Impounded Vehicle” shall mean a vehicle which, at the discretion of the police department, is taken into police custody because the operator of the vehicle was engaged in a violation of the law.

“Licensed Towing Service” shall mean a business engaged in the towing and storing of motor vehicles within the City of Hoboken which has registered with the City of Hoboken and been provided a mercantile towing license by the City Council.

“Licensee” shall mean a towing service which has been provided a municipal towing license by the City of Hoboken.

“Light Duty Tow” shall mean the recovery of all vehicles 7,500 pounds or less gross vehicle weight.

“Motor Vehicle” shall mean all vehicles propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

“Owner” shall mean the registered title holder of a motor vehicle

“Storage Rates” shall mean the fees charged for the storage of vehicles, assessed as required in the within Chapter.

“Towing List” shall mean the annual rotating list of all towing services registered with and licensed by the City of Hoboken.

“Towing Rates” shall mean the fees charged by the towing service for recovery of a motor vehicle from the initial site to the storage site or from the storage site to City Hall.

“Towing Service” shall mean a business engaged in the towing and storing of motor vehicles. When used herein without referring to Heavy Duty or Light Duty the term shall include both types.

“Towing Vehicle” shall mean a motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

184-4: Towing Service Licensing and Registration

- A. No entity or individual shall operate a towing service within the City limits unless such entity or individual shall have obtained a towing license issued by the City Clerk of the City of Hoboken, in accordance with this Chapter.
- B. No such license shall be issued except upon the approval of the Director.
- C. The City shall license up to six (6) light duty towing services annually. The City shall license up to three (3) heavy duty towing services annually. In any year in which a greater number of towing services apply than the number of licenses available the City shall conduct a random lottery, at the direction of the Director, to determine which towing services shall be licensed.
- D. Each license issued shall be assigned a number, and shall obtain a sticker indicating that the towing service’s name, the assigned number, and the year of licensure. The sticker shall be visibly placed on each towing vehicle which shall be utilized under this Chapter.
- E. Application for a towing license shall be made on an annual basis to the Director on or before November 1st. Application shall be made on forms provided by the Director which shall be made available on an annual basis on or before September 1st. No late applications will be allowed.
- F. Licensees shall be named on or before January 1st of each year, and shall provide the services under a license, as described in this Chapter, from January 1st to December 31st.

184-5: License Requirements

- A. No towing service shall be placed upon the annual towing list for the towing or storing of motor vehicles within the City until the service shall be registered with the City and provided a Towing License by the City Council. No Towing License shall be supplied to a towing service unless that service meets the following criteria:
 - 1. Light Duty Towing services must have and utilize a storage site located within five (5) miles of the City limits;
 - 2. Heavy Duty Towing services must have a storage site located within twenty-five (25) miles of the City limits;
 - 3. Towing services must provide proof of ownership or similar property rights, a final certificate of zoning compliance and a certificate of occupancy for any and all storage sites to demonstrate control over the site as well as to demonstrate that the site and the proposed use on the site complies with all zoning and building codes;
 - 4. Towing services must maintain insurance at or above the requirements described in N.J.S.A. 56:13-12;
 - 5. Towing services must provide evidence of all towing equipment that may be utilized in servicing the City of Hoboken, demonstrating current motor vehicle registration, motor vehicle licensing, and vehicle insurance;
 - 6. Towing services must provide evidence of ownership or a leasehold of at least one flat bed and one wheel lift;
 - 7. Towing services must provide a statement of corporate ownership, and a stockholder disclosure statement;
 - 8. Towing services must provide such other items as the Director of the Department of Transportation shall require by Administrative Rule or Regulation, in his or her discretion.
 - 9. Towing services must provide a list of all customer service representatives employed by the entity.

