A

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO.: ____

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING LITIGATION IN MATTERS OF EMPLOYEE WORKERS COMPENSATION CLAIMS, THE MATTER OF JAMES V. CITY OF HOBOKEN, THE MATTER OF MAXWELL PLACE, AND THE MATTER OF THE CITY OF HOBOKEN V. CREPE GRILL CORP.

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12 and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and settlement of pending litigation in employee worker compensation matters (specifically, the DeSteno, Peterson, Pesciotta, Quinones, Chichizola, and Costello matters); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in anticipation of settlement, with regards to general litigation in the matters of City of Hoboken v. Crepe Grill Corp. and James v. City of Hoboken; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

MEETING: August 15, 2012

APPROVED AS TO FORM:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Adopted August 7th, 2012

CITY OF HOBOKEN PLANNING BOARD

RESOLUTION CONFIRMING MASTER PLAN CONSISTENCY OF ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER 196 (ZONING) ARTICLE I (TITLE; PURPOSE) UPDATING THE TITLE, CONTENTS AND GENERAL PROVISIONS OF THE CHAPTER"

WHEREAS, Section 26.a of the Municipal Land use Law [N.J.S.A. 40:55D-26.a] requires the Governing Body, prior to the adoption of a land development regulation or revision or amendment thereto, to refer same to the Planning Board for a determination of whether the regulation, revision or amendment is consistent with the Master Plan; and

WHEREAS, the statute provides the Planning Board 35 days from the date of referral to conduct its review and submit a report to the Governing Body setting forth its recommendations and determinations as to Master Plan consistency which the Governing Body must evaluate and consider prior to the final adoption of the development regulation; and

WHEREAS, the City Council of the City of Hoboken introduced at first reading an Ordinance entitled "An Ordinance Amending Chapter 196 (Zoning) Article I (Title; Purpose) Updating the Title, Contents and General Provisions of the Chapter" and deleting in their entirety Articles IV, XIII and XVI on July 11, 2012 and thereafter forwarded same to the Planning Board for Master Plan consistency review pursuant to the aforementioned statute; and

WHEREAS, the Ordinance is scheduled for second reading and public hearing on August 15, 2012; and

WHEREAS, the Board's planning consultant has reviewed the Ordinance and issued a Report under date of July 23, 2012 confirming that the Ordinance is not inconsistent with the City's Master Plan and setting forth her recommendations (if any) with respect to the Ordinance.

A copy of the Report is attached hereto as Exhibit "A" and its contents are incorporated herein as if set forth herein at length; and

WHEREAS, the Planning Board has thoroughly reviewed the Ordinance and the Report issued by its planning consultant and (a) has found and determined that the Ordinance is not inconsistent with the Master Plan, and (b) adopts the recommendations (if any) set forth in the planner's Report as its recommendations to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Hoboken that the Ordinance introduced at first reading on July 11, 2012 by the City Council of the City of Hoboken entitled "An Ordinance Amending Chapter 196 (Zoning) Article I (Title; Purpose) Updating the Title, Contents and General Provisions of the Chapter" be and is hereby declared to be not inconsistent with the Master Plan of the City of Hoboken.

BE IT FURTHER RESOLVED, that the recommendations (if any) set forth in the planner's Report are adopted as the Board's recommendations to City Council.

BE IT FURTHER RESOLVED, that the Acting Board Secretary be and is hereby directed to immediately transmit a certified copy of this Resolution to the City Clerk of the City of Hoboken so that same is in the possession of City Council prior to the second reading and public hearing on the Ordinance on August 15, 2012.

CERTIFICATION

I, Maritza Emanuelli, Acting Secretary of the City of Hoboken Planning Board, do hereby certify that the above Resolution was considered and adopted by the Planning Board of the City of Hoboken at a regularly advertised meeting held on August 7th, 2012.

Emanuelli

Maritza Emanuelli

DECISION AND RESOLUTION
Meeting Date:

ROLL CALL VOTE:		Motion	YES	NO
Present	KEITH FURMAN, Chairman		✓	
Present	DANIEL WEAVER, Vice Chair	1st ✓	✓	
Present	BRANDY FORBES		✓	
Present	FRANK MAGALETTA	2nd ✓	✓	
Present	CAROL MARSH		✓	
Present	ANN GRAHAM		✓	
Present	RAMI PINCHEVSKY absent			
Present	GARY HOLTZMAN		✓	
Present	GILL MOSSERI – 1st Alternate		✓	
Present	DEMETRI SARANTITIS – 2nd Alternate absent			

EXHIBIT "A"

EFB Associates, LLC.

Community and Land Use Planners

To: Keith Furman, Planning Board Chair
Hoboken Planning Board Commissioners

From: Eileen Banyra, P.P., AICP
Board Consultant

Date: July 23, 2012

Re: REVISIONS TO ORDINANCE AMENDING CHAPTER 196 "ZONING" ARTICLE I, ARTICLE IV and ARTICLE XIII Titled "AN ORDINANCE AMENDING CHAPTER 196 (ZONING) ARTICLE I (TITLE; PURPOSE) UPDATING THE TITLE, CONTENTS AND GENERAL PROVISION OF THE CHAPTER.

The City Council, at their meeting of July 11, 2012 introduced and had the first reading of an ordinance entitled "An Ordinance Amending Chapter 196 (Zoning) Article I (Title; Purpose) Updating the Title, Contents and General Provisions of the Chapter". The proposed ordinance deletes the current Article I *Purpose*; Article IV *Zoning District Use and Development Regulations and Article* XIII *Uses Structures and Lots,* and replaces them in their entirety with a new Article I, beginning with Chapter 196-101 and ending with Chapter 196-103.10.

The Planning Board will review the ordinance at their regular meeting on August 7, 2012 to determine whether the ordinance is inconsistent with the City's planning documents (2004 Master Plan and the Reexamination Report adopted in 2011).

The Municipal Land Use Law (MLUL) 40:55D-26 a. requires that prior to the adoption of any zoning ordinance, the City Council forward all proposed development regulations, or any revisions or amendments thereto, to the Planning Board for consideration. Upon receipt of such a request, the Planning Board is required to review the ordinance and transmit within 35 days a report to the government body identifying whether or not any provisions in the proposed development regulations are inconsistent with the master plan. At this time, the Board may also make recommendations concerning any such inconsistencies, as well as any other recommendations that it deems appropriate.

The principal change in the new Article I, is that it reorganizes and consolidates three existing Articles into one new Article. Additionally, it updates the language of the ordinance to bring it into accord with City's planning documents and current case law.

I have reviewed the proposed ordinance against the City's planning documents and found that the changes proposed are not inconsistent with the 2004 Master Plan or the 2010 Reexamination Report of the City of Hoboken.

cc: Ron Morgan, Esq.
Andy Hipolit, PE

72 Butterville Road *New Paltz, New York 12561*
Tel. 845-255-5629 *Fax. 845-255-0338*

Adopted _____, 2012

CITY OF HOBOKEN PLANNING BOARD

RESOLUTION CONFIRMING MASTER PLAN CONSISTENCY OF ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A NEW HISTORIC PRESERVATION CHAPTER 42 AND DELETING EXISTING CHAPTER 36 (HISTORIC DISTRICT COMMISSION), and AMENDING CHAPTER 44 (LAND USE PROCEDURES), CHAPTER 168 (STREETS AND SIDEWALKS), AND CHAPTER 196 (ZONING) FOR CONSISTENCY"

WHEREAS, Section 26.a of the Municipal Land use Law [N.J.S.A. 40:55D-26.a] requires the Governing Body, prior to the adoption of a land development regulation or revision or amendment thereto, to refer same to the Planning Board for a determination of whether the regulation, revision or amendment is consistent with the Master Plan; and

WHEREAS, the statute provides the Planning Board 35 days from the date of referral to conduct its review and submit a report to the Governing Body setting forth its recommendations and determinations as to Master Plan consistency which the Governing Body must evaluate and consider prior to the final adoption of the development regulation; and

WHEREAS, the City Council of the City of Hoboken introduced at first reading an Ordinance entitled "An Ordinance Establishing a New Historic Preservation Chapter 42 and deleting in its entirety Chapter 36 (Historic District Commission), and amending Chapter 44 (Land Use Procedures), Chapter 168 (Streets and Sidewalks), and Chapter 196 (Zoning) for Consistency" on July 11, 2012 and thereafter forwarded same to the Planning Board for Master Plan consistency review pursuant to the aforementioned statute; and

WHEREAS, the Ordinance is scheduled for second reading and public hearing on August 15, 2012; and

WHEREAS, the Board's planning consultant has reviewed the Ordinance and issued a Report under date of July 23, 2012 confirming that the Ordinance is not inconsistent with the City's Master Plan and setting forth her recommendations (if any) with respect to the Ordinance. A copy of the Report is attached hereto as Exhibit "A" and its contents are incorporated herein as if set forth herein at length; and

WHEREAS, the Planning Board has thoroughly reviewed the Ordinance and the Report issued by its planning consultant and (a) has found and determined that the Ordinance is not inconsistent with the Master Plan, and (b) adopts the recommendations (if any) set forth in the planner's Report as its recommendations to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Hoboken that the Ordinance introduced at first reading on July 11, 2012 by the City Council of the City of Hoboken entitled "An Ordinance Establishing a New Historic Preservation Chapter 42 and deleting in its entirety Chapter 36 (Historic District Commission), Chapter 44 (Land Use Procedures), Chapter 168 (Streets and Sidewalks), and amending existing Chapter 196 (Zoning) for Consistency" be and is hereby declared to be not inconsistent with the Master Plan of the City of Hoboken.

BE IT FURTHER RESOLVED, that the recommendations (if any) set forth in the planner's Report are adopted as the Board's recommendations to City Council.

BE IT FURTHER RESOLVED, that the Acting Board Secretary be and is hereby directed to immediately transmit a certified copy of this Resolution to the City Clerk of the City of Hoboken so that same is in the possession of City Council prior to the second reading and public hearing on the Ordinance on August 15, 2012.

CERTIFICATION

I, Maritza Emanuelli, Acting Secretary of the City of Hoboken Planning Board, do hereby certify that the above Resolution was considered and adopted by the Planning Board of the City of Hoboken at a regularly advertised meeting held on _____, 2012.

_____
Maritza Emanuelli

DECISION AND RESOLUTION
Meeting Date:

ROLL CALL VOTE:		Motion	YES	NO
Present	KEITH FURMAN, Chairman		✓	
Present	DANIEL WEAVER, Vice Chair	1st ✓	✓	
Present	BRANDY FORBES		✓	
Present	FRANK MAGALETTA	2nd ✓	✓	
Present	CAROL MARSH		✓	
Present	ANN GRAHAM		✓	
Present	RAMI PINCHEVSKY absent			
Present	GARY HOLTZMAN		✓	
Present	GILL MOSSERI – 1st Alternate		✓	
Present	DEMETRI SARANTITIS – 2nd Alternate absent			

EXHIBIT "A"

EFB Associates, LLC.

Community and Land Use Planners

To: Keith Furman, Planning Board Chair
Hoboken Planning Board Commissioners

From: Eileen Banyra, P.P., AICP
Board Consultant

Date: July 23, 2012

Re: AN ORDINANCE ESTABLISHING A NEW HISTORIC PRESERVATION CHAPTER 42 AND AMENDING EXISTING ORDINANCES

The City Council, at their meeting of July 11, 2012 introduced and had the first reading of an ordinance titled "An Ordinance Establishing a New Historic Preservation Chapter 42 and Amending Existing Chapters 36 (Historic Preservation Commission), Chapter 44 (Land Use Procedures), Chapter 168 (Streets and Sidewalks) and Chapter 196 (Zoning)". The Planning Board will review the ordinance at their regular meeting on August 7, 2012, to determine whether the ordinance is inconsistent with the City's planning documents (2004 Master Plan and 2010 Reexamination Report).

The Municipal Land Use Law (MLUL) 40:55D-26 a. requires that prior to the adoption of any zoning ordinance, the City Council forward all proposed development regulations, or any revisions or amendments thereto, to the Planning Board for consideration. Upon receipt of such a request the Planning Board is required to review the ordinance and transmit within 35 days a report to the government body identifying whether or not any provisions in the proposed development regulations are inconsistent with the master plan. At this time, the Board may also make recommendations concerning any such inconsistencies, as well as any other recommendations that it deems appropriate.

The process leading to the rewrite of the Historic Preservation ordinance began during the preparation of the 2010 Master Plan Reexamination Report with a meeting between the Planning Board and Historic Preservation Commission (HPC). As a result, a subcommittee of the Board and Commission were formed and teamed up with a Historic Preservation Specialist to prepare a significant rewrite the ordinance. The proposed ordinance is the result of many meetings over a period of 18 months. In brief, the proposed ordinance provides the following benefits:

1. Reaffirms the importance of the Historic Preservation Commission;
2. Eliminates inconsistent and redundant ordinance language and regulation;
3. Improves the ordinance organization by consolidating four sections of the existing City Ordinance into one cohesive ordinance;
4. Improves the process of reporting between Historic Preservation Commission Planning and Zoning Boards and City Council;
5. Improves Commission's tools and procedures for review, emergency conditions, demolition and penalties;
6. Revises ordinances for consistency with requirements of the Municipal Land Use (MLUL) and the State Historic Preservation Office (NJDEP - SHPO);
7. Improves detail with new and enhanced standards for restoration, renovation, rehabilitation, new construction and demolition; and

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Tel. 845-255-5629 *Fax. 845-255-0338*

8. Includes the current list of identified Hoboken Historic Sites.

In addition to the above, the proposed ordinance specifically addresses multiple goals of both the 2004 Master Plan and 2010 Redevelopment Report. These include seven of the specific recommendations identified in the Historic Element as well as an additional five recommendations of the Reexamination Report. The most specific and significant of these recommendations addressed by the proposed ordinance are as follows:

1. *Revise and update the existing historic preservation ordinance to comply with current preservation ordinance standards. (Master Plan Recommendation #8)*
2. *Make Historic Preservation Commission procedures more specific and predictable. (Master Plan Recommendation #9)*
3. *Improve the enforcement of Historic Preservation Commission actions. (Master Plan Recommendation #11)*
4. *Encourage proper maintenance of and reinvestment in buildings and structures within the City. (Master Plan Recommendation #15)*
5. *Discourage the unnecessary demolition or other destruction of historic resources. (Master Plan Recommendation #14)*
6. *Equip the Historic Preservation Commission for expanded responsibilities.*

The proposed ordinance either specifically addresses or provides the ability to address the following recommendations of the 2010 Master Plan Reexamination Report:

1. *Update and consolidate the various chapters in the City Code regulating Historic Preservation.*
2. *Historic Preservation Commission should pursue designation as a Certified Local Government as a funding source for the expansion or creation of new historic districts and endeavors.*
3. *Develop specific design standards, not just guidelines.*
4. *Improve the communication between the Planning Board, the Zoning Board of Adjustment and the Historic Preservation Commission.*
5. *Encourage contemporary building designs for new construction that complement Hoboken's historic buildings without mimicking them.*
6. *Strengthen the Historic Preservation Commission.*

The proposed ordinance improves the strength and clarity of the ordinance itself, but also provides an improved mechanism for the Historic Preservation Commission to better preserve the City's attributes.

The only recommendation that I have is that a new fee schedule be established (referenced but not attached) and approved by City Council as the earlier schedule will be negated with the passage of this ordinance.

I have reviewed the proposed ordinance against the City's planning documents and found that the changes proposed are not inconsistent with the 2004 Master Plan or the 2010 Reexamination Report of the City of Hoboken.

cc: Ron Morgan, Esq. & Andy Hipolit, PE.

Adopted _____, 2012

CITY OF HOBOKEN PLANNING BOARD

RESOLUTION CONFIRMING MASTER PLAN CONSISTENCY OF ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A NEW CHAPTER 169 'TREES & TREE MAINTENANCE' AND AMENDING RELATED SECTION OF THE MUNICIPAL CODE"

WHEREAS, Section 26.a of the Municipal Land use Law [N.J.S.A. 40:55D-26.a] requires the Governing Body, prior to the adoption of a land development regulation or revision or amendment thereto, to refer same to the Planning Board for a determination of whether the regulation, revision or amendment is consistent with the Master Plan; and

WHEREAS, the statute provides the Planning Board 35 days from the date of referral to conduct its review and submit a report to the Governing Body setting forth its recommendations and determinations as to Master Plan consistency which the Governing Body must evaluate and consider prior to the final adoption of the development regulation; and

WHEREAS, the City Council of the City of Hoboken introduced at first reading an Ordinance entitled "An Ordinance Establishing a New Chapter 169 'Trees & Tree Maintenance' and Amending Related Section of the Municipal Code" on July 11, 2012 and thereafter forwarded same to the Planning Board for Master Plan consistency review pursuant to the aforementioned statute; and

WHEREAS, the Ordinance is scheduled for second reading and public hearing on August 15, 2012; and

WHEREAS, the Board's planning consultant has reviewed the Ordinance and issued a Report under date of July 23, 2012 confirming that the Ordinance is not inconsistent with the

City's Master Plan and setting forth her recommendations (if any) with respect to the Ordinance. A copy of the Report is attached hereto as Exhibit "A" and its contents are incorporated herein as if set forth herein at length; and

WHEREAS, the Planning Board has thoroughly reviewed the Ordinance and the Report issued by its planning consultant and (a) has found and determined that the Ordinance is not inconsistent with the Master Plan, and (b) adopts the recommendations (if any) set forth in the planner's Report as its recommendations to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Hoboken that the Ordinance introduced at first reading on July 11, 2012 by the City Council of the City of Hoboken entitled "An Ordinance Establishing a New Chapter 169 'Trees & Tree Maintenance' and Amending Related Section of the Municipal Code" be and is hereby declared to be not inconsistent with the Master Plan of the City of Hoboken.

BE IT FURTHER RESOLVED, that the recommendations (if any) set forth in the planner's Report are adopted as the Board's recommendations to City Council.

BE IT FURTHER RESOLVED, that the Acting Board Secretary be and is hereby directed to immediately transmit a certified copy of this Resolution to the City Clerk of the City of Hoboken so that same is in the possession of City Council prior to the second reading and public hearing on the Ordinance on August 15, 2012.

CERTIFICATION

I, Maritza Emanuelli, Acting Secretary of the City of Hoboken Planning Board, do hereby certify that the above Resolution was considered and adopted by the Planning Board of the City of Hoboken at a regularly advertised meeting held on _____, 2012.

_____
Maritza Emanuelli

DECISION AND RESOLUTION
Meeting Date:

ROLL CALL VOTE:		Motion	YES	NO
Present	KEITH FURMAN, Chairman		✓	
Present	DANIEL WEAVER, Vice Chair	1st ✓	✓	
Present	BRANDY FORBES		✓	
Present	FRANK MAGALETTA	2nd ✓	✓	
Present	CAROL MARSH		✓	
Present	ANN GRAHAM		✓	
Present	RAMI PINCHEVSKY absent			
Present	GARY HOLTZMAN		✓	
Present	GILL MOSSERI – 1st Alternate		✓	
Present	DEMETRI SARANTITIS – 2nd Alternate absent			

EXHIBIT "A"

EFB Associates, LLC.

Community and Land Use Planners

Copy for City Council

To: Keith Furman, Planning Board Chair
Hoboken Planning Board Commissioners

EXHIBIT A

From: Eileen Banyra, P.P., AICP, CSBA
Board Consultant

Date: July 23, 2012

Re: REVISIONS TO ORDINANCE ESTABLISHING A NEW CHAPTER 169 *"TREES AND TREE MAINTENANCE"*.

The City Council at their meeting of July 11, 2012 introduced and had the first reading of an ordinance entitled *"Trees and Tree Maintenance"* creating a new ordinance and Chapter 169 of the Municipal Code.

The Planning Board will review the ordinance at their regular meeting on August 7, 2012 to determine whether the ordinance is inconsistent with the City's planning documents (2004 Master Plan and the Reexamination Report adopted in 2011).

The Municipal Land Use Law (MLUL) 40:55D-26 a. requires that prior to the adoption of any zoning ordinance, the City Council forward all proposed development regulations, or any revisions or amendments thereto, to the Planning Board for consideration. Upon receipt of such a request, the Planning Board is required to review the ordinance and transmit within 35 days a report to the government body identifying whether or not any provisions in the proposed development regulations are inconsistent with the Master Plan. At this time the Board may also make recommendations concerning any such inconsistencies as well as any other recommendations that it deems appropriate.

After review of the City's planning documents, I have found that the changes proposed are not inconsistent with the 2004 Master Plan or the 2010 Reexamination Report of the City of Hoboken. In fact, both documents speak to enhancing the City's green infrastructure and aesthetics by including additional requirements for trees in site planning, redevelopment and as a component of green infrastructure. The proposed ordinance is consistent with specific recommendations and/or statements in the Master Plan and Reexamination Report which recommend the following:

<u>Master Plan</u>

1. ***Require the provision of rear yard trees where possible.***
2. ***Provide additional street trees.***
3. ***Upgrade landscape requirements for existing off-street parking lots.*** *...additional trees and other plantings should be provided to soften their appearance. Street trees should be provided along street frontages... Trees should also be planted on islands within larger parking lots.*
4. ***Create park corridors or "green streets."***
5. ***Require street trees as part of development applications.***
6. ***Convert Observer Highway into Observer Boulevard.*** *Provide a significant tree canopy...*

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Tel. 845-255-5629 *Fax. 845-255-0338*

7. ***Improve and expand the existing outdoor public spaces around the Terminal.*** *...any open space added to the area should be flexible in design to permit various public uses, as well as add trees and green...*
8. ***Encourage appropriate redevelopment of key underutilized sites.*** *...any such redevelopment should include provision of public amenities such as open space, and include street trees.*

Reexamination Report

In addition to the above recommendation an additional relevant recommendation from the Reexamination Report recommends the following:

Design a comprehensive native street tree infrastructure.