10. Towing service providers must provide evidence that their internal software system is internet capable and must certify that they will, at their own cost and expense, purchase and utilize software which is compatible with the City's towing software system.
11. Towing service providers must certify that they will operate their storage site in accordance with the regular business hours and after-hours required by the Director. The Director shall provide the required hours, in writing, as part of the annual application.
12. Towing service providers must certify that they agree to provide towing services twenty-four hours a day, three hundred sixty five days a year within fifteen minutes of being summoned.
13. All applicants agree to maintain the following during the term of the License:
 - i. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
 1. Hazardous materials endorsement.
 2. Double- and triple-trailer endorsement.
 3. Within two years of the effective date of this chapter, all Licensees shall maintain the following:
 - a. Tow-truck drivers that operate tow vehicles under a City of Hoboken Towing License must maintain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification.
 - b. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
 - c. General employees shall have TRAA Level 1 certification or other nationally recognized certification.
 - d. To perform any recovery operation, the Licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.
- B. Failure to supply all required material will render an applicant unqualified for a license in that calendar year. Such failure shall have no effect on the same towing service's ability to qualify for a license in subsequent years.
- C. No sworn member of the City of Hoboken Police Department shall be permitted to own greater than ten percent (10%) of any towing service licensed by the City.
- D. Each application shall be accompanied by an Administrative Fee of \$1000.00, payable to the City of Hoboken, which fee shall be in addition to any other fees, including but not limited to fees for criminal background checks. Said fee shall be held by the City until such time as licenses are granted in the quantities described in Section 184-4. Any applicant who does not qualify for a license and any applicant, who qualifies but does not receive a license as a result of the lottery, when applicable, shall have their Administrative Fee returned.

184-6: Investigation of Applicants for License

- A. The Director has the authority to investigate each applicant for a towing license to determine whether the individual or entity is of good moral character and to determine whether the vehicles and equipment of the entity or individual are in such condition that they can be operated in a safe and efficient manner.
- B. The Director shall have the right to investigate the driving history, criminal background, and financial stability of any individual or entity applying for an annual towing license.
- C. Any negative history relating to an applicant which is ten (10) years or older may not be considered by the Director as part of the investigation.

184-7: Display of Information

- A. Each licensed tower shall be required to make the following available in every towing vehicle:
 - 1. The towing service's schedule of fees
 - 2. The phone number of the Department of Parking and Transportation
 - 3. The towing service's City of Hoboken Towing License number for the current year
- B. Each licensed tower shall be required to visibly display the following information on the exterior of every towing vehicle:
 - 1. The towing service's name
 - 2. The annual City of Hoboken License sticker, which shall include the license year and license number
 - 3. The towing service's phone number

184-8: Towing License Transferability

No towing license shall be transferred from the entity or individual named on the initial application except upon proper application to the Director and prior written approval of the Director. Transfers shall only be considered for approval upon death of an individual Licensee or upon sale of 50% or more of a business Licensee.

184-9: Rotating System for Summoning Licensed Towers

- A. Separate and distinct lists shall be maintained for Heavy Duty Tows and Light Duty Tows.
- B. The City shall, by lottery, determine the numerical placement of each Licensee on the annual list. On the first day of each month, the Licensee at the top of the list from the previous month shall be placed at the bottom of the list. The Licensee at the top of the list shall be summoned first for each call. If any Licensee summoned refuses to provide the service, can only provide partial service, or fails to present on the scene summoned to within fifteen (15) minutes of the call, the next Licensee on the list shall be called. Each individual listed in 184-6(D) shall maintain their own list and perform this procedure independent of all other individuals listed therein.
- C. The City shall begin at the top of the monthly list for each service call.
- D. The procedural details of the rotating system for summoning Licensees shall be developed by and amended, as necessary, at the discretion of the Director. The procedure and any amendments thereto shall be in writing, and shall be made available to the public upon request.
- E. Licensees may only be summoned by the Chief of Police, or his authorized agent, the Director, or his authorized agent, the Mayor, or his authorized agent, the Director of Public Safety, or his authorized agent, and the Chief of the Office of Emergency Management.

184-10: Schedule of Allowable Fees

- (a) Licensed towing services may charge fees to vehicle owners for the following services:
 - 1. Basic tow, which shall be a maximum flat fee of \$100.00 for Light Duty Tows and \$450.00 for Heavy Duty Tows;
 - 2. In the case of a motor vehicle involved in an accident the following additional services, if actually performed:
 - i. Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the call site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15, which shall be a maximum fee of \$12.50 per 15 minutes;

- ii. Brush cleaning, including collection of debris that can be picked up by hand, which shall be a maximum flat fee of \$25.00;
- iii. Site clean-up, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25.00 per bag;
- iv. Winching, which shall be based upon each one-half hour spent performing winching, which shall be at a maximum rate of \$50.00 per one-half hour for Light Duty vehicles and \$200.00 per one-half hour for Heavy Duty vehicles;
- v. The use of window wrap, which shall be a maximum flat fee of \$40.00;
- vi. Tarping, which shall be a maximum flat fee of \$40.00;
- vii. Transmission disconnect, which shall be charged only if a motor vehicle is locked and the towing company is unable to obtain the keys for the motor vehicle, which shall be a maximum flat fee of \$40.00;
- viii. Use of a flat bed tow truck, which shall be charged if a motor vehicle can be transported only by a flat bed tow truck, which shall be a maximum flat fee of \$125.00;
- ix. Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$65.00 per one-half hour;
- x. Decoupling, which shall be a maximum flat fee of \$75.00;
- xi. Storage at a towing company's storage facility, which shall be at a maximum daily (24 hour) rate of \$30.00 for Light Duty Tows and \$100.00 for Heavy Duty Tows;
- xii. More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee by the Towing Service, which shall be a flat fee of \$45.00 per trip;
- xiii. Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a maximum flat fee of \$10.00.

(b) A licensed towing service that engages in towing at the request of the City shall not charge for the use of a flat bed tow truck if a motor vehicle can safely be towed in an upright position by another type of tow truck, even if the private property towing company chooses to use a flat bed tow truck for the tow.

(c) A licensed towing service that engages in towing at the request of the City may not charge for the tolls it incurs driving to the site from which a motor vehicle will be towed and while towing the motor vehicle from that site to the towing company's storage facility.

(d) A licensed towing service that engages in towing at the request of the City shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 P.M. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less

than 48 hours, the towing company may charge for two days of storage. However, time shall not begin to accrue for purposes of calculating storage fees until midnight (12:00 a.m.) next following the time the vehicle reaches the storage site.

(g) A towing company performing a private property tow or other non-consensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.

(h) The bill for any tow allowed herein shall include the time at which a towed motor vehicle arrived at the towing service's storage site.

(i) In addition to the fees allowed to be charged against towed vehicle within this Section 183-6, the City has the authority, at the discretion of the Director, to charge a tow release processing fee up to \$25.00 per vehicle.

184-11: Additional Rules and Regulations

- A. All persons operating a towing vehicle within the municipality, and all their agents, shall keep in their possession a pad of bills containing the owner's name and the address of his or her place of business and, before towing a vehicle, shall prepare a bill on their billhead form, in duplicate, the original of which shall be furnished to the owner or authorized agent of the owner of the vehicle.
- B. The bill shall contain the following information:
 - a. Full name, address and business telephone number of the towing service;
 - b. Full name and address of the person engaging the towing vehicle;
 - c. State registration number of the vehicle being towed;
 - d. Maximum rates which may be charged by the towing service;
 - e. State registration number of the towing service;
 - f. Municipal license number of the towing service;
 - g. Address of the storage site to which the vehicle will be towed.
- C. Licensees shall not furnish estimates of the cost of repairs to vehicles at the site of the accident.
- D. Licensees shall not make any repairs or cause any repairs to be made at the site of the accident, unless such repairs are necessary to effectuate the towing of the vehicle.
- E. All bills for services, estimates, and contracts relating to the towing of vehicles by Licensees shall be in writing and shall conform to the provisions of this Chapter. No oral agreements shall be made with vehicle owners or authorized agents of owners.
- F. The Licensee shall keep an accurate record of all towing calls made at the request of the City. The City shall be provided with a copy of all bills and invoices relating to the Licensee's services to the City within thirty (30) days of creation of the bill or invoice.
- G. The City shall have no financial responsibility for the services provided by towing services within the City, unless provided for in N.J.S.A. 56:13-7, or N.J.A.C. 13:45A-31.1.
- H. Towing services operating within the City shall abide by all state statutes, rules and regulations, and any violation of a state statute, rule or regulation shall be considered a violation of this Chapter which may affect the rights of the Licensee.
- I. The Licensee shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a four-year period. These records shall include the name of the City of Hoboken employee summoning the Licensee, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- J. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.