The Reexamination Report also contains many inferences to trees as a component of the recommended Green Infrastructure. For example, the Reexamination Report infers the inclusion of trees with its identification of natural habitat restoration, conservation, carbon sequestration and the non-structural management of stormwater runoff with the use vegetation.

The proposed ordinance is not inconsistent with the City's Master Plan or Reexamination Report and goes a long way to accomplishing the goals and objectives of these planning documents for the City.

Additional Comments

While reviewing the ordinance for consistency, I've identified a number of questions and a few issues that are either unclear, conflict or require amendments to other sections of the City's Ordinances. They are as follows:

1. The following Supreme Court case decision on tree ordinances should be consulted in the final draft of the City's ordinance.
(New Jersey Shore Builders Association v. Township of Jackson (A-83-2007)

2. Definitions – Administrative Officer – after the word Director, strike out *other Administrative Officer having charge* as this is confusing and unnecessary.

3. Professional Forester – The definition differs with the language of the NJDEP. The foresters on the NJDEP's list may then not be acceptable pursuant to the City's definition.

4. 169-5.1 C. – Is a procedure and budget in place with Environmental Services to provide property owners the labor and materials. Are the mechanisms in place to either recoup the costs and/or forward to the Collector of Taxes?

5. 169-5.3 - Not sure if this section is meant to address the public "*Where a person*" or address a utility company. If utility company, may need legal to advice how to regulate utility companies as they routinely hack the tree's leaders, maiming and ultimately killing trees. If it means the public, the public **should not** be pruning trees in the ROW as this should be left to City and professionals.

6. 169-7.2 A. (1) – As per this section, a specific Tree Removal Plan should be added to the Planning/Zoning Boards checklists. This exceeds what is required by Planning Board and requires off-site trees to be noted by the appropriate professional. The professional required to locate existing conditions is a surveyor and this requires this professional to survey both on-site and off-site conditions. This is an expense that may not have been considered. This should be further evaluated.

7. 169-7.2 B. This would require a separate plan to be submitted and forwarded to Shade Tree Commission (See checklist item comment above) The mechanism between Shade Tree and Boards needs to be worked out as it differs for existing process. Currently, most of the information requested is provided on the landscape plan of a site plan submission.

8. 169-7.2 C. An additional set of Plans is required for files of the Environmental Services Director and requests site plan. Not sure if what is requested is the "Tree Plan". Needs clarification.

9. 169-7 G. - This is unclear. Is the intent, that prior to issuance of a building permit that the Construction Official should be provided with the approved Tree Plan prior to construction.

10. 169-7 H. – This section requires that prior to Certificate of Occupancy (CO) the Administrative Officer indicates that all trees (planted, replaced or retained) are in existence. The receipt of the CO may conflict with an appropriate planting season. There should be a remedy -- either issuance of a Temporary Certificate of Occupancy or bonding for all plant material to insure that the trees get planted during the appropriate planting season. (Spring preferred, Fall OK.)

11. 168-8 C. - Refers to the Tree list. The Tree List along with the appropriate tree pit grates etc. should be included as appendix.

12. 168-8 D. - May conflict with a Board/application approval.

13. 169.9 C. - How was this dollar amount derived? Does this dollar amount represent a fee that was establish as per current case law and/or does it include installation. Legal should review to insure that the dollar amount of $1,500 for replacement has a rational basis to the City's costs for administration and replacement of trees.

14. 169.10. – Bonding - If the Tree Plan is part of a Board approval, should there be two bonds established; one for a Tree Bond and one for a Landscaping Bond? If an administrative approval, the ordinance should identify who prepares the bond and how the city collects the bond.

15. 169-14 – Review Constitutionality of this Section of the ordinance. As per Planning Board Comments.

cc: Ron Morgan, Esq.
Andy Hipolit, PE

OFFICE OF THE MAYOR

DAWN ZIMMER MAYOR

CITY HALL
HOBOKEN, NEW JERSEY

July 27, 2012

Dear City Council Members,

I am writing to share the great news that the City was successful in its litigation with Nuemann Leathers. The owners of the Neumann Leathers property challenged the City's designation of an 11.59 acre area as an Area in Need of Rehabilitation, but the Superior Court judge rejected all claims that the City Council, Planning Board or Mayor had acted in an arbitrary, unreasonable or capricious manner. Please see the attached order and written opinion filed on July 2, 2012.

Given the importance of the Neumann Leather area, as well as the Southwest, which has also been determined to be an Area in Need of Rehabilitation, my Administration intends to move ahead with planning both areas through a unified, rather than piecemeal approach. Our approach will involve hiring one planner to create a plan for both areas, unless the Council provides alternative direction on this matter.

We look forward to working with the City Council, the community and all stakeholders in planning these important areas this fall.

Sincerely,

Mayor Zimmer

FILED

JUL 0 2 2012

LOURDES I. SANTIAGO
J.S.C.

Prepared and filed by the Court.

R. Neumann & Co. Plaintiff v. City of Hoboken, et al. Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: HUDSON COUNTY DOCKET NO. HUD-L-~~5733~~ 6146-11 CIVIL ACTION **ORDER**

This matter having been opened to the Court as an Action in Lieu of Prerogative Writ by Potter and Dickson, attorneys for Plaintiff, R. Neumann & Co., and the Court having considered the certifications, pleadings, legal submissions and the proofs and the Court having heard oral argument on June 21, 2012 and for good cause having been shown

IT IS on this 2nd day of **July, 2012**;

ORDERED that for reasons substantially set forth in the Court's Letter Opinion of July 2, 2012, the City of Hoboken's Planning Board recommendation and City Council Resolution of October 19, 2011, designating Plaintiff's Property as an Area in Need of Rehabilitation are found to be valid; and it is further

ORDERED that a copy of this Order shall be served upon all parties in this matter within seven (7) days of receipt of said Order by Plaintiff's counsel.

HON. LOURDES I. SANTIAGO, J.S.C.

JUL - 9 2012

SUPERIOR COURT OF NEW JERSEY

HUDSON VICINAGE

CHAMBERS OF
LOURDES I. SANTIAGO
JUDGE

Hudson County Administration Building
583 Newark Avenue, 4th Floor
Jersey City, New Jersey 07306
(201) 795-6677

NOT FOR PUBLICATION WITHOUT THE APPROVAL OF
THE COMMITTEE ON OPINIONS

LETTER OPINION

FILED
JUL 0 2 2012
LOURDES I. SANTIAGO
J.S.C.

July 2, 2012

William Potter, Esq.
Potter and Dickson
194 Nassau Street
Princeton, New Jersey 08542
Attorney for Plaintiff

Ronald Cucchiaro, Esq.
Weiner Lesniak, LLP
629 Parsippany Road
P.O. Box 0438
Parsippany, New Jersey 07054
Attorney for Defendants

Re: R. Neumann & Co., v. City of Hoboken; The City Council of the City of Hoboken Dawn Zimmer, Mayor of the City of Hoboken; and the Planning Board of the the City of Hoboken
Docket No. HUD-L-6146-11

Dear Counsel:

This matter comes before the court as an action in lieu of a prerogative writ filed on December 1, 2011 as a Seven-Count Verified Complaint. A Case Management Order issued on March 7, 2012, severed the first three counts of the Complaint as "prerogative writ" counts contesting the defendants' designation of Neumann Leathers properties as an "Area in Need of Rehabilitation" (ANR) in the City of Hoboken. The remaining four Counts seek money damages, alleging compensable deprivation of property rights arising from the "pretextual" ANR resolution that plaintiff argues effectively deprives him of virtually all power and control over the future use of his property.

JUL - 9 2012

The plaintiff's Complaint also names Mayor Dawn Zimmer of Hoboken as a defendant. On March 22, 2012, this Court denied defendants' motion to dismiss the Complaint against Mayor Zimmer for failure to state a claim.

On March 23, 2012, the City of Hoboken filed a motion to quash the deposition notices of Mayor Zimmer and Director of the Department of Development Brady Forbes and for a protective order, which was also denied by this Court.

Now before this Court are the prerogative writ counts of the Complaint challenging the defendant's designation of the plaintiff's property as an Area in Need of Rehabilitation. The plaintiff challenges the designation of an 11.59 acre study area, inclusive of plaintiff's 2.96 acre property, as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law ("LRHL") under N.J.S.A. 40A:12A-1, et seq. The designation stems from reports and testimony by City planner, Eileen Banyra and City engineer, Andrew Hipolit, at the Planning Board hearing on September 27, 2011. Ms. Banyra's recommendation to designate the study area as an ANR relied on a report by Mr. Hipolit, a City engineer, who reported that the water and sewer infrastructure beneath study area is aged and in need of repair. This led to the City Council's adoption of "Resolution No. 1" on October 19, 2011, designating the entire study area, including Neumann Leathers properties, as an ANR.

Plaintiff's argument is that Mayor Zimmer's administration has engaged in a consistent effort to misuse the LRHL since 2005. In that year, the City Council and then Mayor Roberts rejected recommendations in the 2004 Master Plan for "up-zoning" the "I-2" (industrial use) zoning, which plaintiff argues was purposefully done to prevent the Neumann Leathers owner from developing the site with new, modern, mixed use/residential structures, similar to the condominium towers located nearby. Plaintiff argues that the City officials have openly displayed their intention to use the LRHL not to remedy "blight" but to "preserve" the Neumann Leather sites for the private benefit of the "industrial artists" tenants, members of the Neumann Leathers Tenants Association (NLTA). Thus, the plaintiff argues that the reoccurring theme within the City of Hoboken has been to use the LRHL only to protect the artist tenants. On April 6, 2011, Mayor Zimmer announced her support of "important initiatives to ensure that Hoboken's cherished arts community is not only maintained, but expanded. The proposed legislation for your [City Council] consideration at the April 20, 2011 meeting includes a proposal to make Neumann Leather an area in need of rehabilitation."

On September 27, 2011, the City of Hoboken Planning Board held a hearing where Ms. Banyra issued her recommendation that the Neumann properties be designated an ANR based on Mr. Hipolit's report declaring the water and sewer infrastructure aged and in need of repair. At the public hearing, Ms. Banyra introduced her report into evidence and testified in support of the ANR designation. During

cross-examination, Ms. Banyra admitted that her recommendation was based on Mr. Hipolit's report and his finding regarding the age and condition of the public utility water lines and sewer infrastructure. Ms. Banyra also admitted that she made no evaluation on her own of the age or condition of the public utility water and sewer infrastructure and did not make any attempts to evaluate the properties.

Ms. Banyra also submitted a draft "redevelopment plan for proposed area in need of rehabilitation" that she prepared, which explains how the City intends to use the powers of the LRHL to control future uses of the Neumann Leathers complex after it is declared to be an area in need of rehabilitation and if a separate process of redevelopment is initiated. The Draft Redevelopment Plan indicated certain uses and limitations on the plaintiff's property, including requirements for setting aside land for open spaces and other limitations on the owners of the property.

At the same planning board hearing, Mr. Hipolit introduced his report. On cross-examination, Mr. Hipolit clarified that he did not make any study or review of any kind specific to the condition on the Neumann Leathers properties. In rebuttal to the City's witnesses, plaintiff introduced the expert witness report of Peter G. Steck, a professional planner, captioned "Preliminary Planning Evaluation-Area in Need of Rehabilitation Designation," dated September 22, 2011. Mr. Steck's report and testimony challenged Mr. Hipolit's study and Ms. Banyra's report, finding them severely flawed. Mr. Steck argued that "this designation does not confer very gentle powers. These could be very significant powers that the governing body may elect to implement should this be designated, so what I want to emphasize is there is significant consequences to a property owner if this is declared in need of rehabilitation. . . .And they include designation of someone as a developer who doesn't own the property. Immediately after closing the public hearing, the planning board voted unanimously "that we declare this, recommend that this area be designated as an area in need of rehabilitation."

On October 19, 2011, the City Council considered Resolution No. 1. On behalf of plaintiff, Mr. Vic Zarish spoke against the Resolution and read into the record a letter from plaintiff's counsel explaining the basis for the opposition. Mr. William Northgrave, Esq. spoke on behalf of the City of Hoboken and in support of the Resolution. After the public comment period ended, the City Council voted 9-0 in favor of Resolution No. 1 which approves the planning board recommendation and designated the study area with Neumann Leather as an ANR.

With the severing of the first three counts of the Complaint by the Court, the parties acknowledged that this is a prerogative writ action pursuant to NJ Court R. 4:69, et seq. However, the plaintiff's trial brief was submitted as "plaintiff's brief in support of motion for summary judgment as to counts one, two and three of the complaint" pursuant to R. 4:46-2. In turn, defendants submitted

"defendants' brief in opposition to plaintiff's motion for summary judgment and in support of cross-motion for summary judgment."

Thus, the first inquiry for this Court is to address whether summary judgment is appropriate. This Court found that summary judgment was not appropriate, and this matter proceeded as a trial under NJ Court R. 4:69, et seq. NJ Court R. 4:69-2 allows for summary judgments for prerogative writ cases in limited circumstances, that "where ministerial duties are not involved, the action is tried on the record of the agency below, or a constitutional challenge to an ordinance is raised, the summary judgment technique has been held to be ordinarily inappropriate. The action, rather, is required to be heard by way of a non-jury plenary trial on the record below, supplemented, if necessary, in respect for the constitutional issues by trial testimony. . . .Clearly, if the trial is on the record below, the procedure is essentially akin to a summary judgment motion, and the only function such a motion would serve would be a calendar preference." See comments to NJ R. 4:69-2. Plaintiff argues that summary judgment is appropriate in its favor because "the material facts cannot be seriously contested." This Court is not convinced by this argument. The record in this case presents complex questions of fact and law that make it impossible to rule on as a motion for summary judgment pursuant to the standard established by Brill v. Guardain Life Ins. Co., 142 N.J. 520, 540 (1992).

The next preliminary issue for this Court to resolve is the appropriate standard of review for this case. Plaintiff argues that this Court should apply a "substantial evidence" standard of review, under which to overcome the presumption of validity, the burden rests with a party to show that the municipal decision is not supported by "substantial evidence" or it is "arbitrary, capricious and unreasonable." Hirth v. city of Hoboken, 337 N.J. Super. 149, 163 (App. Div. 2001). The defendant argues that since this case addresses a "rehabilitation" designation and not a "redevelopment" designation, the traditional "arbitrary, unreasonable or capricious" standard applies.

This Court will rely on the traditional "arbitrary, capricious and unreasonable" standard. The plaintiff concedes in its rely brief that there is little if any practical difference between the two standards. Furthermore, the only published case construing Section 14 of the LRHL, N.J.S.A. 40A:12A-14a and articulating the standard of review of an ANR designation is Bryant v. The City of Atlantic City, 309 N.J. Super. 596 (App. Div. 1998), which relied on the "arbitrary, capricious and unreasonable" review. For that reason, this Court will rely on the same standard.

The burden of proof to establish that a municipality's actions are arbitrary, capricious or unreasonable is a heavy burden that is placed upon the party seeking to overturn a statute or ordinance. See, e.g., Fanelli v. City of Trenton, 135 N.J. 582 589 (1994); Hutton Park Gardens v. Town Council of West Orange, 68 N.J. 543, 564-65 (1975) (finding that "legislative bodies are presumed to act on the

basis of adequate factual support and, absent a sufficient showing to the contrary, it will be assumed that their enactments rest upon some rational basis within their knowledge and experience.").

In this matter, the action challenged is the designation of plaintiff's property as an ANR by the defendants. This designation was finalized by the City Council, but it is based on the Planning Board's hearing and recommendation on September 27, 2011. Thus, this Court's scope of review is confined to the question of whether the Planning Board acted unreasonably, arbitrarily, or capriciously in recommending the designation of an ANR to the City Council. The Planning Board relied on the recommendation of Ms. Banyra and Mr. Hipolt's reports.

The New Jersey Supreme Court has stated that "the underlying policy and wisdom of ordinances are the responsibility of the governing body, and if any state of facts may reasonably be conceived to justify the ordinance, it will not be set aside." Quick Chek Food Stores v. Springfield, 83 N.J. 438, 447 (N.J. 1980). Furthermore, "The judiciary will not evaluate the weight of the evidence for and against the enactment nor review the wisdom of any determination of policy which the legislative body might have made." Hutton Park Gardens, 68 N.J. at 565. That being said, "This presumption can be overcome only by proofs that preclude the possibility that there could have been any set of facts known to the legislative body or which could reasonably be assumed to have been known which would rationally support a conclusion that the enactment is in the public interest." Id. It has been found that "a determination predicated on unsupported findings is the essence of arbitrary and capricious action." Bryant v. City of Atlantic City, 309 N.J. Super. 596, 610 (App Div. 1968).

The Local Redevelopment and Housing law governs both municipal redevelopment and rehabilitation procedures. See N.J.S.A. 40A:12A-1, et seq. The LRHL confers upon a municipal planning board the power to: 1) conduct, when authorized by the municipal governing body, a preliminary investigation and hearing and make a recommendation pursuant to N.J.S.A. 40A:12A-6b as to whether an area is in need of redevelopment; 2) make recommendations concerning a redevelopment plan pursuant to N.J.S.A. 40A:12A-7f; and 3) make recommendations concerning the determination of an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14.

In the rehabilitation context, as is the case here, the substantive and procedural requirements are less stringent than those in the redevelopment context. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that:

(1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon **or**

(2) more than half of the housing stock in the delineated area is at least 50 years old, **or** a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; **and**

(3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

The first substantive issue for this Court to consider is whether the plaintiff's claims are moot or premature. This issue arises because plaintiff is not challenging a final determination by the defendants as to whether the Neumann property will be an area of redevelopment. Instead, the plaintiff is challenging a designation of an area as an ANR, which was first heard by the City Planning Board, then recommended to the City Council, and finally memorialized as a resolution on October 19, 2011. The plaintiff's Complaint states that it seeks "declaratory and injunctive relief against the City's unlawful designation of the plaintiff's properties" as an ANR. The First Count of the Complaint argues that the actions of the Mayor and City Council in proposing and enacting the resolution on October 19, 2011 are not supported by any relevant, substantial or credible evidence. The Second Count incorporates the First Count and claims that "the City misuses and abuses the 'area in need of rehabilitation' process provided by N.J.S.A. 40A:12-14 in order to compel the Neumann Leather buildings to continue as sources of low-cost tenancies for the continued benefit of the 'artists/artisan' tenants, members of the Neumann Leather Tenants Association, and not to 'rehabilitate' the water and sewer infrastructure which lies outside of the Neumann Leathers complex." Count Three asserts that defendants violated the LRHL by engaging in the ANR process because it is contrary to the legislative intent and not supported by a correct construction of Section 14a.

The plaintiff's claims are not moot or premature. First, there is no support for the argument that a finding by a Planning Board of an area in need of rehabilitation cannot be challenged. Mootness is a threshold issue that is rooted in the idea that judicial power is to be exercised when there is imminent harm. Jackson v. Dep't of Corr., 335 N.J. Super. 227, 231 (App. Div. 2000). In other words, "'an issue is 'moot' when the decision sought in the matter, when rendered, can have no practical effect on the

existing controversy.'" Greenfield v. N.J. Dep't of Corr., 382 N.J. Super. 254, 257-58 (App. Div. 2006). Here, although a designation of an ANR is a precursor to a possible future redevelopment plan, the plaintiff nonetheless can argue that the testimony and evidence that came before the Planning Board was arbitrary, capricious or unreasonable because it was either completely unsupported or clearly pretextual and without merit. In this situation, striking down the ANR designation would have a practical effect of not only preventing the City from using the Planning Board's recommendation and City Council's resolution as "evidence" in support of a future redevelopment, but would also prevent potential imminent harm that might occur to plaintiff's property, such as a decrease in value of property. Furthermore, contrary to defendants, the plaintiff is not seeking to overturn the draft redevelopment plan introduced by Ms. Banyra. The plaintiff has made it clear that it is the ANR designation that is being challenged. For the foregoing reasons, this Court will not consider this matter moot or premature.

Even though the plaintiff's claims are not premature, this Court nonetheless finds that the Planning Board's actions in recommending that the Neumann Leathers property be designated an area in need of rehabilitiation is not arbitrary, capricious, or unreasonable. First, the Planning Board followed all the statutory procedural requirements for considering the ANR designation. Under N.J.S.A. 40A:12A-14a, there are very few necessary requirements for the Planning Board to consider. Unlike under the redevelopment process, which requires a preliminary investigation by the Planning Board, a governing body is free to designate an area as an ANR even if a Planning Board fails to provide comments on a proposal within forty-five days. Id. No notice of public hearing is required either. Therefore, a Planning Board is not required to take testimony or permit cross examination. In this case, the Planning Board went beyond its statutory requirements by conducting a noticed public hearing on September 27, 2011 in order to make a recommendation as to whether the study area in question should be declared an ANR. The hearing included not only a presentation of two reports, but also questions and comments from the public and cross-examinations of the experts.

Second, and most importantly, the Planning Board relied on well-informed reports for its recommendation to the City Council that the study area in question should be designated an area in need of rehabilitation. Ms. Banyra was very clear in her introduction to the Planning Board that both she and Mr. Hipolit were there for the sole purpose of providing evidence in support of designating the study area an ANR, and not for a hearing on redevelopment. Mr. Hipolit, who worked in conjunction with Ms. Banyra, provided the basis for why the study area's sanitary and water system is in need of repair and should be designated an ANR to help facilitate future changes.

Mr. Hipolit notes that he and Ms. Banyra "looked at the historical records, contacted the various utility companies for both sewer and water, had conversations with them, and. . .tried to identify whether

the system was at least 50 years old and whether it did need repair or rehabilitation of some substantial amount." Mr. Hipolit began his testimony with a review of the sanitary system. He noted that the sanitary sewer in that area is "all vitrified clay pipe of various sizes" and that the sanitary sewer "is well undersized, as evidenced by significant flooding in that area." Mr. Hipolit also relies on a report done by the North Hudson Sewerage Authority, who owns the combined sanitary and sewer, which concluded that the area in question will flood in a five-year storm event. The fact that the storm and sanitary systems in the study area are combined also poses a serious problem according to Mr. Hipolit's research. The fact is that when there is flooding, the storm water and sanitary sewer mix, meaning that "when it comes up to the street level, that means there is actually sanitary sewerage flowing around within the mix of storm water on the street, which is a significant public health and safety issue. This system is anywhere between 92 and 111 years old."

Mr. Hipolit also addressed the similar problems with the water system in the study area. Mr. Hipolit noted that United Water is the owner of the water system, and that in speaking with representatives of United Water, he found out that the water system dates back to the 1800s. Therefore, the entire system is at least 142 years old, if not in the range of 154 years. The water system is constructed of outdated cast-iron pipe. "The importance of that is cast-iron pipe, when exposed—and we know this now but they didn't know it back in the wee days, 100 years ago. When cast-iron pipe is in contact with water for long periods of time it will cause scaling and/or the pipe to become more brittle, because there's a chemical reaction between the two pipes and that will cause buildup of all debris under there, reduce water pressure, it will reduce flow, because you'll get a reduction in the area of the pipe."

The testimony of Ms. Banyra and Mr. Hipolit satisfy the criteria of designating an area in need of rehabilitation under N.J.S.A. 40A:12A-14a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exists in that area conditions such that:

1. a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon **or**

2. more than half of the housing stock in the delineated area is at least 50 years old, **or** a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; **and**

3. a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

It should be noted that, unlike in the redevelopment process, there is no set criteria for what the Planning Board must consider when designating an area in need of rehabilitation. In other words, there is no statutory or case law based requirement for a Planning Board in considering an ANR designation. The only criteria is that found in Section 14a, which states that:

Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

Here, the report of Mr. Hipolit falls within the second criteria. In the study area in question, the majority of the water and sewer infrastructure in the delineated area is well beyond 50 years old and in need of repair or substantial maintenance. Furthermore, the testimony of Mr. Hipolit revealed that a program of rehabilitation, which would incentivize changes in the sanitary and water systems by bringing them up to code, could be expected to prevent further deterioration and promote the overall development of the community by decreasing flooding and keeping sewage and waste out of the streets during rain storms. Therefore, applying the standards for designating an area in need of rehabilitation under Section 14a to the present situation, Mr. Hipolit's testimony reasonably concluded that the study area's water and sewer system was deteriorated and well over 50 years old.

Plaintiff presented several arguments why the Planning Board's recommendation to the City Council is arbitrary, capricious or unreasonable. However, this Court is unconvinced. Plaintiff's main argument is that the entire ANR designation process is purely a pretextual effort by the defendants to prevent the plaintiff from developing his property in order to protect the artist tenants who reside on the property. In fact, plaintiff argues that the facts in the record reveal that the City's rehabilitation area designation of plaintiff's property is part of a longstanding, consistent pattern by the City of Hoboken in a campaign to seize effective control of Neumann Leathers and preserve the tenancies of the Neumann Leather Tenants Association, thereby advancing the Mayor's announced agenda of protecting the artists community in Hoboken. In support of this argument, the plaintiff points out various statements of the defendants, including Mayor Zimmer, that indicate the City of Hoboken's intent to preserving the

Neumann properties for its artist tenants. In certain cases, courts have looked to the intentions of a municipality and struck down ordinances where the purpose or motive of the municipality was clearly pretextual. See, e.g., Riggs v. Township of Long Beach, 109 N.J. 603 (1998); Township of Readington v. Solberg Aviation Co., 409 N.J. Super. 282 (App. Div. 2009).

For example, in Riggs, the court was presented with a challenge to a re-zoning ordinance and noted that "Courts generally will not inquire into legislative motive to impugn a facially valid ordinance, but will consider evidence about the legislative purpose 'when the reasonableness of the enactment is not apparent on its face'. . . .If an ordinance has both a valid and an invalid purpose, courts should not guess which purpose the governing body had in mind . . . .If, however, the ordinance has but one purpose and that purpose is unlawful, courts may declare the ordinance invalid." Id. at 613. In Readington, a municipality used its powers of eminent domain to acquire an airport as well as some land outside the airport zone. The purpose, according to the municipality, was to preserve open space as well as the airport at the location. The court, however, held that the township was seeking to use its condemnation power to take control over the airport regulations from the state and federal authorities.

Here, the facts are much different than those relied on by the plaintiff for his pretextual argument. In this case, rehabilitation in and around the study area has been ongoing for decades and part of a larger and longer planning process that has spanned numerous administrations. In fact, defendants have presented evidence that the entire city of Hoboken was designated an area in need of rehabilitation in 1979. Nonetheless, the City of Hoboken took steps to ensure that a new study area was established for this study area, and that the area be researched and that the public be put on notice of a public hearing, steps that were well beyond what it statutorily required by N.J.S.A. 40A:12A-14a. Importantly, the study area in question encompasses a much larger area than the plaintiff's property. The study area here is 11.59 acre area, inclusive of plaintiff's Nuemann Leather properties 2.96 acre property. The study area also contained two other private property areas and public rights of way and neighboring areas outside of the study area that were currently under a redevelopment plan.

The plaintiff also argues that the Planning Board's recommendation is severely flawed by the fact that the water and sewer infrastructure under the study area is: 1) not located within the plaintiff's property; and 2) is owned by private utility companies that the defendants have no power to control. The plaintiff's arguments fail on this point as well. It undisputed that the water and sewer infrastructure is old and deteriorated. The plaintiff fails to recognize that William Northgrave, Esq., Special Redevelopment Council, who spoke at the October 19, 2011 Hoboken City Council and noted that upgrading the water and sewer infrastructure would be difficult, but that it was anticipated that investments in private property would lead to investments in the infrastructure. Specifically, it is hoped

that the flexibility that comes with the use of tax abatements under an ANR designation could very well lead to investment in infrastructure improvements within the study area. Furthermore, although the water and sewage pipes may not be on plaintiff's property, the Neumann property lies within the general study area and is undoubtedly affected by the deteriorating infrastructure.

Plaintiff also argues that the defendants misconstrued Section 14(a)(2) of the LRHL by failing to read the **"or"** in section (2) as an **"and"**, which plaintiff argues was the Legislature's true intention. Thus, plaintiff argues that, viewed properly, the use of the word **"or"** in subsection (2) should be read in the conjunctive as follows" ". . .(2) more than half of the housing stock in the delineated area is at least 50 years old or **[AND]** the water and sewer infrastructure . . . is at least 50 years old and in need of repair or substantial maintenance . . . ." In other words, the plaintiff wishes to have this Court read the word **"or"** as an **"and"** because it is impossible to apply the "water and sewer infrastructure" clause in the second criterion separate and apart from the inclusive "housing stock" that must also be in existence. The only evidence for this is the fact that the statutory intent by the sponsors of this statute intended that this bill would encourage the rehabilitation of housing stock in older area of the state.

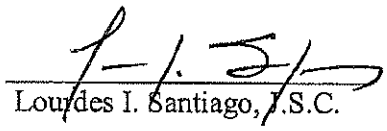
Despite plaintiff's insistence, there is no support for the position that the State legislature meant anything other than the plain reading of the statute. Other than the mention of the "housing stock" in the intent of the legislation, nothing suggests that the legislature meant the second criterion to be read in any other way than the literal way that it is spelled. Courts will occasionally construe an "or" in a law to mean "and" if necessary to implement legislative intent. For example, the disjunctive "or" in an ordinance or statute can be read as an "and" if such a construction is necessary to make the statute express the true legislative intent. See, e.g., Red Bank Regional Ed. Ass'n v. Red Bank Regional High School Bd. Of Ed., 151 N.J. Super. 435 (App. Div. 1977); State v. DeMarco, 174 N.J. Super. 411 (Law Div 1980). Nonetheless, there is no such evidence in this case. A review of the Assembly Housing Committee Statement to Assembly Bill No. 759 as well as the Senate Community and Urban Affairs Committee Statement to Assembly No. 759 reveals virtually identical proposed revisions to the statute. Thus, a plain reading of the statue shows an unambiguous reading, meaning that the City of Hoboken may delineate an area in need of rehabilitation by demonstrating that a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

For the foregoing reasons, the plaintiff's claims are dismissed. However, this Court's decision is not dispositive of a possible future challenge by plaintiff to a redevelopment plan, assuming that the City of Hoboken is inclined to initiate such a process. To reiterate, this Court's decision is strictly confined to the designation of plaintiff's property as an area in need of rehabilitation as set forth in the record below

during the Planning Board hearing on September 27, 2011 and the City Council resolution on October 19, 2011. The LRHL provides more stringent requirements for declaring an area in need of redevelopment, and if the City of Hoboken wishes to proceed with redevelopment, it must follow the statutory requirements. At that time, the plaintiff will have a right to challenge such a redevelopment plan.

An order is enclosed.

Very truly yours,



Lourdes I. Santiago, J.S.C.

OFFICE OF THE MAYOR

DAWN ZIMMER MAYOR

CITY HALL
HOBOKEN, NEW JERSEY

August 10, 2012

Dear City Council Members:

There is a full agenda this week, and I'd like to highlight some of the most important issues for your consideration.

Southwest Park & Henkel
I am very excited that we are moving ahead with plans to purchase land for a Southwest Park. After the Council authorized the use of eminent domain, we continued to engage in good faith negotiations with the property owners, but we have been unable to reach an agreement. After five months of waiting since our offer letter was sent on March 8, 2012, we still have not received an appraisal by the property owner. It is time for the matter to be referred to the courts to determine the fair market value for the property owner. We have received $2.35 million in funds from the County for the purchase of property on Block 12 which will be on the agenda as a claims item. I am thankful to Hudson County Executive DeGise, Freeholder Romano, and the Freeholder Board for supporting our request for a one year extension of our $3 million grant so we can continue to pursue the purchase of other properties in the Southwest.

I also want to let you know that I will be meeting with BASF on Monday to discuss the purchase of the Henkel property, which they now own.

Church Square Park
The Council is being asked to approve Phase I of improvements to Church Square Park. Phase I includes the two playground areas in the southeast area of the park and renovation of the basketball courts and bathroom facilities. I thank the community for their input during three public meetings this summer, and I hope the Council will support Phase I of improvements to this very important park. The other work specified by the park master plan requires additional funding and will be phased in as that funding is secured and the additional phases are approved by the Council.

Monarch & NJ Transit
Protecting our waterfront and defending the City against inappropriate development is extremely important to me. The costs for this legal defense are more than anticipated, but this is an investment worth making, so I am asking the Council to approve an emergency appropriation for $150,000 so we can be sure that we can continue to defend our waterfront. These additional funds are also needed for the NJ Transit plan which we hope to introduce very soon, depending on the Council's availability for a working session special meeting.

Revaluation
A revaluation is a complex process for which the City has been preparing for several years. We have completed updating our tax map. This was a complicated and time-consuming process since they had previously not been updated since the 1980's and given the high level of development since that time. We are coordinating with the State to get those maps approved. Now, we are ready to start the bidding process to hire a company to conduct the revaluation. This is an expensive process – estimated at more than $1 million -- which is why State law permits distributing the high cost over five years, with Council approval.

Affordable Housing
We are moving towards awarding a contract for an affordable housing planner at the September 5 meeting. This is critical because COAH has advised us that they will not entertain any new ordinance until we have a Housing Element and Fair Share Plan and a Spending Plan approved by them first (submitted with a petition for substantive certification, which brings Hoboken under COAH jurisdiction). It is critical, given the history of this issue in Hoboken and the existing and potential future litigation, that we proceed swiftly but carefully following the proper procedures. The development of the plan must precede consideration of any new ordinance, as Ron Cucchiaro's memo advises.

This will involve doing a full review of our affordable housing in Hoboken, and while it may take longer, I think it is an important step to go through to make certain that we finally get this right.

Unfortunately, as you may be aware, Hoboken's affordable housing ordinance was not enforced until I came into office when this issue was brought to the Zoning Board's attention and enforced. As a result, we got sued. For the 26 years since the law was passed in 1986, no one was implementing the City's law. The high density buildings for which variances have been approved by the Zoning Board during that period were not required to provide affordable housing.

In response to concerns from residents, we asked our counsel to review the affordable housing legislation that had been proposed. A memo from Ron Cucchiaro is attached for your review.

EmNet
On July 19th the North Hudson Sewerage Authority voted to approve a contract with EmNet for sensors throughout Hoboken's sewer system. I thank the North Hudson Sewerage Authority for continuing its efforts to solve our City's long-standing flooding problems. Together with the EmNet data we collected last year, this new data, which the Authority will share with the City, will provide additional information that will help to facilitate the development of a comprehensive plan that fully incorporates green infrastructure technologies to reduce the rainwater that enters the sewer system and alleviate our flooding problem.

I strongly believe that green infrastructure must be an integral part of solving our flooding problem, and the information the Authority will share with the City will help give us the necessary data as we continue the work of creating a green master plan for the City.

Salary Ordinance
The updated salary ordinance would increase pay for bus drivers and add the title of Traffic Control Officers. Various critical locations around Hoboken have high traffic and pedestrian volumes where traffic control is so important. It has also been a challenge to hire and retain bus drivers for the Hop and Senior Shuttle since neighboring jurisdictions and the Board of Education pay higher rates than

the City. The ordinance would increase the hourly rate for bus drivers from $10 to a range of $10 to $17.50 per hour and help ensure more reliable service.

Corporation Counsel
I have appointed Mellissa Longo to serve as Corporation Counsel, and we have brought on Kimberly Wilson to take on the role of Assistant Corporation Counsel (her resume is attached). Under this new structure, all members of the Corporation Counsel office will handle general matters, Ms. Smickley will focus on transportation-related issues, and Ms. Wilson will work on public safety matters. We will also be proposing to designate Ms. Wilson as the City's affirmative action officer. As you can see from the confidential legal packets emailed to you yesterday, we have reached resolutions on so many matters, such as Maxwell Place Park and Hoboken Cove Umbrella Association for the Hudson Tea Building. Please let us know if you have any questions.

Sincerely,

Mayor Zimmer

WEINER | LESNIAK LLP
ATTORNEYS AT LAW
www.weinerlesniak.com

RONALD D. CUCCHIARO
Member of the Firm

rcucchiaro@weinerlesniak.com

August 10, 2012

Via E-Mail

Mayor Dawn Zimmer
City of Hoboken
Hoboken City Hall
Newark & Washington Streets
Hoboken, New Jersey 07030

Re: Proposed Hoboken Affordable Housing Ordinances
File No. HBKN-L-010

Dear Mayor Zimmer:

Please accept this letter concerning several proposed affordable housing ordinances which have been submitted for consideration to the City Council from a group of concerned residents. The ordinances are identified as " Ordinance No. 1 – Repealer"; "Ordinance No. 2 – Inclusionary Affordable Housing"; and "Ordinance No. 3 – Development Fees for Affordable Housing". These ordinances together are meant to repeal and replace the City's current affordable housing ordinance which is identified as Sections 196-68 through -81 in the City Code. For reasons expressed more fully herein, I do not recommend these ordinances be adopted at this time, but rather be part of a comprehensive affordable housing planning process inclusive of a Fair Share Plan as well as a petition for substantive certification.

A. The Challenge to the Existing Affordable Housing Ordinance

Prior to analyzing the three proposed ordinances, it is first necessary to provide a brief background on the City's affordable housing ordinance. The affordable housing ordinance was first adopted by the City Council in 1988. The ordinance was recently challenged by several developers in actions captioned as Fair Share Housing Center v. The Zoning Board of the City of Hoboken; and Advance at Hoboken, LLC, et al. (Docket No. HUD-L-3643-11); Fair Share Housing Center v. The Zoning Board of the City of Hoboken; and 1415 Park Avenue, LLC, et al. (Docket No. HUD-L-5052-11); and Fair Share Housing Center v. The Zoning Board of the City of Hoboken; and 9th Monroe LLC, et al. (Docket No. HUD-L-733-12). The Advance and 1415 Park Avenue actions were consolidated, and the lawfulness of the ordinance was tried in the Superior Court, Hudson County. The Developers argued that although the ordinance was adopted over two decades ago, the City and its Land Use Boards had never enforced its terms. The Superior Court invalidated the ordinance in an oral decision rendered on June 1, 2012. This

decision primarily found that the Ordinance was invalid due to its financial contribution provision. The Ordinance provided the option of a financial contribution to the City in lieu of actual construction of affordable housing on or offsite. The Court found that this provision of the Ordinance was defective since it was required to be approved by the Council on Affordable Housing ("COAH"). The City is not within COAH's jurisdiction and does not have an approval for the ordinances. The Court further found that the other sections of the ordinance, which required either onsite construction or offsite construction within the City, were not severable, and that the entire ordinance therefore was void. The Fair Share Housing Center has filed a motion for reconsideration of this decision, which is returnable in September. The motion argues that the City's onsite or offsite requirement should have been severed leaving the remainder of the Ordinance intact. The proposed ordinances were submitted prior to the motion for reconsideration.

B. Proposed Ordinance No. 1

As previously stated, the first proposed ordinance seeks to rescind and repeal the existing affordable housing ordinance prospectively. It seeks to continue to apply the existing Ordinance to current applications before the Zoning Board of Adjustment which seek a use variance or approval pursuant to a redevelopment plan for residential or mixed use development in a zone where such uses are not permitted, as well as to applications seeking an increase in residential density or permitted floor area density. Proposed ordinances no. 2 and 3 have been separated so that in lieu of contributions are considered separately from onsite or offsite actual construction of affordable housing.

C. Proposed Ordinance No. 3

Proposed ordinance no. 3 establishes development fees for affordable housing. Section 2(a) acknowledges that this ordinance cannot be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1. This is consistent with the Order of the Superior Court which found that such ordinance could not be effective until COAH approval. COAH, however, will not even consider approval of such an ordinance unless it is part of a petition for substantive certification. This means that the ordinance must be submitted along with a fair share plan and spending plan. The fair share plan is a part of the housing element of the municipal master plan and is under the exclusive jurisdiction of the Planning Board to adopt. The City Council must then endorse the plan and then file its petition with COAH. The City will also submit a proposed spending plan as part of its petition. The spending plan provides the framework for expending the funds which are collected through the development fees. Even if introduced and adopted therefore, proposed ordinance no. 3 would not be enforceable at this time.

D. Proposed Ordinance No. 2

Proposed ordinance no. 2 provides regulations for the provision of affordable housing either onsite or offsite within the City. The ordinance applies specifically to:

> **Applicability – Types of Development:** All development of property in the City of Hoboken that includes residential uses,

> whether residential or mixed use development, new construction on vacant land, redevelopment of previously developed sites, or substantial rehabilitation or adoptive use of existing structures, with the exception of the exemptions listed below in (c), shall include housing affordable to low and moderate income housing as specified below and in accordance with the standards of this Article.
>
> Section 2(a).

The ordinance further provides the following exemptions:

> **Exemptions:** The following types of residential development are exempt from the provisions of this Article:
>
> 1. The first ten (10) housing units of substantial rehabilitation projects.
>
> 2. Development under an adopted redevelopment plan subject to an executed redevelopment agreement between the City of Hoboken and a redeveloper in effect as of the effective date of this ordinance, unless amended subsequently to increase the density or floor area ratio.
>
> Section 2(c).

Section 4 of the proposed ordinance addresses affirmative marketing requirements. The ordinance specifically requires the City to adopt an affirmative marketing plan, subject to the approval of COAH. Section 13 of the proposed ordinance also creates the positions of "Municipal Housing Liaison", as well as "Administrative Agent". The Municipal Housing Liaison must also be approved by COAH. See Section 13(a)2. The Municipal Housing Liaison is responsible for the oversight and administration of the affordable housing program which include the following:

> 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the City of Hoboken, including the following responsibilities which may not be contracted out to the Administrative Agent:
>
> i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

ii. The implementation of the Affirmative Marketing Plan and affordability controls.

iii. When applicable, supervising any contracting Administrative Agent.

iv. Monitoring the status of all restricted units in the City of Hoboken's Fair Share Plan;

v. Compiling, verifying and submitting annual reports as required by COAH;

vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

Section 13(a)4i-vii.

The appointment of an Administrative Agent is also subject to the review and approval of COAH. See Section 13(b). See Section 13(c). The Administrative Agent's responsibilities include the following:

> The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
>
> 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
>
> 2. Affirmative marketing;
>
> 3. Affordability Controls;
>
> 4. Records retention;
>
> 5. Resale and re-rental;

6. Processing requests from unit owners; and

7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.

8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 13(d)1-8.

The ordinance also requires that an operating manual be provided by the Administrative Agent to be adopted by resolution of the governing body and subject to the approval of COAH.

Similar to proposed ordinance no. 3, which addresses development fees, COAH will also not consider approval of a municipal housing liaison, administrative agent, affirmative marketing program or an operating manual without also being accompanied by a petition for substantive certification. Vast portions of this ordinance, therefore, cannot be applied at this time. These include Section 4 "Affirmative Marketing Requirements", Section 5 "Occupancy Standards", Section 8 "Buyer Income Eligibility", Section 10 "Control Periods for Restricted Rental Units", Section 11 "Price Restrictions for Rental Units; Leases", Section 12 "Tenant Income Eligibility", and Section 20 "Appeals From Administrative Agent Decisions". While the affordable housing requirements contained in proposed Ordinance no. 2 have merit, it may be unlikely that its provisions could be enforced at this time.

E. Current Efforts and Recommendations

The City, however, has taken immediate action to help facilitate the adoption of either the proposed ordinances or other affordable housing ordinances which achieve the same goals. The City has received multiple proposals for the services of a professional affordable housing planner. This planner will assist the City and the Planning Board in drafting a fair share plan, spending plan and all other necessary ordinances and documents which will be submitted to COAH as part of its petition for substantive certification. At that time, the City will be within COAH's jurisdiction and COAH will therefore have the power to review and approve any such ordinances and regulations. It has also been the City's practice to include affordable housing requirements in its redevelopment plans as well as redeveloper agreements. The City can continue to include such requirements where the redevelopment includes residential development. The City will therefore continue to capture affordable housing opportunities.