- K. The Director shall, upon request have immediate access to any and all of these records. The Department of Parking and Transportation shall conduct a quarterly audit of each tower's records and provide a written report to the City Clerk's office.
- L. The Licensee shall notify the Director, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- M. The Licensee must permit payment of fees by the use of at least two major credit cards. The City will not be held liable for, or assist the Licensee in the collection of any unpaid fees that were incurred under the provisions of this chapter.
- N. The Licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.
- O. The Director shall have the authority to establish additional rules and regulations, as necessary, to effectuate the purpose and intent of this Chapter. All rules and regulations shall be in writing, shall be mailed to each Licensee within twenty-four (24) hours of enactment, and shall be made available to the public immediately upon request.

184-12: Enforcement

The provisions of this Chapter shall be enforced by the Department of Parking and Transportation and the Hoboken Police Department.

184-13: Suspension or Revocation of License; Effect on Future License Applications

- A. In addition to any other penalties set forth within this Chapter, under other City ordinances, or under State law for violations by Licensees, the Director may, after notice and an opportunity to be heard, suspend or revoke any annual license.
- B. For severe violations and/or recurring violations, the Director may, after notice and an opportunity to be heard, revoke any annual license and, in addition, use such violation as the determining factor for refusing to approve subsequent annual applications for a period up to ten (10) years.

184-14: Violations and Penalties

Unless otherwise specified herein, any individual or entity violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding:

1. \$1,000, or imprisonment for a period not exceeding seven (7) days, or both, for the first offense;
2. \$2,000, or imprisonment for a period not exceeding thirty (30) days, or both, for the second offense;
3. \$5,000, or imprisonment for a period not exceeding ninety (90) days, or both, for the third or subsequent offense.

The actual amount of each penalty shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

SECTION TWO:

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

SECTION THREE:

This Ordinance shall be published and take effect as provided by law.

Date of Introduction: September 7, 2011

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

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

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

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

Dawn Zimmer, Mayor

Sponsored by: _____
Seconded by: _____

City of Hoboken
Ordinance No.: _____

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$350,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$332,500; and
- (c) a down payment in the amount of \$17,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$332,500 to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$17,500, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$332,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$332,500, is hereby

authorized. Pursuant to the Local Bond Law, the Director of Finance is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Director of Finance is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$90,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$350,000	\$17,500	\$332,500	15 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original 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. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$332,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution

promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The City hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 13. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposed, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such terms is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Mayor and City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on August 24, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the Mayor and City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____, 2011 at _____ o'clock __M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$350,000	\$17,500	\$332,500	15 years

Appropriation: \$350,000
 Bonds/Notes Authorized: \$332,500
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$90,000
 Useful Life: 15 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Mayor and City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2011 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TRAFFIC SIGNALIZATION EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$332,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Traffic Signalization Equipment for various intersections throughout the City including, but not limited to, 16 th Street and Park Avenue; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$350,000	\$17,500	\$332,500	15 years

Appropriation: \$350,000
 Bonds/Notes Authorized: \$332,500
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$90,000
 Useful Life: 15 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

PROCEDURE FOR THE ADOPTION OF BOND ORDINANCES

A Bond Ordinance should be adopted in accordance with adoption procedures prescribed by the Local Bond Law, N.J.S.A. 40A:2-1 et. seq. Below is an outline of the procedures for adoption.

INTRODUCTION

A Bond Ordinance shall be introduced in writing at a meeting of the governing body and shall be passed upon first reading. The Bond Ordinance may be read by title only (vs. a full reading) upon introduction. A majority of the members of the governing body must pass a Bond Ordinance on introduction.

Prior to introduction, a supplemental debt statement must be prepared, executed and filed in the office of the Clerk and prior to final passage of such ordinance an executed duplicate of such supplemental debt statement must be filed in the office of the Director of Division of Local Government Services.

PUBLICATION PRIOR TO FINAL ADOPTION

After introduction, a summary of the Bond Ordinance must be published in a local newspaper (copy attached to Bond Ordinance).