The large residential developments and mixed use developments which are the subject of the previously-enumerated litigation, were all approved by the Zoning Board of Adjustment. The Zoning Board of Adjustment is an independent, quasi-judicial body. The Zoning Board has the jurisdiction under N.J.S.A. 40:55D-70c, d and 51 to provide relief from any Land use requirements. Even if the proposed ordinances were adopted, the Zoning Board would continue to retain the right to grant relief.

Applicants for variance relief before the Zoning Board of Adjustment, however, are required to make certain proofs. Amongst these proofs is what is known as the "positive criteria" as well as the "enhanced criteria". This requires a showing that the deviation from the ordinance requirement satisfies not only the private interests of an applicant but that the public interest is also advanced. New Jersey courts have found that the public interest is served by the creation of affordable housing. An applicant for variance relief is also required to make proofs reconciling the decision of a governing body to not include a particular use or density in a zone as well as the planning board's decision not to provide for a certain use or density in its master plan. A statement by the City Council, therefore, that it is aware of several large residential and mixed use approvals and that it continues to make the legislative decision not to zone for those uses would make it more difficult for applicants to meet the proofs in the absence of any affordable housing. Once again, it is important to understand that the City Council cannot order the Zoning Board of Adjustment to do anything. It can, however, express its policy and legislative intent and therefore help to frame the proofs necessary to satisfy the positive criteria.

Based on the forgoing, it is recommended that the City and Planning Board proceed with deliberate speed to appoint an affordable housing planner as well as to adopt a fair share plan, spending plan and all other necessary documents which can be submitted to COAH as part of a Petition for Substantive Certification. This will bring the City within COAH's jurisdiction and allow the proposed ordinances, or ordinances of a similar nature, to be adopted and applied in the quickest fashion. As previously stated, the City should continue to include affordable housing requirements in its redevelopment plans and rearticulate its legislative decision to not zone for residential development, or residential development at extreme densities, in its ordinance.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

WEINER LESNIAK LLP

By: Ronald D. Cucchiaro
Ronald D. Cucchiaro
A Member of the Firm

RDC:dpm
544215_1

cc: Brandy Forbes, AICP, PP, Community Development Director
Quentin Wiest, Business Administrator
Mellissa Long, Esq., Interim Corporation Counsel

KIMBERLEY M. WILSON

Member of the New Jersey bar.

EDUCATION:

Washington & Lee University 1992-1995
Lexington, Virginia J.D.
Honors/Activities: Burks Scholar, Phi Alpha Delta Legal Fraternity, Legal Practice Clinic, President – Black Law Students Association, Research Assistant.

University of North Carolina at Chapel Hill 1987-1991
Chapel Hill, North Carolina B.A. Journalism and Political Science
Honors: Honors Program, Gannett Foundation Scholarship, Roy J. Wilkins Memorial Scholarship.

LEGAL EXPERIENCE:

Department of Law, City of Trenton 2006-2011
Trenton, New Jersey
Assistant City Attorney

- Handled all aspects of New Jersey Tort Claim Act and civil rights litigation in the Superior Court of New Jersey and U.S. District Court, District of New Jersey from inception through resolution, including the following: filing answers, serving and answering discovery requests, serving subpoenas and authorizations to obtain medical information, investigating discovery responses, conducting and defending depositions, appearing in court for settlement and status conferences, filing discovery-related and dispositive motions and appearing in court for oral argument on motions when required.
- Supervised and managed outside counsel on pending civil rights litigation, including coordinating litigation strategy.
- Resolved issues related to requests for information, including subpoenas, issued to Trenton Police Department's Internal Affairs Bureau and other City of Trenton departments.
- Handled matters appealed to the Superior Court of New Jersey, Appellate Division and U.S. Circuit Court of Appeals, Third Circuit, including the filing of briefs and appearing at oral argument, when required.
- Provided leadership to improve Department of Law operations and administrative needs.

GluckWalrath LLP 2004-2006
Trenton, New Jersey
Associate

- Defended employment discrimination matters in the Superior Court of New Jersey and U.S. District Court, District of New Jersey, from inception through trial.
- Managed governmental-based litigation, including affordable housing enforcement matters and builder's remedy lawsuits, in the Superior Court of New Jersey from inception through trial.
- Handled general business litigation matters in the Superior Court of New Jersey from inception to resolution.
- Provided legal advice and research on various legal issues raised by municipal agencies and employees.
- Provided legal advice and research on employment-law related issues, including ERISA, COBRA and general labor relations.
- Handled appeals of matters before the N.J. Superior Court, Appellate Division, including the filing of briefs, for contractual and health care issues.

Office of the Mercer County Counsel 2003 – 2004
Trenton, New Jersey
Assistant County Counsel

- Handled all aspects of personal injury, civil rights and government litigation in the Superior Court of New Jersey and U.S. District Court, District of New Jersey, from inception through resolution, including the following: filing answers, serving and answering discovery requests, serving subpoenas and authorizations to obtain medical information, investigating discovery responses, conducting and defending depositions, appearing in court for settlement and status conferences, filing discovery-related and dispositive motions and appearing in court for oral argument on motions when required.
- Reviewed and negotiated leases for properties owned by the County of Mercer.
- Reviewed and negotiated easements in favor of the County of Mercer.
- Provided legal advice and researched various legal issues raised by directors and employees.

Pellettieri, Rabstein & Altman 1999-2002
Princeton, New Jersey
Associate

- Managed aspects of business and employment-related litigation, from inception through resolution, including various types of motions, oral argument and discovery, for a variety of clients, including individuals, businesses and college athletic conferences.
- Negotiated severance agreements for employees.
- Advised clients and prepared opinion letters on employment law matters.
- Prepared employment policies and handbooks for businesses and college athletic conferences.
- Prepared employment agreements for businesses.
- Prepared bylaws, various policies and opinion letters for college athletic conferences.
- Handled unemployment compensation appeals before the Department of Labor's Appeals Tribunal.
- Handled real estate and general business matters for certain clients.
- Researched various sports law topics.

Fox, Rothschild, O'Brien & Frankel, LLP 1997 – 1999
Lawrenceville, New Jersey
Associate

- Closed residential and commercial real estate transactions.
- Negotiated residential and commercial leases.
- Appeared before various municipal Planning Boards to obtain approvals for site plan applications.
- Formed numerous business entities.
- Drafted various corporate documents.
- Assisted in closing a $10 million sale of physician practice to a physician practice management company.
- Researched general corporate and securities law issues.

Superior Court of New Jersey, Appellate Division 1996-1997
The Honorable Dennis J. Braithwaite
Atlantic City, New Jersey
Law Clerk

- Researched and wrote legal memoranda for pending appeals.
- Edited legal opinions.
- Mediated pending matters in the Superior Court, Special Civil Part.
- Handled emergent appeals.

Law Offices of John A. Maher, Esq. 1995-1996
Summit, New Jersey

- Assisted during real estate transactions.
- Reviewed litigation documents.
- Prepared deposition summaries from transcripts.
- Drafted legal documents.

PUBLICATION:
A Disparity That Is Worlds Apart: The Federal Sentencing Guidelines Treatment of Crack Cocaine and Powder Cocaine, 1 Race & Ethnic Ancestry Law Digest 21 (1995).

PROFESSIONAL ASSOCIATIONS:
New Jersey Bar Association (Mercer County Representative, Executive Committee, Young Lawyers Division, 2000-2004; Member, Business and Commercial Litigation Committee, 2002-2005), Mercer County Bar Association, Association of Black Women Lawyers, District VII Ethics Committee (2009-present), Historical Society of the United States District Court for the District of New Jersey (2009-2011).

SEMINARS PRESENTED:
Handling the Police Liability Claim, National Business Institute (presented with two other faculty members) at the following dates and locations: (i) June 14, 2001 in Princeton, New Jersey; (ii) December 8, 2011 in Newark, New Jersey; and (iii) December 9, 2011 in Cherry Hill, New Jersey.

COMMUNITY INVOLVEMENT:
YWCA of Trenton, Inc. (Member of Board of Trustees, Board Attorney, 2000-2002), Junior League of Greater Princeton (2002-present), First Baptist Church of Lincoln Gardens (Member 2006-present, Sunday School Ministry, 2011-present), I Am Trenton Community Foundation Grants Committee (2011-present).

INTERESTS:
Cooking, reading, book collecting, golf.

MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
AUGUST 15, 2012

TAXI, LIVERY, AND LIMOUSINE DRIVERS 7 ITEMS AT $75.OO EA.
(SEE ATTACHED)

VENDOR ($100.00/EA) 1 ITEM

GO QUOTE YOURSELF
1001 PATERSON PLANK RD.,
NORTH BERGEN, NJ 07047

MUSIC MACHINES: 1 ITEM

LOUISE & JERRY'S ($75.00) 1 MUSIC MACHINE
329 WASHINGTON ST.
HOBOKEN, NJ 07030

MISCELLANEOUS LICENSES

DRIVERS (7 ITEMS @ $75.00)

NAME	*TAXI/LIMO*	*LICENSE#*
SAMAUEL SOLIMAN	TAXI	6846
JUAN LUNA	LIMO	2590
MOURIS YOUANAS	TAXI	0596
ADDY DEMOTA	LIMO	8113
NATASHA PEGUERO	LIMO	0559
ASHRAF BOLES	TAXI	1406
LUIS CAMPOS	TAXI	7476

APPROVED LICENSES

7 DRIVERS

Municipal Court of Hoboken
City Hall
100 Newark Street
Hoboken, New Jersey 07030
201 - 420-2120
Fax 201 - 420-2138

HON. MICHAEL A. MONGIELLO
C.J.M.C.
HON. CATALDO F. FAZIO
J.M.C.

ROSEANN GOHDE
Court Director

AUGUST 6,2012

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

DEAR MR. FARINA:

THE HOBOKEN MUNICIPAL COURT HAS ISSUED CHECK # 5581 IN THE TOTAL AMOUNT OF $370,347.66 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF JULY 2012 (ATS/ACS SYSTEM)

VERY TRULY YOURS,

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

C: HON. DAWN ZIMMER, MAYOR
QUENTIN WIEST, BUSINESS ADMINISTRATOR
STEPHEN MARKS ASSISTANT BUSINESS ADMINISTRATOR
MICHAEL MONGIELLO, C.J.M.C.

OFFICE OF THE TAX COLLECTOR
MONTHLY REPORT

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

Honorable Mayor and Council Members,

I herewith submit the following report of receipts in the Tax Collector's Office for the month of JULY 2012.

Receipts on Taxes			
2013 Taxes Estimated 3rd Quarter...	559.74		
2013 Taxes 1-2 Quarters...	124,972.89		
Minus N.G. Checks...	5,032.75		
Total 2013 Taxes Collected			120,499.88
Receipts on Taxes			
2012 Taxes			
2012 Taxes 3 - 4 Quarters....	9,156,783.54		
Minus N.G. Checks...	6,555.71		
2012 Taxes 1-2 Quarters...	184,370.90		
Total 2012 Taxes Collected			9,334,598.73
Receipts on Taxes			
2011 Taxes 3-4 Quarters...	256.24		
Total 2011 Taxes Collected			256.24
Receipts on Taxes			
2010 Taxes 3-4 Quarters...	250.00		
Total 2010 Taxes Collected			250.00
Miscellaneous Tax Receipts			
Interest on Taxes...	6,957.19		
Minus N.G. Checks...			
Duplicate Tax Bill Fee...	130.00		
Tax Serarch.....	10.00		
Bounced Check Fee...	60.00		
Total Miscellaneous Tax Receipts			7,157.19
Pilot Accts			
Pilot Principal.....	1,592,696.48		
Total collected on Pilot Accts.....			1,592,696.48
Total Taxes & Miscellaneous Tax Receipts....			**11,055,458.52**

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

Abatements			
Abatement Principal.....	19,768.45		
Abatement Interest.....	328.29		
Abatement Totals.....		*******	**20,096.74**

Bounced Checks	Amount
188/9.1/C03A	3,657.45
268.01/3/4E	7,931.01
Total	11,588.46

Respectfully yours,

Sharon Curran, Tax Collector

86/1/C0307 and C0p07 both Nov. est. payments $4750.00 pd 7/2/2012.														
7/30/2012 abatement check $67.26 includes $20.00 bounced check fee. Deposit for 630,813.13 short $20.00.													Abat. Total	20,096.74
Bad Checks														
188/9.1/C03A	3,657.45													
268.01/3/4E	7,931.01													
Total	11,588.46													

REDEMPTIONS FOR THE MONTH OF JULY 2012

DATE REDEEMED	BLOCK	LOT	QUAL.	CERTIFICATE #	ADDRESS	REDEMPTION AMOUNT	PREMIUM AMOUNT		
7/2/2012	48	10	C0003	12-00019	319 MONROE ST	137.79	5,800.00		
7/2/2012	26	1	C000C	11-00015	662-666 FIRST ST	6,630.17			
7/3/2012	114	1	C00C2	12-00048	1300 GRAND ST	3,322.61	1,500.00		
7/3/2012	201	8	C001S	12-00092	215 BLOOMFIELD ST	3,445.73	4,000.00		
7/6/2012	30	14.01	C0007	097049	130 ADAMS ST	8,939.32			
7/6/2012	30	14.01	C0007	09-80043	130 ADAMS ST	17,576.96	3,000.00		
7/6/2012	30	14.01	C0007	080025	130 ADAMS ST	4,669.73	4,000.00	OLD PREMIUM	
7/16/2012	26	4		12-00011	660 FIRST ST.	287.70	200.00		
7/16/2012	182	37		12-00074	730 GARDEN ST	1,311.93	1,500.00		
7/16/2012	193	44		12-00083	612 BLOOMFIELD ST	1,815.02	1,900.00		
7/16/2012	202	14.03		12-00094	333 BLOOMFIELD ST	617.26	700.00		
7/17/2012	84	14	C00G2	097108	730-732 ADAMS ST	1,127.90			
7/17/2012	84	14	C00G2	09-80077	730-732 ADAMS ST	1,226.71			
7/17/2012	84	14	C00G2	11-00041	730-732 ADAMS ST	1,232.90	400.00		
7/17/2012	109	1.01	C0503	12-00047	1200 GRAND ST	7,732.26			
7/18/2012	251	18	C001A	12-00115	1320 BLOOMFIELD ST	3,430.37	7,500.00		
7/20/2012	177	36.01	C003A	09-80134	100-02 GARDEN ST	22,847.72	3,600.00		
7/25/2012	87	13	COP42	11-00046	824-830 MONROE ST	880.08			
7/25/2012	87	13	C0P42	09-80085	824-830 MONROE ST	928.84			
7/26/2012	245	14	C00A7	11-00090	1300 HUDSON ST	10,315.47	5,000.00		
7/31/2012	92	25	C0P10	12-00046	900-912 JEFFERSON ST	624.73	6,000.00		
						99,101.20	45,100.00		

CITY OF HOBOKEN
CLAIMS LISTING
AUGUST 15, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
ADM ABC BOARD	OPERATING	12-00298	STAR LEDGER	PUBLICATION OF ABC BD MEETINGS	$ 77.72
		12-02161	NEW JERSEY DIVISION OF	2012-13 LICENSE RENEWALS	$ 411.00
ADM BUSINESS ADMINISTRATION	CAPITAL	12-01868	W.B. MASON CO., INC.	OFFICE FURNITURE	$ 2,102.46
	FEDERAL	12-02451	SUBURBAN TITLE & ABSTRACT INC	69 HARRISON STREET	$ 5,970.00
		12-02477	BOSWELL ENGINEERING	GEN ENG.BLK 12 LOT 1-18 -HO458	$ 8,680.45
		12-02478	BOSWELL ENGINEERING	GEN ENG. BLK 12 LOT 1-18-HO458	$ 3,839.50
		12-02480	BOSWELL ENGINEERING	GEN ENG. BLK 12 LOT 1-18-HO458	$ 2,180.05
		12-02481	BOSWELL ENGINEERING	GEN ENG. BLK 12 LOT 1-18-HO548	$ 400.00
		12-02482	BOSWELL ENGINEERING	GEN ENG. BLK 12 LOT 1-18-HO458	$ 1,860.43
		12-02902	CLERK OF THE SUPERIOR COURT	BLOCK 12 EMINENT DOMAIN	$ 2,350,000.00
	OPERATING	12-01485	GOVCONNECTION, INC.	PRINTER TONER FOR JON TOOKE	$ 159.00
		12-01984	SOFTMART	DIGITAL CAMERA FOR ZONING	$ 119.00
		12-02204	GOVCONNECTION, INC.	LAPTOP FOR COMMUNITY DEVELOPME	$ 1,028.00
		12-02513	BOSWELL ENGINEERING	GEN WATERFRONT ENG-HO454	$ 5,969.00
		12-02518	GANN LAW BOOKS	NJ STATUTES TITLE 40 & 40A	$ 148.00
		12-02608	PREMIER TECHNOLOGY SOLUTIONS	MONTHLY MANAGED SVS 7/12	$ 7,060.00
		12-02751	QUENTIN W. WIEST	REIMBURSEMENT FOR KEYS MADE	$ 26.00
		12-02752	PREMIER TECHNOLOGY SOLUTIONS	GODADDY DOMAIN RENEWAL FOR PD	$ 43.51
		12-02786	QSCEND TECHNOLOGIES	QALERT 9/1/12 - 11/30/12	$ 1,500.00
		12-02844	NJLM	ANNUAL MEMBERSHIP DUES	$ 2,856.00
		CY-02749	LEXIS NEXIS MATTHEW BENDER	ANNUAL SERVICE RENEWAL	$ 66.00
		CY-04806	GOVCONNECTION, INC.	SOFTWARE LICENSES	$ 16,233.75
	PARKING UTILITY	12-02610	JUAN RODRIGUEZ	TOWING REIMBURSEMENT	$ 80.00
	TRUST	12-01918	GOVCONNECTION, INC.	NEW MAC&SOFTWARE FOR G. FALLO	$ 3,133.00
ADM FINANCE SUPERVISORS OFF	OPERATING	12-01591	SOFTMART	TONERS FOR S. HOTTENDORF	$ 230.68
		12-02294	AUTOMATIC DATA PROCESSING	ADP EzLabor Manager	$ 4,437.00
		12-02295	AUTOMATIC DATA PROCESSING	ADP PAYROLL PROCESSING CHARGES	$ 2,514.53
		12-02563	HIRERIGHT, INC	BACKGROUND CHECK 6/2012	$ 481.42
		12-02607	M&T INVESTMENT GROUP	PAYING AGENT FEE 7/2/11-7/2/12	$ 2,500.00
		12-02722	TREASURER, STATE OF NJ	GREEN ACRES LOAN PAYMENT	$ 53,591.15
		12-02783	DeSTEFANO, GEORGE CFO	REIMBURSE OFFICE SUPPLY	$ 26.73
	TRUST	12-02557	HOBOKEN PBA LOCAL 2 #12	QUARTER ENDED 6/30/12 OEP DUES	$ 12,736.00
		12-02558	HOBOKEN POLICE SUPERIOR	QUARTER ENDED 6/30/12 OEP DUES	$ 4,060.00
ADM LEGAL ADVERTISING	OPERATING	12-01869	JERSEY JOURNAL	LEGAL ADS 5/12	$ 3,588.88
		12-02138	STAR LEDGER	LEGAL ADS 6/12	$ 314.94
		12-02741	STAR LEDGER	LEGAL ADS	$ 204.16
ADM MAYOR'S OFFICE	OPERATING	12-02324	W.B. MASON CO., INC.	OFFICE SUPPLIES	$ 110.00
		12-02635	W.B. MASON CO., INC.	OFFICE SUPPLIES	$ 123.34
ADM MUNICIPAL COURT	OPERATING	12-01495	W.B. MASON CO., INC.	OFFICE SUPPLIES	$ 259.30
		12-01841	GANN LAW BOOKS	SUBSCRIPTION RENEWAL	$ 205.00
		12-02148	GANN LAW BOOKS	SUBSCRIPTION RENEWAL	$ 205.00
		12-02168	TANEUM	RIBBONS FOR PRINTERS	$ 426.00

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ADM MUNICIPAL COURT	OPERATING	12-02175	WEST GROUP	SUBSCRIPTION RENEWAL	$ 187.00
		12-02276	W.B. MASON CO., INC.	OFFICE SUPPLIES	$ 85.68
		12-02288	TELE-MEASUREMENTS INC.	MAINT. AGREEMENT-VIDEO CONFERENCE	$ 1,535.00
		12-02517	SUPREME SECURITY SYSTEMS INC	PERIODIC SERVICES	$ 373.59
		12-02519	ALCAZAR COMMUNICATION,INC.	SVCS RENDERED INTERPRETATION	$ 5,650.00
		12-02565	ENTERPRISE CONSULTANTS	MONTHLY MAINTENANCE	$ 212.50
ADM MUNICIPAL COURT/POAA TRUST	TRUST	12-02172	STAPLES PRINT SOLUTIONS	PATS TICKETS	$ 4,658.93
ADM OEM	OPERATING	12-02562	LOSURDO BROTHERS	FOOD FOR PERSONNEL	$ 1,200.00
ADM PARKING UTILITY	PARKING UTILITY	12-01888	SOFTMART	IT EQUIPMENT - GARAGE G	$ 128.81
		12-01935	STAN'S SPORT CENTER	HAND COUNTERS - TRANSPORTATION	$ 49.75
		12-02025	PROPARK AMERICA NEW YORK	MONTHLY MGMT. FEE - MAY 2012	$ 42,616.75
		12-02028	LETTERA SIGN & ELECTRIC CO INC	NO PARKING SIGNS	$ 839.00
		12-02090	FIVEPM TECHNOLOGY, INC.	TRACKING SERVICES - JUNE 2012	$ 2,500.00
		12-02094	CHEVROLET OF JERSEY CITY	HPU VEHICLE PARTS/REPAIR	$ 632.34
		12-02113	RIVERFRONT CAR WASH	SERVICES/HPU - MARCH/APRIL	$ 192.00
		12-02234	UNITRONICS INC.	916 GARDEN ST. EQUIPMENT	$ 1,083.00
		12-02236	CONDUCTIX	916 GARDEN STREET EQUIPMENT	$ 4,251.37
		12-02238	CITY PAINT AND HARDWARE	VARIOUS SUPPLIES - MAY 2012	$ 2,281.85
		12-02239	W.B. MASON CO., INC.	OFFICE SUPPLIES - HPU	$ 850.07
		12-02240	SOFTMART	IT EQUIPMENT-GARAGE G	$ 32.68
		12-02245	W.B. MASON CO., INC.	OFFICE SUPPLIES - METERS	$ 45.60
		12-02249	HOBOKEN LOCK & SUPPLY	NEW LOCK/KEYS-GARAGE G	$ 175.00
		12-02342	METROPOLITAN COFFEE SERVICE	WATER COOLER SUPPLIES	$ 48.00
		12-02344	ENFO TECH & CONSULTING, INC.	ONLINE PARKING PERMIT PROJECT	$ 7,000.00
		12-02345	W.B. MASON CO., INC.	OFFICE SUPPLIES-TAXI & LIMO	$ 308.98
		12-02390	PREMIER TECHNOLOGY SOLUTIONS	IT RE-WIRING IN HPU OFFICES	$ 17,030.00
		12-02391	DAVID MARTINEZ	GARAGE REFUND	$ 200.00
		12-02393	GOVCONNECTION, INC.	IT EQUIPMENT/HPU	$ 1,198.58
		12-02394	CONCEPT PRINTING INC.	PARKING VALIDATIONS	$ 2,050.00
		12-02395	QUALITY AUTOMALL	PARTS FOR H-3 HOP VEHICLE	$ 86.09
		12-02396	QUALITY AUTOMALL	PARTS FOR HOP H-3 VEHICLE	$ 229.80
		12-02412	ARSENAULT ASSOCIATES	FLEET MAINTENANCE SOFTWARE	$ 13,191.00
		12-02531	MICHAEL WALKER	NO PARKING SIGNS REFUND	$ 30.00
		12-02532	MEGAN DAMERGY	PARKING SIGNS REFUND	$ 75.00
		12-02533	BERNHARD M. LENZ	GARAGE REFUND	$ 200.00
		12-02534	HOWARD J. TUROFF	GARAGE REFUND	$ 200.00
		12-02535	METROPOLITAN COFFEE SERVICE	WATER COOLER SUPPLIES	$ 48.00
		12-02536	HOBOKEN LOCK & SUPPLY	REPAIRS/LOCKS - MIDTOWN GARAGE	$ 330.00
		12-02537	MILE SQUARE TOWING	TOWING CHARGES - MAR/APR/JUN	$ 460.00
		12-02538	921 WELCO CGI GAS TECH LLC	CYLINDER RENTAL - MAY 2012	$ 30.65
		12-02539	HIGH TECH PROTECTIVE SVS.INC.	SMOKE DETECTORS - GARAGE D	$ 433.00
		12-02542	ENTERPRISE CONSULTANTS	TELEPHONE MAINTENANCE - JUNE 2012	$ 112.50

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		12-02543	**KATHERINE NERVIANO**	PARKING SIGNS REFUND	$ 30.00
		12-02544	**VERIZON**	TELEPHONE & ALARM - JUNE 2012	$ 1,401.10
		12-02545	**WOLFINGTON BODY COMPANY, INC.**	PARTS FOR HOP H-3	$ 130.18
		12-02547	**PAETEC COMMUNICATIONS INC.**	LD/TOLL CHARGES - JUNE 2012	$ 185.06
		12-02548	**UNITRONICS INC.**	MONTHLY MAINT. - 916 GARDEN	$ 11,500.00
		12-02549	**PURCHASE POWER/SUPERVISOR**	POSTAGE BY PHONE - JUNE 2012	$ 164.00
		12-02550	**AT&T (LD)**	LONG DISTANCE - JUNE 2012	$ 37.53
		12-02551	**HIGH TECH PROTECTIVE SVS.INC.**	MONTHLY MONITORING - B/D/G	$ 639.32
		12-02594	**P.S.E.& G. COMPANY**	HPU UTILITIES - JUNE 2012	$ 28,461.62
		12-02596	**EXXONMOBIL FLEET/GECC**	FUEL CHARGES - JUNE 2012	$ 2,347.46
		12-02597	**HOBOKEN LOCK & SUPPLY**	SERVICE/REPAIR - MIDTOWN GAR.	$ 85.00
		12-02598	**AT&T MOBILITY**	MULTI-METER SERVICE - 6/12	$ 2,956.57
		12-02599	**GRAINGER, INC**	PARTS - 916 GARDEN ST. GARAGE	$ 214.20
		12-02600	**MARIA FITZGIBBON**	BOOT REFUND	$ 150.00
		12-02670	**PREMIER TECHNOLOGY SOLUTIONS**	IT SERVICES/HPU - MAY-JUNE	$ 2,025.00
		12-02671	**PITNEY BOWES**	METER RENTAL - JULY 2012	$ 102.00
		12-02672	**CITY PAINT AND HARDWARE**	VARIOUS SUPPLIES -JUNE 2012	$ 377.04
		12-02673	**METROPOLITAN COFFEE SERVICE**	WATER/COFFEE SUPPLIES	$ 147.40
		12-02674	**RICOH USA**	COPIER LEASE PAYMENT	$ 678.72
		12-02675	**WEINER & LESNIAK, LLP**	PROFESSIONAL FEES - JUNE 2012	$ 166.35
		12-02684	**BOSWELL ENGINEERING**	SIGNAL DSN - 16TH/PARK - HO461	$ 14,670.50
		12-02685	**BOSWELL ENGINEERING**	ST. DESIGN CONSULTING - HO428	$ 598.50
		12-02800	**RIVERFRONT CAR WASH**	CAR WASHES - HPU	$ 120.00
		12-02804	**LYLE HYSEN**	BOOT REFUND	$ 150.00
		12-02850	**VERIZON**	HPU UTILITIES - JULY 2012	$ 1,373.76
		12-02856	**CENTRAL PARKING SYSTEM**	GARAGE EXPENSES - 2011	$ 125,179.53
ADM PERSONNEL	**OPERATING**	12-02275	**OCA BENEFIT SERVICES**	COBRA SERVICE FEES MAY 2012	$ 99.95
		12-02413	**HIRERIGHT, INC**	BACKGROUND CHECK FOR 4,5/12	$ 1,105.02
		12-02721	**OCA BENEFIT SERVICES**	COBRA SERVICE FEES JUNE 2012	$ 100.05
ADM PERSONNEL/BENEFITS	**OPERATING**	12-02410	**TIME SYSTEM INTERNATIONAL INC**	TIME CARDS JUNE 2012	$ 157.12
ADM PURCHASING	**CAPITAL**	12-01850	**AMCO ENTERPRISES, INC.**	POLICE HVAC - BID - 12-04	$ 40,180.00
ADM SPECIAL COUNSEL	**CAPITAL**	C2-05012	**FLORIO PERUCCI STEINHARDT**	SP. LEGAL COUNSEL - GEN. LIT.	$ 4,989.94
	OPERATING	12-02347	**WEST GROUP**	WEST INFO CHARGES THRU MAY 12	$ 388.28
		12-02348	**LINDABURY,MCCORMICK**	PSOA LEGAL SERVICE 10/11-12/11	$ 1,680.00
		12-02354	**LORMAN EDUCATION SERVICES**	OPRA CLASSES-AUGUST 8, 2012	$ 508.00
		12-02361	**BENJAMIN CHOI, ESQ.**	ALTERNATE MUNICIPAL PROSECUTOR	$ 1,200.00
		12-02363	**WEINER & LESNIAK, LLP**	GENERAL LITIGATION	$ 11,746.17
		12-02384	**VOGEL, CHAIT, COLLINS**	SP. LEGAL COUNSEL-BLK 112 DEV.	$ 20,231.00
		12-02435	**ESTHER MILSTED**	PUBLIC DEFENDER SERVICES	$ 2,250.00
		12-02613	**THE PMA INSURANCE GROUP**	SERVICES FOR JUNE 2012	$ 44,936.86
		12-02615	**WEST GROUP**	CHARGES FOR JUNE 2012	$ 388.28
		12-02693	**ALYSIA PROKO-SMICKLEY**	REIMBURSEMENT-DUES	$ 205.00

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		12-02694	**ADAM B REISMAN, ATTY AT LAW**	CONFLICT MUN. PUBLIC DEFENDER	$ 250.00
		12-02702	**WEINER & LESNIAK, LLP**	GENERAL LITIGATION	$ 131.58
		12-02766	**GARDEN STATE MUNI.JOINT INSURA**	DEDUCTIBLES FOR JUNE 2012	$ 322.10
		12-02767	**GARDEN STATE MUNI.JOINT INSURA**	DEDUCTIBLES FOR MAY 2012	$ 16,868.92
		12-02768	**GARDEN STATE MUNI.JOINT INSURA**	DEDUCTIBLES FOR APRIL 2012	$ 897.40
		12-02769	**GARDEN STATE MUNI.JOINT INSURA**	DEDUCTIBLES FOR JAN-MAR 2012	$ 1,553.05
		12-02824	**ESTHER MILSTED**	PUBLIC DEFENDER SERVICES	$ 2,000.00
		12-02853	**TRACY ZUR, ESQ.**	MUNICIPAL PROSECUTOR SVS	$ 5,700.00
		12-02859	**MELLISSA L. LONGO**	REIMBURSEMENT-NJ LAWYERS FUND	$ 234.00
		C2-05001	**FLORIO & KENNY LLP**	SP. LEGAL COUNSEL - RENT LEV.	$ 2,498.00
		C2-05002	**WEINER & LESNIAK, LLP**	SP. COUNSEL - GEN.LITIGATION	$ 24,368.89
		C2-05009	**PARKER McCAY, P.A.**	SPECIAL COUNSEL - BOND COUNSEL	$ 2,572.79
		C2-05013	**BANISCH ASSOCIATES**	EXPERT WITNESS -MAXWELL V. COH	$ 7,702.40
ADM TAX ASSESSOR	**OPERATING**	12-02292	**GOVCONNECTION, INC.**	3PCS FOR TAX ASSESSOR'S OFFICE	$ 1,866.00
ADM TAX COLLECTOR	**OPERATING**	12-01985	**M.G.L. FORMS-SYSTEMS LLC**	TAX REMINDER NOTICES	$ 960.00
		12-02523	**LOU LOMBARDI**	MESSENGER SERVICE	$ 357.00
		12-02662	**W.B. MASON CO., INC.**	OFFICE SUPPLIES	$ 85.28
	TRUST	12-02316	**TOWER LIEN LLC**	REDEMPTION	$ 44,564.18
		12-02339	**FNA JERSEY LIEN SVCS, LLC**	REDEMPTION	$ 17,381.07
		12-02340	**JMAM PARTNERS**	REDEMPTION	$ 1,671.62
		12-02341	**JMAM PARTNERS**	REDEMPTION	$ 1,814.46
		12-02424	**JMAM PARTNERS**	REDEMPTION	$ 4,439.38
		12-02432	**MTAG SVCS FOR ATCF II NJ LLC**	REDEMPTION	$ 23,981.45
		12-02433	**PAM INVESTORS**	REDEMPTION	$ 3,509.20
		12-02434	**PAM INVESTORS**	REDEMPTION	$ 662.22
		12-02497	**BULWARK SYSTEMS LLC**	REDEMPTION	$ 5,937.79
		12-02498	**PAM INVESTORS**	REDEMPTION	$ 6,630.17
		12-02526	**AUGUST HOLDINGS LLC**	REDEEMED	$ 4,822.61
		12-02527	**DIANNE CLEMENTE**	REDEMPTION	$ 7,445.73
		12-02571	**KYLE ENGER**	REDEMPTION	$ 8,669.73
		12-02572	**DIANNE CLEMENTE**	REDEMPTION	$ 20,576.96
		12-02573	**KYLE ENGER**	REDEMPTION	$ 8,939.32
		12-02639	**JMAM PARTNERS**	REDEMPTION	$ 2,811.93
		12-02640	**AUGUST HOLDINGS LLC**	REDEMPTION	$ 1,317.26
		12-02641	**US BANK CUST PRO CAPITAL I,LLC**	REDEMPTION	$ 487.70
		12-02642	**SINGH REAL ESTATE**	REDEMPTION	$ 3,715.02
		12-02659	**PAM INVESTORS**	REDEMPTION	$ 1,632.90
		12-02660	**US BANK CUST PRO CAPITAL I,LLC**	REDEMPTION	$ 1,226.71
		12-02661	**ROBERT DEL VECCHIO PENSION**	REDEMPTION	$ 1,127.90
		12-02704	**JMAM PARTNERS**	REDEMPTION	$ 7,732.26
		12-02711	**US BANK CUST/TOWER DBW II**	REDEMPTION	$ 10,930.37
		12-02745	**US BANK CUST.FOR CCTS CAPITAL**	REDEMPTION	$ 26,447.72

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ADM ZONING OFFICER	OPERATING	12-00466	RUTGERS STATE UNIVERSITY OF NJ	ZONING ADMIN.&ENFORCEMENT CLASS	$ 983.00
ADM/CITY CLERK	OPERATING	12-02056	N.J. STATE MUNICIPALITIES	20 SUBSCRIPTIONS-MAGAZINES	$ 320.00
		12-02430	GOVCONNECTION, INC.	PRINTER	$ 177.37
		12-02499	GOVCONNECTION, INC.	SWITCH FOR WIRELESS PRINTER	$ 177.37
		12-02611	ASL PRODUCTIONS LLC	LIVE STREAM/DVD REPLICATION	$ 2,600.00
		12-02663	METROPOLITAN COFFEE SERVICE	COFFEE BREWER RENTAL	$ 30.00
		CY-04382	SASHA GIBBONS	REFUND OF HANDICAP PARKING FEE	$ 125.00
ADM/CONSTRUCTION CODE	OPERATING	12-01344	DREW & ROGERS, INC.	FORMS RQD FOR ELEVATOR INSPEC	$ 93.25
		12-02256	RIVERFRONT CAR WASH	FULL SERVICE CARWASHES	$ 36.00
		12-02606	JERSEY PROFESSIONAL MANAGEMENT	MANAGEMENT SPECIALIST SERV	$ 2,125.00
		12-02743	JERSEY PROFESSIONAL MANAGEMENT	SERVICES RENDERED MGMT SPEC.	$ 3,145.00
	TRUST	12-02739	TREASURER, STATE OF NEW JERSEY	STATE TRAINING FEES	$ 21,010.00
ADM/CONSTRUCTION CODE CITY	OPERATING	12-02869	JERSEY PROFESSIONAL MANAGEMENT	management specialist billing	$ 3,102.50
ADM/CORPORATION COUNSEL	OPERATING	12-01423	WEST GROUP	INFO CHARGES FOR MARCH 2012	$ 337.63
		12-02228	GOVCONNECTION, INC.	TONER FOR MELLISSA LONGO, ESQ.	$ 56.52
		C2-05005	THE BUZAK LAW GROUP LLC	SPECIAL COUNSEL - LITIGATION	$ 7,374.67
		C2-05007	MARAZITI, FALCON & HEALEY	SP. COUNSEL - MONARCH LITG.	$ 16,718.97
ADM/COUNCIL	OPERATING	12-02221	STAN'S SPORT CENTER	NAME PLATE MELLISSA LONGO	$ 40.00
ADM/ELECTIONS	OPERATING	12-02495	HUDSON COUNTY CLERK	POSTAGE FOR MAILING BALLOTS	$ 2,237.27
ADM/LEGAL ADS	OPERATING	12-02280	NORTH JERSEY MEDIA GROUP	LEGAL ADS MAY JUNE 2012	$ 1,518.71
		12-02706	NORTH JERSEY MEDIA GROUP	LEGAL ADS FOR JUNE 2012	$ 335.73
ADMINISTRATION - AUDIT	OPERATING	12-02311	FERRAIOLI, WIELKOTZ, CERULLO &	12/31/2011 AUDIT - BILL #2	$ 30,000.00
CAPITAL ACCOUNT	CAPITAL	12-00351	BOSWELL ENGINEERING	POLICE DEPT HVAC REHAB HO453	$ 1,111.50
CD DIRECTOR'S OFFICE	CAPITAL	12-02552	NORTH HUDSON SEWERAGE AUTH.	APPLICATION FEE - PHASE 1	$ 1,250.00
		12-02790	NORTH HUDSON SEWERAGE AUTH.	APPLICATION FEE - ADDITIONAL	$ 1,950.00
		12-00696	EIC ASSOCIATES, INC	BID 11-17 CASTLE POINT & SINATRA-PAYMENT#3	$ 751,156.28
	OPERATING	12-00051	WALLACE ROBERTS & TODD	NJ TRANSIT TERMINAL/RAIL YARDS	$ 8,285.00
CD HISTORIC PRESERVATION COMM	OPERATING	12-02387	HOBOKEN REPORTER	ADS - PROFESSIONAL SERVICES	$ 258.30
CD MLUL PB ESCROW ACCTS	ESCROW	12-01828	H2M GROUP	PROFESSIONAL SERVICES	$ 5,587.57
		12-01880	F. CLIFFORD GIBBONS, ESQ. LLC	PROFESSIONAL SERVICES	$ 2,000.00
		12-01895	EFB ASSOCIATES, LLC	PROFESSIONAL SERVICES	$ 72.50
		12-01897	MASER CONSULTING	PROFESSIONAL SERVICE	$ 750.00
		12-01917	EFB ASSOCIATES, LLC	PROFESSIONAL SERVICES	$ 2,175.00
		12-02193	PARKER McCAY, P.A.	PROFESSIONAL SERVICES	$ 7,352.15
		12-02301	MASER CONSULTING	DEVELOPERS ESCROW	$ 570.00
		12-02303	REMINGTON & VERNICK ENGINEERS	DEVELOPERS ESCROW	$ 2,242.50
		12-02304	EFB ASSOCIATES, LLC	DEVELOPERS ESCROW	$ 2,392.50
		12-02677	PARKER McCAY, P.A.	DEVELOPER'S ESCROW	$ 3,094.00
		12-02678	MASER CONSULTING	DEVELOPER'S ESCROW	$ 1,387.50
		12-02793	MASER CONSULTING	DEVELOPER'S ESCROW	$ 450.00
CD MLUL PLANNING BOARD	ESCROW	12-02083	PARKER McCAY, P.A.	DEVELOPERS ESCROW	$ 3,836.05
	OPERATING	12-02125	EFB ASSOCIATES, LLC	PROFESSIONAL SERVICE	$ 5,002.50

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CD MLUL PLANNING BOARD	**OPERATING**	12-02197	**PARKER McCAY, P.A.**	PROFESSIONAL SERVICES	$ 6,363.10
		12-02406	**AUDIO EDGE TRANSCRIPTION LLC**	PROFESSIONAL SERVICE	$ 495.00
		12-02409	**EFB ASSOCIATES, LLC**	PROFESSIONAL SERVICES	$ 4,205.00
		12-02602	**PARKER McCAY, P.A.**	PROFESSIONAL SERVICES	$ 2,166.05
		12-02603	**ROSENBERG & ASSOCIATES**	PROFESSIONAL SERVICE	$ 735.50
		12-02614	**JERSEY JOURNAL**	PROFESSIONAL SERVICES	$ 56.83
		12-02703	**W.B. MASON CO., INC.**	OFFICE SUPPLIES	$ 82.04
		12-02781	**ROSENBERG & ASSOCIATES**	PROFESSIONAL SERVICES	$ 631.00
		CY-00249	**EFB ASSOCIATES, LLC**	MASTER PLAN REPLANNING	$ 3,668.75
CD MLUL ZBA ESCROW ACCTS	**ESCROW**	12-01916	**H2M GROUP**	PROFESSIONAL SERVICES	$ 2,855.99
		12-01950	**VANDOR & VANDOR LTD.**	PROFESSIONAL SERVICE	$ 2,835.00
		12-02302	**H2M GROUP**	PROFESSIONAL SERVICES	$ 444.99
		12-02398	**THE GALVIN LAW FIRM**	DEVELOPERS ESCROW	$ 1,131.86
		12-02530	**H2M GROUP**	DEVELOPER'S ESCROW	$ 667.48
		12-02676	**ROSENBERG & ASSOCIATES**	DEVELOPER'S ESCROW	$ 3,743.00
		12-02792	**THE GALVIN LAW FIRM**	DEVELOPER'S ESCROW	$ 1,470.00
		12-02795	**ROSENBERG & ASSOCIATES**	DEVELOPER'S ESCROW	$ 124.00
		12-02796	**THE GALVIN LAW FIRM**	DEVELOPER'S ESCROW	$ 525.00
CD MLUL ZONING BD OF ADJ	**OPERATING**	12-02403	**THE GALVIN LAW FIRM**	PROFESSIONAL SERVICES	$ 12,418.50
ES CENTRAL GARAGE	**OPERATING**	12-01641	**DAVES AUTO PARTS & ACCESSORIES**	PARTS C.G/P.D. MAY 2012	$ 1,262.92
		12-01832	**ELECTRONIC SERVICE SOLUTIONS**	CONVERTOR FOR PAYLOADER C.G.	$ 100.13
		12-02074	**ROBBINS & FRANKE, INC.**	TIRES VEH. #204	$ 293.92
		12-02134	**BUY WISE AUTO PARTS**	PART/SUPPLIES CG & PD 6/12	$ 1,349.88
		12-02202	**W.B. MASON CO., INC.**	CHAIR DISPATCH OFFICE C.G.	$ 237.55
		12-02206	**ROBBINS & FRANKE, INC.**	TIRES P.D. VEHICLES	$ 883.44
		12-02307	**BUY WISE AUTO PARTS**	PARTS PD VEH.#111	$ 1,137.64
		12-02353	**ELECTRONIC SERVICE SOLUTIONS**	REPAIR OF RADIOS	$ 1,406.08
		12-02355	**ELECTRONIC SERVICE SOLUTIONS**	RENEWAL FCC LICENSE RENEWAL	$ 1,135.00
		12-02356	**CITY PAINT AND HARDWARE**	LADDER CENTRAL GARAGE	$ 199.99
		12-02358	**BUY WISE AUTO PARTS**	PARTS RADIO CAR #127 P.D.	$ 207.80
		12-02383	**GOVCONNECTION, INC.**	COMPUTER FOR FLEET MAINTENANCE	$ 726.00
		12-02422	**BUY WISE AUTO PARTS**	PARTS PARKS TRK.#139	$ 919.61
		12-02501	**QUALITY AUTOMALL**	PARTS TO REPAIR P.D. #117	$ 380.07
		12-02503	**HOBOKEN BEER & SODA OUTLET**	WATER FOR CENTRAL GARAGE	$ 159.80
		12-02512	**INTERSTATE BATTERIES**	BATTERY SUPPLIES CENTRA GARAGE	$ 290.85
		12-02583	**DUBIN GLASS**	REPLACE WINDSHIELD P.D. #136	$ 225.00
		12-02585	**CITY PAINT AND HARDWARE**	SUPPLIES C.G. JUNE 2012	$ 163.94
		12-02589	**METROPOLITAN COFFEE SERVICE**	BREWER RENTAL CENTRAL GARAGE	$ 30.00
		12-02619	**QUALITY AUTOMALL**	PARTS P.D. #111	$ 65.85
		12-02623	**CHEVROLET OF JERSEY CITY**	PARTS PD VEHICLE #146	$ 285.00
		12-02625	**BUY WISE AUTO PARTS**	FREON FOR P.D. VEHICLES	$ 298.00
		12-02631	**W.E. TIMMERMAN CO., INC.**	REPAIRS SWEEPERS	$ 3,835.76