The Bond Ordinance should be published in a newspaper published and circulating in the municipality or, if there is none, then in a newspaper published in the county and circulating in the municipality.

TIMING

A Bond Ordinance may be considered for final adoption on that date which is at least ten (10) days after the date of introduction and at least seven (7) days after the date of publication.

The date set for final adoption may be postponed and the final adoption of the Bond Ordinance and its public hearing may be tabled if the governing body announces at the meeting initially scheduled for the public hearing, when and where the next hearing date will be or if the Bond Ordinance is republished with a new Notice of Pending Ordinance.

POSTING

At least one week prior to final adoption, the Bond Ordinance must be posted at an appropriate public access location in the Municipal Building and made available to members of the general public for inspection.

PUBLIC HEARING PRIOR TO FINAL ADOPTION

On the date set for final adoption, the governing body must hold a public hearing on the Bond Ordinance prior to final adoption.

FINAL ADOPTION

After the public hearing, the Bond Ordinance can be finally adopted by the affirmative votes of at least 2/3 of the full membership of the governing body.

PUBLICATION AFTER FINAL ADOPTION

A summary of the Bond Ordinance must be published after final adoption with a Twenty-Day Statement (copy attached to Bond Ordinance).

Once the Bond Ordinance has been finally adopted, the clerk must provide the following documents in order to verify and document proper passage:

1. The Affidavits of Publication evidencing the required publications of the Bond Ordinance before and after final adoption.
2. A "filed" copy of the supplemental debt statement.
3. Certified copies of extracts of minutes of governing body meetings evidencing introduction, public hearing and final adoption of the Bond Ordinance.

August 16, 2011

Via Email

Mr. Arthur M. Liston
City Administrator
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

RE: 2011 BOND ORDINANCE – TRAFFIC SIGNALIZATION

Dear Mr. Liston:

Pursuant to your request, I have prepared and attach hereto a bond ordinance authorizing the financing of traffic signalization equipment in and for the City of Hoboken. I would be appreciative if you would review the attached bond ordinance and, thereafter, call if you have any questions or comments regarding the same. If the bond ordinances meet with your approval, please include the same on the agenda for the August 24, 2011 meeting of the Mayor and City Council.

I have also attached hereto a Memorandum on the procedures to be followed for the adoption of bond ordinances. Please review and contact me with any questions.

By copy of this letter, I am forwarding the attachment to the City Auditor so that he may prepare the required Supplemental Debt Statement.

Thank you for your time and consideration in this matter.

Very truly yours,

/s/ Philip A. Norcross

PHILIP A. NORCROSS

PAN/ABB

Attachments

cc: Mayor Dawn Zimmer (w/attachments) (via email)
James J. Farina, RMC (w/attachments) (via email)
Nick Trasente (w/attachments) (via email)
Steven D. Wielkotz, CPA (w/attachments) (via email)

Sponsored by: _____
Seconded by: _____

City of Hoboken
Ordinance No.: _____

**AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE
ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED
“POLITICAL CONTRIBUTION LIMITS”**

WHEREAS the people of Hoboken desire to ensure the honest and open election of their elected municipal officials; and

WHEREAS, N.J.S.A. 40:69A-1 et seq. generally, and N.J.S.A.40:48-2, specifically grants the City of Hoboken the power to enact ordinances the City deems necessary and proper for good government and for the preservation of the welfare of the municipality; and

WHEREAS, Pay-to-Play reform was initiated by the State Legislature in 2005 and the City of Hoboken has followed suit and enacted legislation dealing with Pay-to Play issues; and

WHEREAS, to make the electoral process more honest and transparent election contribution rules were enacted by the State of New Jersey many years ago, and new restrictions were incorporated in 2005 in an attempt to control exorbitant spending by special interests and business entities seeking special advantage in government contracts; and

WHEREAS, the practice of “wheeling” or funneling money through political committees to evade legal contribution limits and Pay to Play restrictions has undermined the effectiveness of both of these important regulations; and

WHEREAS, specifically in recent Municipal elections in the City of Hoboken there have been suggestions that campaign contributors and candidates have circumvented campaign contribution limits and Pay to Play limits by “wheeling” contributions through political committees; and