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DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
ES CENTRAL GARAGE	**OPERATING**	12-02644	**GRECCO & SON TRANSPORT LLC**	PARTS/CUSHMAN #136	$ 1,560.00
		12-02680	**CHEVROLET OF JERSEY CITY**	PARTS/REPAIRS - PD #117	$ 214.34
		12-02770	**INTERSTATE BATTERIES**	BATTERIES - CENTRAL GARAGE	$ 269.85
		12-02799	**RIVERFRONT CAR WASH**	CAR WASHES - CENTRAL GARAGE	$ 30.00
		CY-03042	**QUALITY PLUMBING & HEATING**	REPAIR SINK AT CG	$ 450.00
		CY-03121	**WARNOCK FLEET & LEASING**	REPAIR JEEP BLDG. INSPECTOR	$ 48.00
		CY-03458	**WARNOCK FLEET & LEASING**	GASKET MED TRANS.	$ 7.56
		CY-03611	**BUY WISE AUTO PARTS**	PARTS/SUPPLIES 9/11	$ 217.81
		CY-03832	**WARNOCK FLEET & LEASING**	CODED KEYS/CYLINDER #204	$ 244.00
		CY-03898	**THE RADIATOR STORE**	FAN MOTOR RC #132 P.D.	$ 109.00
		CY-04045	**BUY WISE AUTO PARTS**	PARTS 10/11	$ 395.51
ES CLEAN COMMUNITIES	**FEDERAL**	12-02291	**T.M. FITZGERALD & ASSOCIATES**	CONTAINERS - GARBAGE CANS	$ 525.00
ES DIRECTOR'S OFFICE	**CAPITAL**	12-02359	**GALAXY FENCE**	FENCE FOR POLICE HQ	$ 6,450.00
	OPERATING	12-02423	**W.B. MASON CO., INC.**	SUPPLIES DIRECTORS OFFICE	$ 277.80
		12-02515	**DAVID CALAMONERI**	REIMBURSEMENT SUPPLIES DIR.OFF	$ 16.03
		12-02587	**W.B. MASON CO., INC.**	PAPER CENTRAL GARAGE	$ 279.50
		12-02858	**JERSEY PROFESSIONAL MANAGEMENT**	Professional SVC - 6/21-29/12	$ 5,610.00
ES ENGINEERING SERVICES	**CAPITAL**	12-02601	**BOSWELL ENGINEERING**	CSO MONITORING SYSTEM - HO425	$ 769.50
	OPERATING	12-02754	**BOSWELL ENGINEERING**	2012 GEN ENG'G - HO469	$ 2,907.00
ES PUBLIC PROPERTY	**CAPITAL**	12-02753	**BOSWELL ENGINEERING**	RENOVATIONS TO POLICE HQ-HO467	$ 10,930.25
	OPERATING	12-00315	**QUALITY PLUMBING & HEATING**	REPLACED PIPE POLICE DEPT.	$ 2,775.00
		12-01476	**STATE CHEMICAL MFG.**	CLEANING SUPPLIES	$ 721.10
		12-01990	**HOBOKEN GLASS COMPANY**	NEW WINDOW 2ND FL. CITY HALL	$ 785.00
		12-02072	**QUALITY PLUMBING & HEATING**	CLEARED SEWER FIRE HEAD.	$ 750.00
		12-02122	**LOMBARDY DOOR SALES**	REPAIR DOOR CENTRAL GARAGE	$ 950.00
		12-02296	**QUALITY PLUMBING & HEATING**	CLEARED BLOCKAGE MENS ROOM PD	$ 375.00
		12-02299	**LOMBARDY DOOR SALES**	REPAIR OVERHEAD DOOR AT C.G.	$ 3,500.00
		12-02337	**RICHARD DUNKIN**	SNAKED OUT SEWER P.D.	$ 260.00
		12-02338	**ORD OFFICE RESOURCES & DESIGNS**	OFFICE CHAIRS PUBLIC PROPERTY	$ 1,900.00
		12-02357	**JOHN A. EARL CO.**	PAPER SUPPLIES CITY HALL	$ 3,517.90
		12-02411	**STATE CHEMICAL MFG.**	SUPPLIES CITY HALL	$ 1,389.08
		12-02419	**GS ELEVATOR INDUSTRIES**	ELEVATOR MAINTENANCE 7/12	$ 588.60
		12-02421	**FCA LIGHTING**	ELECTRICAL REPAIR CITY HALL	$ 175.00
		12-02427	**HOBOKEN GLASS COMPANY**	REPLACE WINDOW POLICE DEPT.	$ 165.00
		12-02429	**RAPID PUMP & METER SERVICE**	SERVICE CALL CITY HALL	$ 518.81
		12-02514	**RICHARD DUNKIN**	CLOGGED SEWER POLICE DEPT.	$ 150.00
		12-02584	**STATE CHEMICAL MFG.**	CLEANING SUPPLIES	$ 1,386.97
		12-02586	**CITY PAINT AND HARDWARE**	SUPPLIES BUILDINGS JUNE 2012	$ 1,961.96
		12-02626	**Z'S IRON WORKS**	STAIR RAILING FIRE HEADQUARTER	$ 950.00
		12-02628	**ENVIRONMENTAL CLIMATE CONTROL**	CALL AC JUDGES OFFICE C.H.	$ 191.88
		12-02696	**LOMBARDY DOOR SALES**	REPAIR ROLLING DOOR C.G.	$ 959.00
		12-02700	**FCA LIGHTING**	EMERGENCY LIGHTING 2ND ST F.D.	$ 3,800.00

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DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
		12-02701	**S & B PLUMBING & HEATING**	MENS ROOM CITY HALL	$ 1,125.00
		12-02756	**HOME DEPOT**	NEW VANITY-CITY HALL	$ 98.00
		12-02761	**HOME DEPOT**	NEW VANITY-FIRE HOUSE	$ 98.00
		12-02819	**NJDEP**	SITE REMEDIATION SDRP MSC	$ 5,687.50
		12-02839	**STATE OF NJ/DEPT. LABOR/WRKFC**	BOILER STATE INSPECTION	$ 150.00
		CY-02775	**QUALITY PLUMBING & HEATING**	PLUMBING REPAIR BLDG. DEPT.	$ 750.00
		CY-03721	**QUALITY PLUMBING & HEATING**	EMERGENCY REPAIR P.D.	$ 575.00
		CY-03831	**QUALITY PLUMBING & HEATING**	REPAIR OF TOILET - PD HQ	$ 575.00
ES ROADS	**FEDERAL**	12-02605	**BOSWELL ENGINEERING**	2011 ROAD PROGRAM - HO449	$ 960.40
		12-02742	**BOSWELL ENGINEERING**	2012 ROAD PROGRAM - HO472	$ 1,326.75
	OPERATING	12-02297	**TILCON NEW YORK**	ASPHALT CITY STREETS 6/2012	$ 171.74
		12-02590	**TILCON NEW YORK**	ASPHALT CITY STREETS	$ 115.03
		12-02605	**BOSWELL ENGINEERING**	2011 ROAD PROGRAM - HO449	$ 2,849.60
ES SHADE TREE COMMISSION	**OPERATING**	12-02084	**ARBOR PRO, INC.**	GPS DATA COL. - TREE INVENTORY	$ 17,723.85
ES SOLID WASTE	**OPERATING**	12-02137	**CALI CARTING, INC.**	SOLID WASTE/RECY. JUNE 2012	$ 128,333.33
FINANCE / GRANTS MANAGEMENT	**CDBG2818**	12-02257	**MILE SQUARE DAY CARE CENTER**	CDBG MATCH JAN-MAR 2012	$ 20,512.76
		12-02258	**HOBOKEN FAMILY PLANNING, INC.**	CDBG & MATCH FOR MAY 2012	$ 1,917.00
		12-02326	**HOBOKEN FAMILY PLANNING, INC.**	CDBG MATCH FOR JUNE 2012	$ 1,913.00
FINANCE SUPERVISOR	**OPERATING**	12-02085	**STEVENS DINING SERVICES**	REFUND DUPLICATE PAYMENT	$ 500.00
		12-02192	**1415 PARK AVENUE LLC**	REFUND ELEVATOR INSPECTION	$ 332.00
		12-02525	**HOBOKEN PUBLIC LIBRARY**	LIBRARY PAYMENTS MONTHLY	$ 539,153.16
HS BD OF HEALTH	**OPERATING**	12-01989	**GOVCONNECTION, INC.**	FLASH BACKED WRITE CACHE MODUL	$ 168.00
		12-01991	**W.B. MASON CO., INC.**	INK	$ 6.60
		12-02282	**SYSTEM ONE ALARM SERVICES**	CENTRAL SYSTEM MONITORING	$ 75.00
		12-02284	**FRANK SASSO**	REIMBURSEMENT FOR COURSE	$ 20.00
		12-02309	**W.B. MASON CO., INC.**	FLOOR FAN	$ 62.95
		12-02425	**W.B. MASON CO., INC.**	TYPEWRITER RIBBON	$ 21.00
		12-02473	**LEXIS NEXIS**	YEARLY CONTRACT	$ 267.00
		12-02555	**LIBERTY HUMANE SOCIETY**	ANIMAL CONTROL - JUNE 2012	$ 5,416.00
	TRUST REC FEES	12-02898	**HUDSON POOL MANAGMENT INC**	WEEKLY POOL SERVICE	$ 249.38
HS CULTURAL AFFAIRS	**FEDERAL**	12-01213	**STAR LEDGER**	AD - SPRING FESTIVAL 2012	$ 2,287.40
		12-02037	**OFFICE DEPOT**	MAILING SER. SUMMER FUN BKLT.	$ 1,080.00
		12-02415	**ALWIN "BOO" REINERS**	PERFORMANCE PIER A PARK	$ 500.00
		12-02416	**AFTER 3 THEATER CO.**	PERFORMANCE SHIPYARD PARK	$ 265.00
		12-02417	**THIS IS IT!**	BANNERS AND SIGNS	$ 486.80
		12-02418	**WILLIAM A. STACKPOLE**	SOUND ASSISTANCE	$ 66.00
		12-02439	**THIS IS IT!**	VINYL BANNERS	$ 222.40
		12-02440	**DAVE WECKERMAN**	PERFORMANCE - SINATRA PARK	$ 500.00
		12-02454	**YOSI MUSIC, LLC**	PERFORMANCE FAMILY FUN NIGHTS	$ 375.00
		12-02566	**WILLIAM A. STACKPOLE**	SOUND ASSISTANCE	$ 130.00
		12-02567	**STEVE VEALEY**	SOUND ASSISTANCE	$ 78.00
		12-02757	**FALLO, GERALDINE**	REIMBURSEMENT	$ 10.70

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DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
	TRUST	12-01929	ALEXANDER LEE	SOUND ASSISTANCE - SPRING FEST	$ 174.00
		12-02283	ELIZABETH WEISS	OFFICE ASSISTANCE	$ 187.50
		12-02285	VINCENT PRINTING CO.	PRINTING OF BILLBOARD	$ 105.00
		12-02320	WILLIAM A. STACKPOLE	SOUND ASSISTANCE	$ 132.00
		12-02321	STEVE VEALEY	SOUND ASSISTANCE	$ 156.00
		12-02333	HOLLI SCHORNO	INSTRUCTOR - ART IN THE PARK	$ 2,400.00
		12-02352	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	$ 671.25
		12-02370	NJ SYMPHONY ORCHESTRA	CONCERT BALANCE - PIER A	$ 35,000.00
		12-02388	HUDSON REPORTER ASSOC LP	ADVERTISEMENT	$ 217.50
		12-02436	FALLO, GERALDINE	REIMBURSE- Summer Concert 6/21	$ 5.97
		12-02569	ELIZABETH WEISS	GENERAL OFFICE ASSISTANCE	$ 228.75
		12-02829	FALLO, GERALDINE	REIMBURSEMENT	$ 14.84
		12-02832	FALLO, GERALDINE	REIMBURSEMENT	$ 68.50
HS DIRECTOR'S OFFICE	OPERATING	12-02727	W.B. MASON CO., INC.	LASER PRINT CARTRIDGES	$ 140.34
HS HOUSING INSPECTION	OPERATING	12-02286	W.B. MASON CO., INC.	INK FOR FAX MACHINE	$ 102.49
HS MUNICIPAL ALLIANCE	FEDERAL	12-02349	NCADD HUDSON COUNTY INC.	PREVENTION & EDU. SERVICES	$ 4,800.00
HS PARKS	O M FUND	12-01615	B.E.R. LLC	UB 30 RENTAL	$ 1,200.00
		12-02082	GREENLEAF LANDSCAPE SYSTEMS	LANDSCAPE MAINTENANCE CY12	$ 1,540.00
		12-02469	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	$ 300.00
		12-02582	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	$ 90.00
		12-02620	CITY PAINT AND HARDWARE	MISC PARK SUPPLIES	$ 11.97
		12-02655	MAC PEST CONTROL	PEST CONTROL SERVICES	$ 50.00
		12-02656	MAC PEST CONTROL	ANNUAL WEED CONTROL PROGRAM	$ 1,000.00
		12-02760	QUALITY PLUMBING & HEATING	REPLACED DEFECTIVE FLUSHOMETER	$ 325.00
		12-02893	MAIK INC	IRRIGATION/SPRINKLER REPAIR	$ 2,304.25
	OPERATING	12-02124	GRO RITE LANDSCAPE SERVICES	PARK MAINTENANCE - 1500 PARK	$ 475.00
		12-02308	MATERA'S NURSERY	MISC. SUPPLIES - MAY 2012	$ 1,290.10
		12-02313	RICHARD DUNKIN	SNAKE OUT ELYSIAN PARK DOG RUN	$ 130.00
		12-02318	GRO RITE LANDSCAPE SERVICES	MAINTENANCE EXTERIOR - 6-2012	$ 475.00
		12-02470	ZUIDEMA/ROYAL THRONE PORTABLE	PORTABLE TOILET RENTAL	$ 150.00
		12-02556	MATERA'S NURSERY	MISC. PARK SUPPLIES	$ 1,056.85
		12-02620	CITY PAINT AND HARDWARE	MISC PARK SUPPLIES	$ 195.06
		12-02622	GRO RITE LANDSCAPE SERVICES	IRRIGATION- SPRING ACTIVATION	$ 350.00
		12-02655	MAC PEST CONTROL	PEST CONTROL SERVICES	$ 350.00
		12-02759	QUALITY PLUMBING & HEATING	REPLACED VALVE/PIPING	$ 625.00
		12-02762	QUALITY PLUMBING & HEATING	REPLACED SHUT OFF VALVE	$ 325.00
		12-02889	GRO RITE LANDSCAPE SERVICES	LANDSCAPING SERVICES	$ 250.00
		12-02891	GRO RITE LANDSCAPE SERVICES	MAINTENANCE - EXTERIOR 8-2012	$ 475.00
		12-02893	MAIK INC	IRRIGATION/SPRINKLER REPAIR	$ 828.75
		12-02894	HOBOKEN ALL-STAR YOUTH SOCCER	REFEREE FEE - TRAVEL SOCCER	$ 8,320.00
HS RECREATION	O M FUND	12-02654	STATE CHEMICAL MFG.	PARKS SUPPLIES	$ 1,731.58
	TRUST	12-02636	STAN'S SPORT CENTER	BASKETBALL RESIN	$ 75.00

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DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
HS RECREATION	TRUST	12-02650	LEO PELLEGRINI	REIMBURSEMENT-SUPPLIES FOR TOURNAMENT	$ 82.52
		12-02897	MARIO'S CLASSIC PIZZA	REIMBURSEMENT	$ 72.23
	TRUST REC FEES	12-02130	WEEHAWKEN CAL RIPEN LEAGUE	UMPIRE FEE - CAL RIPKEN BB	$ 350.00
		12-02268	ANDREW IMPASTATO	REFEREE ADULT BASKETBALL LGUE.	$ 90.00
		12-02475	ROZZI, CHARLES	REIMBURSEMENT FOR SUPPLIES	$ 68.64
		12-02476	HUDSON POOL MANAGMENT INC	START UP - BOYS AND GIRLS CLUB	$ 650.00
		12-02553	ROZZI, CHARLES	REIMBURSEMENT (POOL SUPPLIES)	$ 45.98
		12-02581	ELMA CRABBIE	REIMBURSEMENT-SUMMER REG. FEE	$ 50.00
		12-02621	STAN'S SPORT CENTER	BASEBALL/SOFTBALL SHIRTS	$ 637.50
		12-02716	STAN'S SPORT CENTER	COLLAPSIBLE TUNNEL	$ 3,547.50
		12-02717	HUDSON POOL MANAGMENT INC	POOL SERVICE,WATER ANALYSIS	$ 1,050.00
		12-02718	STAN'S SPORT CENTER	POOL SUPPLIES	$ 287.50
		12-02719	STAN'S SPORT CENTER	I PONG BALL PICK UP NET	$ 90.00
		12-02825	NCSA	SOCCER FEES	$ 6,280.00
		12-02883	CASCETTA, JOSEPH	REIMBURSEMENT FOR GASOLINE	$ 80.00
		12-02884	MIGUEL ACEVEDO	SERVICES RENDERED-BASKETBALL LEAG. SUPR.	$ 500.00
		12-02886	MIGUEL ACEVEDO	SERVICES RENDERED-BASKETBALL LEAG. SUPR.	$ 400.00
		12-02887	MIGUEL ACEVEDO	SERVICES RENDERED-BASKETBALL LEAG. SUPR.	$ 637.50
		12-02895	VINCENT JOHNSON	UMPIRE - GIRLS SOFTBALL LGUE.	$ 465.00
		CY-04548	JOSH GOLDSTEIN	REIMBURSEMENT OF REG. FEE	$ 75.00
HS RENT LEVELING/STABILIZATION	OPERATING	12-02312	FRA TECHNOLOGIES	2012 MAINTENANCE CONTRACT	$ 800.00
HS SENIOR CITIZEN PROGRAM	OPERATING	12-01247	RIVERFRONT CAR WASH	FULL SERVICE CAR WASHES	$ 54.00
		12-02183	RIVERFRONT CAR WASH	FULL SERVICE CAR WASHES	$ 60.00
		12-02310	REBEKAH ARAMINI LUPO	SERVICES RENDERED-YOGA INSTR.	$ 400.00
		12-02335	INSERRA SUPERMARKETS	REPLENISH SHOPPING CARD	$ 1,000.00
		CY-04426	THOMAS FOLEY	REIMBURSEMENT	$ 79.37
HS SUMMER LUNCH	FEDERAL	12-02692	NU-WAY 2008	Box Lunches for 07/05 & 07/06	$ 1,516.32
Planning & Zoning BOARD	OPERATING	12-01970	W.B. MASON CO., INC.	OFFICE SUPPLIES	$ 159.99
PS FIRE	HAZMAT	12-02462	ARGUS-HAZ CO	HAZMAT	$ 301.45
		12-02463	GLOBAL CONNECT	HAZMAT RECALL PAGING	$ 3.61
	OPERATING	12-00877	BUY WISE AUTO PARTS	CAR 155	$ 314.88
		12-01258	AIR PURIFIERS, INC.	MAGNATRACK FOR NO SMOKE	$ 1,575.00
		12-01784	BEYER BROTHERS CORP.	ENGINE 5 REPAIRS	$ 311.18
		12-01786	HOBOKEN GLASS COMPANY	155 REPLACE MIRROR	$ 35.00
		12-01788	W.B. MASON CO., INC.	TONER FAX MACHINE	$ 318.94
		12-02325	MAJOR POLICE SUPPLY	HALO BULB	$ 500.00
		12-02376	JASON CASSESA	REIMBURSEMENT - CLEAN LINEN	$ 533.93
		12-02456	PROCOMM SYSTEMS	14TH ST STATION	$ 432.00
		12-02457	JENSON & MITCHELL	TRUCK 4 REAPIRS	$ 1,954.32
		12-02458	LIBERTY LANDING MARINA	FUEL FOR MARINE 1	$ 125.02
		12-02461	SHORE SOFTWARE	ONLINE BACK-UP	$ 69.95
		12-02465	HI-TECH OIL BLENDS, INC	OIL FOR APPARATUS'	$ 818.00

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PS FIRE	**OPERATING**	12-02774	**HOBOKEN GLASS COMPANY**	8TH ST. FIREHOUSE WINDOW	$ 345.00
		12-02775	**LIBERTY LANDING MARINA**	MARINE 1 FUEL CHARGES	$ 266.12
		12-02776	**I.D.M. MEDICAL SUPPLY CO.**	OXYGEN REFILL	$ 96.00
		12-02780	**CITY PAINT AND HARDWARE**	SUPPLIES	$ 840.54
PS FIRE SAFETY	**FIRE ED**	12-02643	**SAMUELS INC**	Tires	$ 208.83
		12-02653	**LOMBARDY DOOR SALES**	Door Operators	$ 3,900.00
	OPERATING	12-01796	**T.J.'S AUTOMOTIVE**	Boat repairs	$ 535.00
PS POLICE	**OPERATING**	12-00013	**VERIZON WIRELESS SERVICES LLC**	MTHLY LAPTOP WIRELESS SVC. PD	$ 529.19
		12-00671	**DRAEGER SAFETY DIAGNOSTICS**	SIMULATOR RE-CALIBRATION	$ 142.00
		12-00828	**W.B. MASON CO., INC.**	SHREDDER,COPYPAPER & BATTERIES	$ 769.30
		12-01637	**RIVERFRONT CAR WASH**	MONTHLY CAR WASH SERVICE	$ 425.00
		12-01849	**JERSEY CITY POLICE DEPARTMENT**	POLICE ASSISTANCE-MARCH 3RD	$ 39,957.79
		12-01863	**STEVENS INSTITUTE OF TECH.**	POLICE ASSISTANCE-MARCH 3RD	$ 4,753.75
		12-02035	**W.B. MASON CO., INC.**	STATIONARY/OFFICE SUPPLIES	$ 7,160.18
		12-02041	**RIVERFRONT CAR WASH**	CAR WASH SERVICES - 1ST QTR	$ 410.00
		12-02044	**ENTERPRISE CONSULTANTS**	TELEPHONE MAINTENANCE CONTRACT	$ 415.50
		12-02048	**P.O. ANTHONY FESKEN**	TUITION RE-IMBURSEMENT	$ 1,500.00
		12-02049	**AMERA-CHEM, INC.**	DRUG IDENTIFICATION SUPPLIES	$ 46.95
		12-02350	**STEVENS INSTITUTE OF TECH.**	AWARDS CEREMONY	$ 924.00
		12-02446	**BAYONNE PBA LOCAL #7**	RANGE USE FEE	$ 900.00
		12-02447	**NATIONAL ASSOC. OF TOWN WATCH**	MEMBERSHIP RENEWAL	$ 35.00
		12-02448	**P.O. DANIEL SIMONE III**	TUITION REIMBURSEMENT	$ 1,500.00
		12-02449	**PO EDWARD T. LEPRE**	TUITION REIMBURSEMENT	$ 1,241.00
		12-02450	**MARPAC, LLC**	WHITE NOISE MACHINES	$ 119.90
		12-02479	**FERRANTE, KENNETH**	REIMBURSEMENT FOR EXPENSES	$ 239.44
		12-02483	**LOSURDO BROTHERS**	MEETING REFRESHMENTS	$ 200.00
		12-02484	**PASSAIC CTY POLICE POL.ACADEMY**	IN-SERVICE TRAINING COURSE	$ 50.00
		12-02485	**BERGEN CTY POLICE & FIRE ACADY**	IN-SERVICE TRAINING COURSE	$ 35.00
		12-02486	**NJGIA ANNUAL CONFERENCE**	2012 ANNUAL CONFERENCE	$ 200.00
		12-02487	**CITY PAINT AND HARDWARE**	MISC. SUPPLIES	$ 239.86
		12-02488	**RIVERFRONT CAR WASH**	CAR WASH SERVICE - POLICE	$ 805.00
		12-02500	**STATE TOXICOLOGY LABORATORY**	RANDOM DRUG TESTING	$ 360.00
		12-02504	**ENTERPRISE CONSULTANTS**	MONTHLY MAINTENANCE CONTRACT	$ 415.50
		12-02505	**FLASH TECH COMPUTERS**	COMPUTER PERIPHERALS	$ 94.98
		12-02575	**ELECTRONIC SERVICE SOLUTIONS**	RADIO PARTS & REPAIRS	$ 666.26
		12-02576	**TYCO INTEGRATED SECURITY**	QUARTERLY CONTRACT PAYMENT	$ 326.36
		12-02577	**INSTITUTE FOR FORENSIC**	FFD EVALUATIONS	$ 3,975.00
		12-02578	**DE LAGE LANDEN PUBLIC FINANCE**	RISOGRAPH LEASE PAYMENT	$ 567.64
		12-02579	**DE LAGE LANDEN PUBLIC FINANCE**	RISOGRAPH LEASE PAYMENT	$ 567.64
		12-02580	**SPA RESTAURANT**	PRISIONER MEALS	$ 15.00
		12-02789	**W.B. MASON CO., INC.**	COPY PAPER	$ 559.00
SUPERVISOR FINANCE	**OPERATING**	12-01908	**1025-1033 WASHINGTON STREET**	REFUND APPLICATION FEE	$ 300.00

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UNCLASSIFIED	OPERATING	12-02708	NORTH HUDSON REGIONAL COUNCIL	CY2012 SR NUTR PRGM CONTRIB	$ 28,346.50
UNCLASSIFIED COMMUNICATIONS	OPERATING	12-02649	CABLEVISION	SERVICES	$ 44.41
UNCLASSIFIED ELECTRICITY	O M FUND	12-02627	P.S.E.& G. COMPANY	ELEC. PIER C- APRIL, MAY,JULY	$ 1,857.58
		12-02629	P.S.E.& G. COMPANY	UTIL ELEC - PIER A - MAY, JUNE	$ 3,151.05
	OPERATING	12-02630	P.S.E.& G. COMPANY	ELECTRIC UTILITY - JUNE 2012	$ 41,153.92
		12-02746	SOUTH JERSEY ENERGY	ELECTRIC UTILITY - JULY 2012	$ 2,966.93
UNCLASSIFIED GASOLINE	OPERATING	12-00009	EXXONMOBIL FLEET/GECC	GASOLINE FOR 2012	$ 25,247.56
UNCLASSIFIED INSURANCE	OPERATING	12-00006	FALCO, JOAN	CY2012 12 MO PYMTS 11/17/97SR	$ 438.00
		12-00658	ESTATE OF ANNA MEEHAN	MEDICARE PART B REIMBURSEMENT	$ 1,158.00
		12-02177	MICHAEL V. SINNO	MEDICARE PART B REIMBURSEMENT	$ 1,158.00
		12-02214	JEAN M. AVITABLE	MEDICARE PART B REIMBURSEMENT	$ 1,326.00
		12-02216	ANNAMAE M MORRISROE	MEDICARE PART B REIMBURSEMENT	$ 1,158.00
		12-02217	THOMAS P MORRISROE	MEDICARE PART B REIMBURSEMENT	$ 1,158.00
		12-02220	EUGENE R. FAILLA	MEDICARE PART B REIMBURSEMENT	$ 346.20
		12-02420	JIMMIE L. TOMPKINS	REIMBURSEMENT MEDICARE PART B	$ 1,156.80
		12-02506	LINDA M. DIVINCENT	MEDICARE PART B REIMBURSEMENT	$ 1,158.00
		12-02507	VISION SERVICE PLAN, INC.	JULY 2012 VISION SERVICES	$ 10,475.19
		12-02508	JOSEPH F. MONTECALVO	MEDICARE PART B REIMBURSEMENT	$ 1,326.00
		12-02564	ESTATE OF ARTHUR M. DIVINCENT	REIMBURSEMENT MEDICARE PART B	$ 1,158.00
		12-02646	PART D ADVISORS, INC.	CLAIMS RECOVERY	$ 6,785.84
		12-02651	ESTATE OF RUTH A. TOMPKINS	REIMBURSEMENT MEDICARE PART B	$ 1,156.80
		12-02688	THE PMA INSURANCE GROUP	WORKERS COMP INSURANCE 6/2012	$ 33,344.35
		12-02689	BLUE CROSS BLUE SHIELD NJ (D)	DENTAL INSURANCE JULY 2012	$ 48,264.43
		12-02690	BLUE CROSS-BLUE SHIELD OF NJ	HEALTH/RX INSUR. AUGUST 2012	$ 1,425,491.15
		12-02782	VISION SERVICE PLAN, INC.	AUGUST 2012 VISION SERVICES	$ 10,481.68
		12-02855	BOLLINGER INSURANCE COMPANY	7/12-7/13 HVAC GL PREM/HHS WC	$ 155,678.54
		12-02870	GARDEN STATE MUNI.JOINT INSURA	JIF ASSESSMENT-INSTALLMENT 2	$ 601,296.78
UNCLASSIFIED POSTAGE	OPERATING	12-00020	U.S.P.S (POSTAGE BY PHONE)	CY12 POSTAGE FOR MAIL MACHINE	$ 15,000.00
		12-02645	PITNEY BOWES, INC.	MAIL EQUIPMENT LEASE	$ 2,394.00
UNCLASSIFIED TELEPHONE	OPERATING	12-00011	VERIZON	CY2012 TELEPHONE SERVICES	$ 12,053.63
		12-00017	NEXTEL COMMUNICATIONS	CY2012 ACCT#141015027	$ 7,301.19
		12-00018	CABLEVISION LIGHTPATH, INC.	CY2012 INTERNET SVS #45278	$ 647.98
		12-00019	CABLEVISION LIGHTPATH, INC.	CY2012 REVERSE 911 SYS SVS	$ 2,789.20
		12-00021	VERIZON WIRELESS	CY2012 CELL SERV-MAYOR	$ 70.27
		12-00022	COOPERATIVE COMMUNICATIONS,INC	CY2012 LD/TOLL SERVICE	$ 1,650.52
		12-02648	ENTERPRISE CONSULTANTS	TELEPHONE MAINENANCE 6/12 CH	$ 1,000.00
UNCLASSIFIED TOWING & STORAGE	OPERATING	12-02444	MILE SQUARE TOWING	TOWING CHARGES	$ 640.00
UNCLASSIFIED WATER & SEWERAGE	OPERATING	12-02464	HOBOKEN WATER SERVICE	WATER PIER C - 2ND QTR	$ 130.30
		12-02511	NORTH HUDSON SEWERAGE AUTH.	SEWER - 1ST & 2ND QTR 2012	$ 4,684.80
		12-02808	HOBOKEN WATER SERVICE	UTILITY - WATER - 2ND QUARTER	$ 6,242.79
UNCLASSIFIED/COPIERS	OPERATING	12-00023	RICOH USA	CY12 COPIER/LEASE/MAINT/SPLY	$ 14,499.25
UNCLASSIFIED/STATIONERY	OPERATING	12-00268	W.B. MASON CO., INC.	OPEN MONTHLY 2/12	$ 923.19

CITY OF HOBOKEN
CLAIMS LISTING
AUGUST 15, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	$
UNCLASSIFIED/STATIONERY	**OPERATING**	12-00455	**OFFICE DEPOT**	SUPPLIES	$ 375.98
		12-01839	**M.G.L. FORMS-SYSTEMS LLC**	LASER PURCHASE ORDERS	$ 901.50
		12-02190	**W.B. MASON CO., INC.**	OFFICE SUPPLIES	$ 1,084.87
		12-02453	**W.B. MASON CO., INC.**	OFFICE SUPPLIES	$ 1,476.64
Grand Total					**$ 7,626,553.13**

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:

05-Jul-12 **TO** 18-Jul-12 Paydate 7/25/2012

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (11)	O/T PAY (14)	OTHER PAY (11)	TOTAL PAY
PERSONNEL	2-01-20-105	7,791.31	0.00	0.00	7,791.31
MAYOR'S OFFICE	2-01-20-110	9,959.63	0.00	0.00	9,959.63
CITY COUNCIL	2-01-20-111	8,445.45	0.00	0.00	8,445.45
BUS ADMINISTRATOR	2-01-20-112	16,695.50	0.00	0.00	16,695.50
ABC BOARD	2-01-20-113	0.00	0.00	153.75	153.75
PURCHASING	2-01-20-114	5,089.28	0.00	0.00	5,089.28
GRANTS MANAGEMENT	2-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	2-01-20-120	15,175.05	989.89	0.00	16,164.94
VACATION				1,395.55	1,395.55
ELECTIONS	2-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	2-01-20-130	23,697.91	0.00	0.00	23,697.91
ACCOUNTS/CONTROL	2-01-20-131	0.00	0.00	0.00	0.00
PAYROLL DIVISION	2-01-20-132	0.00	0.00	0.00	0.00
TAX COLLECTION	2-01-20-145	9,243.57	0.00	0.00	9,243.57
WAIVED - MED INS				1,125.00	1,125.00
ASSESSOR'S OFFICE	2-01-20-150	10,528.20	0.00	0.00	10,528.20
CORPORATE COUNSEL	2-01-20-155	9,805.00	0.00	0.00	9,805.00
COMMUNITY DEVELOPMENT	2-01-20-160	6,519.24	0.00	0.00	6,519.24
TREASURER	2-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	2-01-21-180	3,789.44	1,116.26	0.00	4,905.70
INFORMATION TECHNOLOGY	2-01-20-147	0.00	0.00	0.00	0.00
ZONING OFFICER	2-01-21-186	4,819.89	0.00	0.00	4,819.89
HOUSING INSPECTION	2-01-21-187	5,818.91	0.00	0.00	5,818.91
CONSTRUCTION CODE	2-01-22-195	22,870.87	0.00	0.00	22,870.87
STIPEND				200.00	200.00
WAIVED - MED INS				1,125.00	1,125.00
POLICE DIVISION	2-01-25-241-011	508,604.29	51,091.39	0.00	559,695.68
POLICE CIVILIAN	2-01-25-241-016	33,742.88	1,313.69	0.00	35,056.57
POLICE DIVISION CLASS II	2-01-25-241-015	880.00	0.00	0.00	880.00
WORKERS COMP				5,143.55	5,143.55
CROSSING GUARDS	2-01-25-241-012	807.70	0.00	0.00	807.70
EMERGENCY MANAGEMENT	2-01-25-252	8,705.83	0.00	0.00	8,705.83
				96.15	96.15

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (01)	O/T PAY (02)	OTHER PAY (01)	TOTAL PAY
FIRE DIVISION	2-01-25-266	459,419.73	0.00	0.00	459,419.73
RETRO				431.10	431.10
FIRE CIVILIAN	2-01-25-266-016	15,577.61			15,577.61
STREETS AND ROADS	2-01-26-291-011	24,673.63	2,700.19	0.00	27,373.82
STREETS AND ROADS	2-01-26-291-015	0.00	0.00	0.00	0.00
ENV SRVCS DIR OFFICE	2-01-26-290	6,034.54	0.00	0.00	6,034.54
RECREATION SEASONAL EMP	2-0128370016	6,406.00	0.00	0.00	6,406.00
CENTRAL GARAGE	2-01-26-301	8,436.10	0.00	0.00	8,436.10
SANITATION	2-01-26-305	18,136.82	3,628.88	0.00	21,765.70
LICENSING DIVISION	2-31-55-501-101	3,853.48	0.00	0.00	3,853.48
HUMAN SRVCS DIR OFFICE	2-01-27-330	6,992.71	0.00	0.00	6,992.71
RETRO				80.76	80.76
BOARD OF HEALTH	2-01-27-332	20,467.30	0.00	0.00	20,467.30
CONSTITUENT SRCS	2-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	2-01-27-336	13,581.88	0.00	0.00	13,581.88
RENT STABILIZATION	2-01-27-347	9,640.65	0.00	0.00	9,640.65
TRANSPORTATION	2-01-27-348	0.00	0.00	0.00	0.00
RECREATION	2-01-28-370	11,452.55	1,767.70	0.00	13,220.25
ADD'L EARNINGS- SEASONAL				140.00	140.00
PARKS	2-01-28-375	16,928.32	1,667.91	0.00	18,596.23
PUBLIC PROPERTY	2-01-28-377	27,934.48	0.00	0.00	27,934.48
WORKERS COMP				1,668.92	1,668.92
PUBLIC LIBRARY	2-0129-390-021	0.00	0.00	0.00	0.00
PUBLIC DEFENDER	2-01-43-495	0.00	0.00	0.00	0.00
MUNICIPAL COURT	2-01-43-490	36,778.93	0.00	0.00	36,778.93
PARKING UTILITY	2-31-55-501-101	99,963.95	10,671.05	0.00	110,635.00
RETRO				80.76	80.76
WORKERS COMP				1,085.00	1,085.00
MUN COURT OVERTIME	T-0340000-037	0.00	2,301.91	0.00	2,301.91
TRUST - CULTURAL AFFAIRS	T0340000004	660.00	0.00	0.00	660.00
GRANT#	G-02-41-300-SF1	1,776.25	0.00	0.00	1,776.25
GRANT#	G-02-41-200-PAL	990.00	0.00	360.00	1,350.00
FIRE EDUCATION	T-13-10-000-000	0.00	0.00	0.00	0.00
TRUST - PALTRUST - PALTRUST - PAL	T-03-40-000-007	0.00	0.00	0.00	0.00
CULTURAL AFFAI AFFAIRS	2-01-271-760-11	2,988.46	0.00	0.00	2,988.46

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (01)	O/T PAY (02)	OTHER PAY (01)	PAY

OTHER:

SALARY ADJUSTMENT	2-01-36-478-000	0.00	0.00	0.00	0.00
SALARY SETTLEMENT	2-01-36-479-000	0.00	0.00	109,057.22	109,057.22
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	17,533.50	17,533.50
RESERVE FOR POAA	T-03-40-000-032	0.00	0.00	0.00	0.00
Parks Acct	2-01-28-375-014	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP	2-01-25-241-017	0.00	0.00	0.00	0.00
		==========	==========	==========	==========
GRAND TOTAL		1,505,683.34	77,248.87	139,676.26	1,722,608.47

1,722,608.47

Sponsored by _____

Seconded by _____

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:

21-Jun-12 **TO** 04-Jul-12 Paydate 7/11/2012

0

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (11)	O/T PAY (14)	OTHER PAY (11)	TOTAL PAY
PERSONNEL	2-01-20-105	7,773.03	0.00	0.00	7,773.03
MAYOR'S OFFICE	2-01-20-110	9,959.63	0.00	0.00	9,959.63
CITY COUNCIL	2-01-20-111	8,445.45	0.00	1,125.00	9,570.45
BUS ADMINISTRATOR	2-01-20-112	16,695.50	0.00	0.00	16,695.50
ABC BOARD	2-01-20-113	0.00	0.00	153.75	153.75
PURCHASING	2-01-20-114	5,066.17	0.00	0.00	5,066.17
GRANTS MANAGEMENT	2-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	2-01-20-120	15,108.69	1,641.76	375.00	17,125.45
ELECTIONS	2-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	2-01-20-130	23,631.30	0.00	0.00	23,631.30
ACCOUNTS/CONTROL	2-01-20-131	0.00	0.00	0.00	0.00
PAYROLL DIVISION	2-01-20-132	0.00	0.00	0.00	0.00
TAX COLLECTION	2-01-20-145	9,183.25	0.00	1,125.00	10,308.25
ASSESSOR'S OFFICE	2-01-20-150	10,432.63	0.00	0.00	10,432.63
CORPORATE COUNSEL	2-01-20-155	8,083.85	0.00	0.00	8,083.85
COMMUNITY DEVELOPMENT	2-01-20-160	6,480.77	0.00	0.00	6,480.77
TREASURER	2-01-20-146	0.00	0.00	0.00	0.00
PLANNING BOARD	2-01-21-180	3,770.18	0.00	0.00	3,770.18
INFORMATION TECHNOLOGY	2-01-20-147	0.00	0.00	0.00	0.00
ZONING OFFICER	2-01-21-186	4,819.89	0.00	0.00	4,819.89
HOUSING INSPECTION	2-01-21-187	5,671.97	383.40	0.00	6,055.37
CONSTRUCTION CODE	2-01-22-195	22,443.07	0.00	200.00	22,643.07
POLICE DIVISION	2-01-25-241-011	507,705.49	9,689.97	9,916.81	527,312.27
POLICE CIVILIAN	2-01-25-241-016	31,877.59	290.40		32,167.99
POLICE DIVISION CLASS II	2-01-25-241-015	800.00			800.00
UNIFORM ALLOW				169,000.00	169,000.00
CROSSING GUARDS	2-01-25-241-012	4,946.90	0.00	0.00	4,946.90
EMERGENCY MANAGEMENT	2-01-25-252	8,705.83	1,607.58	96.15	10,409.56