WHEREAS, the enactment of a contribution limitation restricting the amount of money candidates for municipal office can receive from political committees is an essential means to protect the integrity of the electoral process and ensure the maintenance of an open and accountable government by reducing any appearance of corruption; and

WHEREAS, the City Council wishes to exclude from these limitations contributions from political committees that are not self funded or funded substantially through contributions from sources outside of the City of Hoboken, because such political

committees are less susceptible to being used for wheeling, and have not historically been used for wheeling in Hoboken elections; and

WHEREAS, the City Council has determined that the flow of excess political contributions to candidates for Municipal office in Hoboken via the process known as wheeling has had a corrupting influence on the political process in Hoboken, creating both the reality and appearance of undue influence and corruption; and

WHEREAS, the City of Hoboken seeks to address an ongoing problem that it has faced at the local level by creating restrictions that compliment state laws by reducing the ability of campaign contributors to candidates for municipal elective office to disguise or hide their contributions or to give excessive campaign contributions that exceed the campaign contribution limits through wheeling.

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

SECTION ONE: ESTABLISHMENT OF CHAPTER 20D

The Administrative Code of the City of Hoboken is hereby amended to establish and codify Chapter 20D as follows:

Chapter 20D POLITICAL CONTRIBUTION LIMITS

§ 20D-1 Short Title

Election Contribution Restrictions

§ 20D-2 Purpose

The City of Hoboken seeks to compliment the goals of the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), as amended, through local legislation to control the use of wheeling to usurp the goals of the New Jersey Campaign Contribution and Expenditures Reporting Act for elected officials of the City of Hoboken.

As a result, the City hereby enacts this legislation to enforce contribution limits on a local level in an attempt to stifle wheeling during the City's local municipal elections.

§ 20D-3 Definitions

- A. **Committee**: any Political Committee, Continuing Political Committee, Political Party Committee, Candidate Committee, Joint Candidate Committee or Legislative Leadership Committee as the terms are defined in N.J.S.A. 19:44A-1 et seq. and any PAC organized under § 527 of the Internal Revenue Code.
- B. **Self-Funded Committee**: any Committee that has received 75% or more of its total contributions over the previous 12 month period from an individual, his or her spouse, and/or dependent child or children.
- C. **Hoboken Committee**: any Committee that has received less than 50% of its total contributions over the previous 12 month period from sources which have (1) domiciled

in any municipality other than Hoboken or, (2) in the case of entities, maintained their principle place of business outside of Hoboken.

§ 20D-4 Political Contribution Regulations

- A. No candidate or candidate committee for any Hoboken elective municipal office shall accept any monetary or in-kind contribution, in excess of \$500 per election, directly or indirectly, from any Committee.
- B. Notwithstanding the foregoing, nothing herein shall restrict the transfer of funds between a Candidate Committee and a Joint Candidate Committee maintained by a candidate for the same office.
- C. Subparagraph 20D-4(A) above shall apply to contributions from any Hoboken Committee as well as any Self-Funded Committee.

§ 20D-5 Citizens private right of action.

Notwithstanding any other rights under common or statutory law, any Hoboken citizen or citizen's group shall have the right to sue any or all individuals or entities in violation of this Article, including the candidate or committee as specified in Section 20D-6 above, and/or the City of Hoboken, in order to compel compliance with this Article.

§ 20D-6 Enforcement

This Chapter shall be enforced by the City Clerk of the City of Hoboken.

§20D-7 Violations and Penalties

- A. Any violation of this Chapter shall be non-curable.
- B. Any candidate for Hoboken municipal elective office who receives a contribution which violates the provisions of this Chapter shall refund the contribution within thirty (30) days of becoming aware of the violation.
- C. Any Candidate or Committee that willfully and intentionally makes or receives any contribution in violation of this Chapter shall be liable to a penalty equal to four times the amount of the contribution made.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain 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.

Date of Introduction: September 7, 2011

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

Mark A. Tabakin, Corporation Counsel

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

-or-

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

James Farina, City Clerk

Dawn Zimmer, Mayor