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (01)	O/T PAY (02)	OTHER PAY (01)	TOTAL PAY
FIRE DIVISION	2-01-25-266	456,217.99	59,798.46	11,587.95	527,604.40
FIRE CIVILIAN	2-01-25-266-016	13,178.85			13,178.85
UNIFORM ALLOW				136,500.00	136,500.00
STREETS AND ROADS	2-01-26-291-011	23,238.65	7,628.44	(350.00)	30,517.09
STREETS AND ROADS	2-01-26-291-015	0.00	0.00	0.00	0.00
ENV SRVCS DIR OFFICE	2-01-26-290	7,494.54	330.54	0.00	7,825.08
RECREATION SEASONAL EMP	2-0128370016	6,372.00	(1,161.00)	0.00	5,211.00
CENTRAL GARAGE	2-01-26-301	2,779.38	1,534.70	0.00	4,314.08
SANITATION	2-01-26-305	19,006.58	2,619.13	0.00	21,625.71
UNIFORM ALLOW		0.00	0.00	0.00	0.00
LICENSING DIVISION	2-31-55-501-101	3,389.01	0.00	1,125.00	4,514.01
HUMAN SRVCS DIR OFFICE	2-01-27-330	6,723.48	0.00	0.00	6,723.48
BOARD OF HEALTH	2-01-27-332	20,483.84	0.00	0.00	20,483.84
CONSTITUENT SRCS	2-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	2-01-27-336	12,374.08	508.30	0.00	12,882.38
RENT STABILIZATION	2-01-27-347	9,606.22	0.00	0.00	9,606.22
TRANSPORTATION	2-01-27-348	0.00	0.00	0.00	0.00
RECREATION	2-01-28-370	11,417.16	1,612.61	0.00	13,029.77
PARKS	2-01-28-375	16,995.07	2,547.80	0.00	19,542.87
PUBLIC PROPERTY	2-01-28-377	27,940.25	5,673.63	0.00	33,613.88
PUBLIC LIBRARY	2-0129-390-021	0.00	0.00	0.00	0.00
PUBLIC DEFENDER	2-01-43-495	0.00	0.00	0.00	0.00
MUNICIPAL COURT	2-01-43-490	44,301.56	(4,806.60)	0.00	39,494.96
PARKING UTILITY	2-31-55-501-101	98,266.95	18,642.79	3,295.00	120,204.74
MUN COURT OVERTIME	T-0340000-037	0.00	1,808.57	0.00	1,808.57
GRANT#	AL-11-10-04-161-NJD	0.00	0.00	0.00	0.00
TRUST - CULTURAL AFFAIRS	T0340000004	288.12	0.00	0.00	288.12
GRANT#	G-02-44-701-393	0.00	0.00	0.00	0.00
GRANT#	G-02-41-200-PAL	810.00	0.00	270.00	1,080.00
TRUST - REC FEES ADULT PROG	T-03-40-000-108	0.00	0.00	0.00	0.00
FIRE EDUCATION	T-13-10-000-000	0.00	446.64	0.00	446.64
TRUST - PALTRUST - PALTRUST - PAL	T-03-40-000-007	0.00	0.00	0.00	0.00
CULTURAL AFFAI AFFAIRS	2-01-271-760-11	2,969.62	0.00	0.00	2,969.62

DEPARTMENT	ACCOUNT NUMBER	REGULAR PAY (01)	O/T PAY (02)	OTHER PAY (01)	PAY

OTHER:

SALARY ADJUSTMENT	2-01-36-478-000	0.00	0.00	0.00	0.00
SALARY SETTLEMENT	2-01-36-479-000	0.00	0.00	94,091.00	94,091.00
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	37,470.50	37,470.50
RESERVE FOR POAA	T-03-40-000-032	0.00	0.00	0.00	0.00
Parks Acct	2-01-28-375-014	0.00	0.00	0.00	0.00
POLICE HOUSING AUTHORITY OEP	2-01-25-241-017	0.00	0.00	0.00	0.00
GRAND TOTAL		1,495,454.54	110,797.12	465,981.16	2,072,232.82
					2,072,232.82

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION AUTHORIZING THE EXEUCTION OF THE SETTLEMENT AGREEMENT IN THE MATTER OF CITY OF HOBOKEN V. CREPE GRILL CORP., HUD-L-582-11

WHEREAS, the City of Hoboken is currently the Plaintiff in a matter with Defendant Crepe Grill Corp.; and,

WHEREAS, counsel to the City has advised that the terms and conditions of the negotiated agreement which special counsel advised offers a fair and reasonable settlement of the matter that represents the best interest of the City in resolution of the litigation; and,

WHEREAS, the Administration seeks authorization to formally execute the negotiated settlement.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or her authorized agent are hereby authorized to enter into the settlement agreement described in the closed session on this matter, or a similar agreement representing the same substantive terms and conditions.

This resolution shall take effect immediately upon passage.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

2

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING LOUIS MASUCCI, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER OF DESTENO WORKER'S COMPENSATION LITIGATION (CASE NO. 2008-12411) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY LOUIS MASUCCI TO MELLISSA LONGO IN HIS EMAIL DATED JUNE 19, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff DeSteno; and,

WHEREAS, Louis Masucci, Esq. of Weiner Lesniak has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated June 19, 2012; and,

WHEREAS, after legal guidance from Mr. Masucci, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Louis Masucci, Esq. of Weiner Lesniak is hereby authorized to settle the matter of DeSteno's worker's compensation claim in an amount up to the monetary amount suggested by Mr. Masucci to Mellissa Longo in his e-mail dated June 19, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

3

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING STEPHEN BANKS, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF MICHAEL COSTELLO WORKER'S COMPENSATION LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY STEPHEN BANKS TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 2, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff Michael Costello; and,

WHEREAS, Stephen Banks, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated August 2, 2012 and,

WHEREAS, after legal guidance from Mr. Banks, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Stephen Banks, Esq. of Florio Kenny is hereby authorized to settle the matter of the Michael Costello worker's compensation claim in an amount up to the monetary amount suggested by Mr. Banks to Mellissa Longo in his e-mail dated August 2, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING STEPHEN BANKS, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF ALBERT CHICHIZOLA WORKER'S COMPENSATION LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY STEPHEN BANKS TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 2, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff Albert Chichizola; and,

WHEREAS, Stephen Banks, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated August 2, 2012 and,

WHEREAS, after legal guidance from Mr. Banks, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Stephen Banks, Esq. of Florio Kenny is hereby authorized to settle the matter of the Albert Chichizola worker's compensation claim in an amount up to the monetary amount suggested by Mr. Banks to Mellissa Longo in his e-mail dated August 2, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

5

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING STEPHEN BANKS, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF JOSE QUINONES WORKER'S COMPENSATION LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY STEPHEN BANKS TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 2, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff Jose Quinones; and,

WHEREAS, Stephen Banks, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated August 2, 2012; and,

WHEREAS, after legal guidance from Mr. Banks, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Stephen Banks, Esq. of Florio Kenny is hereby authorized to settle the matter of the Jose Quinones worker's compensation claim in an amount up to the monetary amount suggested by Mr. Banks to Mellissa Longo in his e-mail dated August 2, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING STEPHEN BANKS, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF DONALD PESCIOTTA WORKER'S COMPENSATION LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY STEPHEN BANKS TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 2, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff Douglas Pesciotta; and,

WHEREAS, Stephen Banks, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated August 2, 2012 and,

WHEREAS, after legal guidance from Mr. Banks, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Stephen Banks, Esq. of Florio Kenny is hereby authorized to settle the matter of Donald Pesciotta's worker's compensation claim in an amount up to the monetary amount suggested by Mr. Banks to Mellissa Longo in his e-mail dated August 2, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING STEPHEN BANKS, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF DOUGLAS PETERSON WORKER'S COMPENSATION LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY STEPHEN BANKS TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 2, 2012

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff Douglas Peterson; and,

WHEREAS, Stephen Banks, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of his email to Mellissa Longo dated August 2,2012; and,

WHEREAS, after legal guidance from Mr. Banks, the City Council finds his suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Stephen Banks, Esq. of Florio Kenny is hereby authorized to settle the matter of Douglas Peterson's worker's compensation claim in an amount up to the monetary amount suggested by Mr. Banks to Mellissa Longo in his e-mail dated August 2, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

8

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION GRANTING SUSAN O'CONNOR, ESQ. OF HOAGLAND LONGO SETTLEMENT AUTHORITY IN THE MATTER OF JAMES V. CITY OF HOBOKEN LITIGATION IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY SUSAN O'CONNOR TO MELLISSA LONGO IN HER EMAIL DATED AUGUST 3, 2012

WHEREAS, the City of Hoboken is currently involved in a litigation claim with Plaintiff James; and,

WHEREAS, Susan O'Connor, Esq. of Hoagland Longo has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of her email to Mellissa Longo dated August 3, 2012; and,

WHEREAS, after legal guidance from Ms. O'Connor, the City Council finds her suggested monetary settlement amount to be reasonable and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Susan O'Connor, Esq. of Hoagland Longo is hereby authorized to settle the matter of James v. City of Hoboken in an amount up to the monetary amount suggested by Ms. O'Connor to Mellissa Longo in her e-mail dated August 3, 2012.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

9

INTRODUCED BY:_____
SECONDED BY:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION APPROVES PHASE I OF THE REDESIGN OF CHURCH SQUARE PARK AND AUTHORIZES ACTION BY THE ADMINSTRATION TO BE THE PROJECT PURSUANT TO CHAPTER 56A OF THE HOBOKEN CITY CODE

WHEREAS, Chapter 56A of the Hoboken City Code requires public comment and council review and recommendation for any change in use of any City owned park; and,

WHEREAS, in accordance therewith, the Council seeks to recommend the City proceed with Phase I of the Church Square Park redesign (as shown in the attached design sketch), which involves:

- Two playground areas in the southeast quadrant
- Renovation of the basketball courts
- Renovation of restrooms

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby approves Phase I of the redesign of Church Square Park (as shown in the attached design sketch), which involves:

- Two playground areas in the southeast quadrant
- Renovation of the basketball courts
- Renovation of restrooms

BE IT FURTHER RESOLVED, the Council authorizes the Administration to take action in accordance with this approval.

Reviewed:

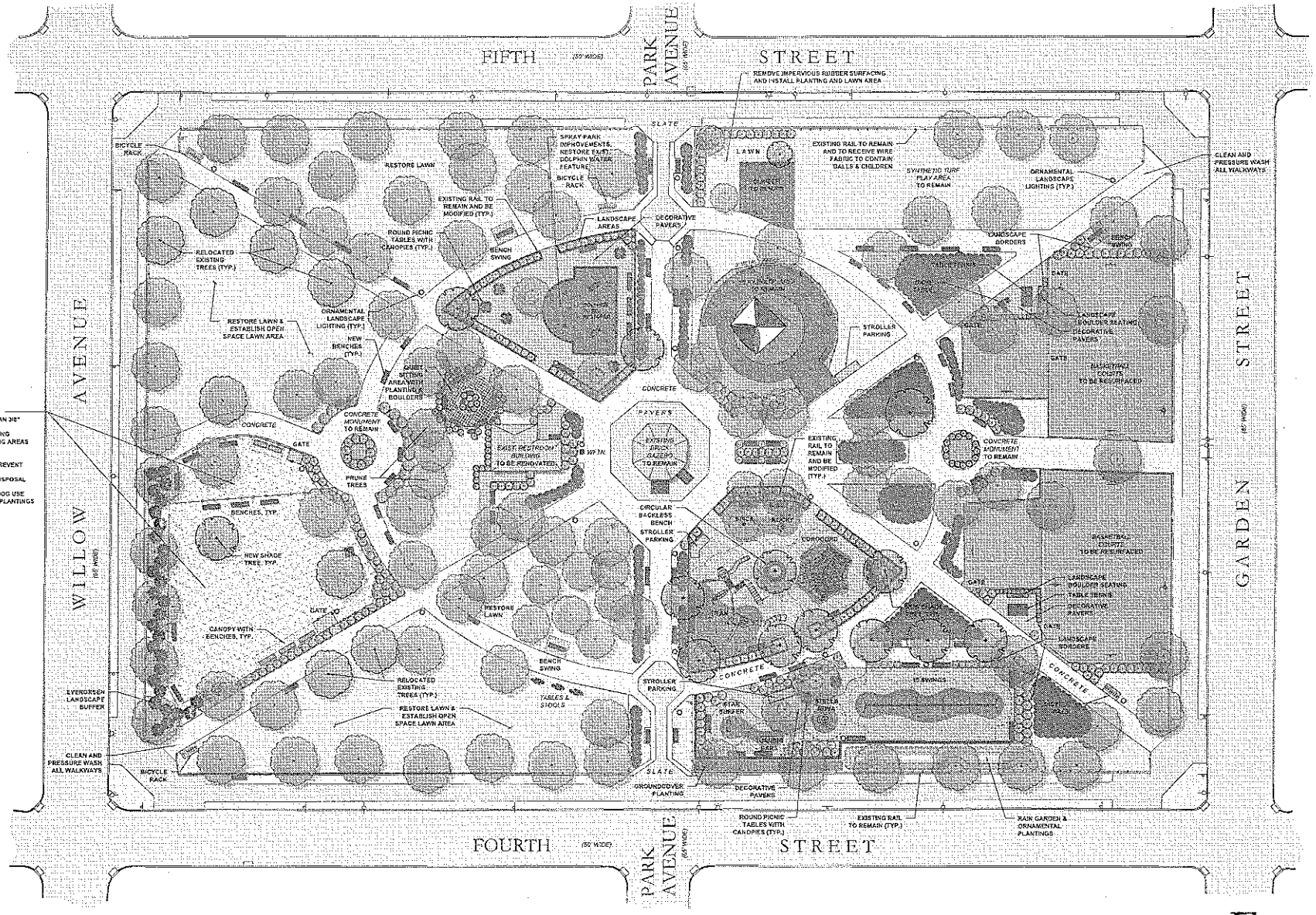
_____
Quentin Wiest
Business Administrator

Approved as to form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Date of Meeting: August 15, 2012

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



CHURCH SQUARE PARK

CITY OF HOBOKEN, NEW JERSEY

FINAL CONCEPT PLAN

NORTH

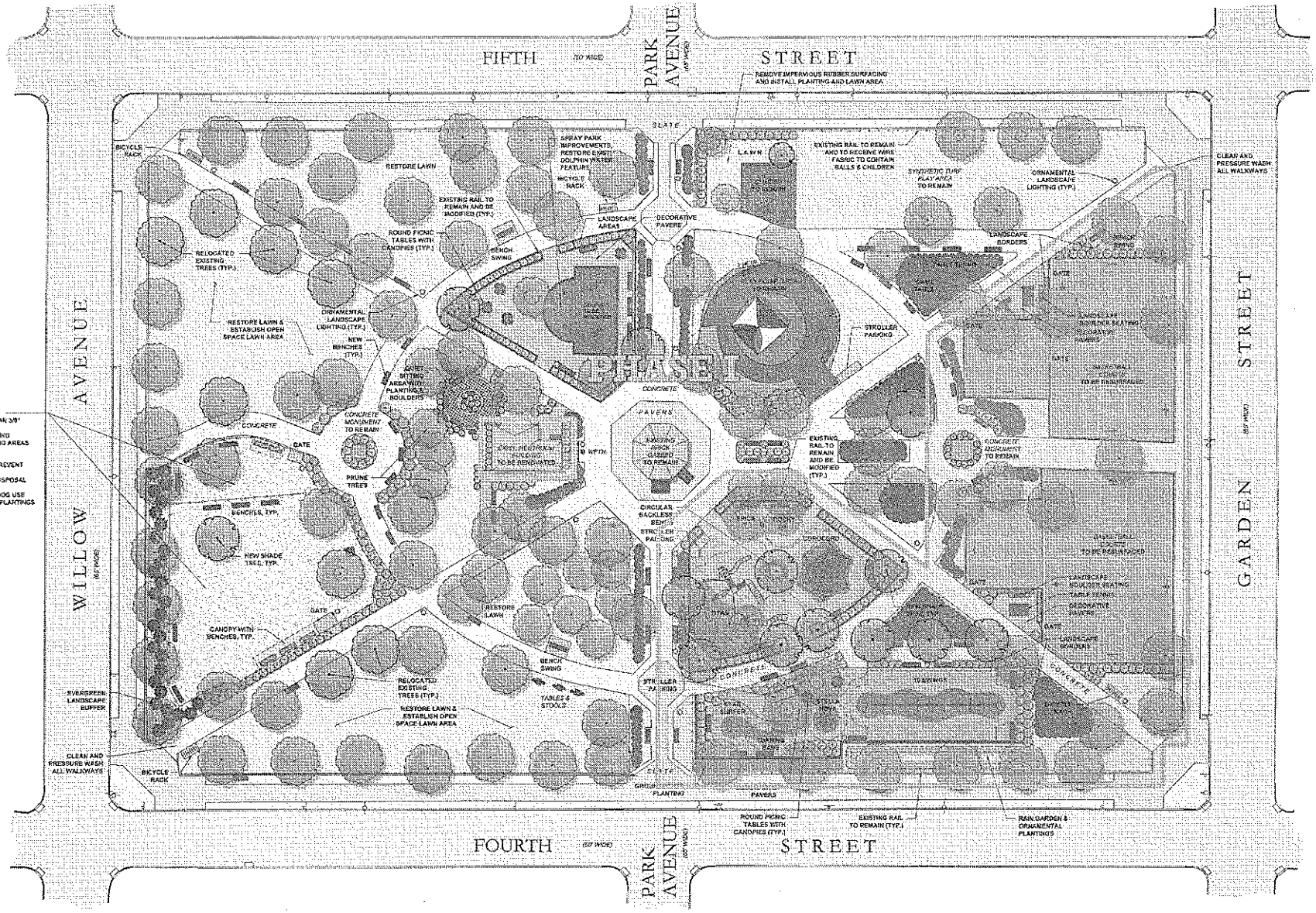
20 0 20 40 60

SCALE: 1" = 20'

SUBURBAN CONSULTING ENGINEERS, INC.

- Civil Engineers - Municipal Engineers -
- Landscape Architects -
- Planners - Environmentalists - Land Surveyors -

CERTIFICATE OF AUTHORIZATION NO. [illegible]



CHURCH SQUARE PARK

CITY OF HOBOKEN, NEW JERSEY

FINAL CONCEPT PLAN

NORTH

SCALE: 1" = 20'

SUBURBAN CONSULTING ENGINEERS, INC.

10

INTRODUCED BY:_____
SECONDED BY:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AWARDS A CONTRACT TO BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC. THROUGH ITS GSA CONTRACT (GS-07F-0011J) FOR A FIREBOAT/WATER RESCUE VESSEL AND TRAILER WITH EQUIPMENT FOR THE HOBOKEN FIRE DEPARTMENT

WHEREAS, N.J.S.A. 40A:11-12(b) and Department of Community Affairs LFN 2005-14 allow municipalities to award public contracts without public bidding when the vendor is an approved state or federal contractor, and Brunswick Commercial and Government Products, Inc. has been approved as a Federal Contractor pursuant to GSA Contract: GS-07F-0011J; and,

WHEREAS, the City of Hoboken's Fire Department is in need of a Fireboat/Water Rescue Vessel and Trailer with equipment using funds provided by Department of Homeland Security; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $364,460.00 **is available in the following appropriations** G-02-41-200-FB2; **and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide a Fireboat/Water Rescue Vessel and Trailer with equipment using funds provided by Department of Homeland Security and for a total not to exceed amount of Three Hundred Sixty Four Thousand Four Hundred Sixty ($364,460.00) dollars, as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:
   Brunswick Commercial & Government Products, Inc
   420 Megan Z Avenue
   Edgewater, FL 32132

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

CITY OF HOBOKEN

Division of Purchasing

DAWN ZIMMER
Mayor

AL B. DINEROS, QPA
Purchasing Agent

Date: June 25, 2012

To: Quentin Weist, Business Administrator
Corporation Counsel, City of Hoboken

From: Al B. Dineros

Subject: Request for a Resolution to Award the Contract to Purchase Fireboat/Water Rescue Vessel for Hoboken Fire Department

Hoboken Fire Department needs to purchase a Fireboat/Water Rescue Vessel and Trailer with equipment using funds provided by Department of Homeland Security.

In accordance with Department of Community Affairs LFN 2005-14, I recommend to award the contract utilizing GSA Contract: GS-07F-0011J. The vendor will be:

Brunswick Commercial & Government Products, Inc
420 Megan Z Avenue
Edgewater, FL 32132

The total amount of the contract is not to exceed $ 364,460.00

Sufficient legally appropriated funds for the subject purpose is available from the following account: G-02-41-200-FB2.

94 Washington Street · Hoboken, NJ 07030-0485
(201) 420-2011 fax (201) 420-2009

new jersey
department of community affairs
people places & progress
division of local government services

LFN 2005-14

June 20, 2005

Local Finance Notice

Richard J. Codey
Acting Governor

Susan Bass Levin
Commissioner

Susan Jacobucci
Director

Contact Information

Director's Office
V. 609.292.6613
F. 609.292.9073

Local Government Research
V. 609.292.6110
F. 609.292.9073

Financial Regulation and Assistance
V. 609.292.4806
F. 609.984.7388

Local Finance Board
V. 609.292.0479
F. 609.633.6243

Local Management Services
V. 609.292.7842
F. 609.633.6243

Authority Regulation
V. 609.984.0132
F. 609.984.7388

Mail and Delivery
101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803
Web: www.nj.gov/dca/lgs
E-mail: dlgs@dca.state.nj.us

Distribution

County Purchasing Agents
County Financial Officers

Emergency Responder Equipment Purchase Program: Homeland Security Grant Procurement Options

This Notice describes procurement options available to local units that have received grants from the federal government that are administered by the State Department of Law and Public Safety to purchase homeland security equipment and supplies. These local units include all county governments and the cities of Newark and Jersey City (for convenience, hereafter, all collectively referred to as "counties").

When using these procedures, good internal control practices and State law require that all purchase orders or contracts include a reference for the basis of the procurement. Each of the procurement models described below includes a standard for referencing the basis of the procurement. Ensuring that each purchase order or contract has its basis of award properly referenced at the time it is awarded will avoid audit and follow-up difficulties later in the process.

While this process provides alternatives to public bidding, all other requirements of bid and non-bid contracts apply, including vendor filing of Business Registration Certificate, encumbering and issuance of purchase orders, submission of vouchers, etc. Governing body resolutions awarding contracts are required when contracts exceed the bid threshold, unless made part of the "Streamlined Grant Procedure" authorized in Local Finance Notice 2004-21.

Procurement Options

1. Buy under an existing State contract - i.e., Police & Homeland Security equipment (T0106) or the soon to be awarded scientific instrument contract. A list of potential State contracts was provided to all County Purchasing Agents. Updates to that list are planned, will be posted on the web, and officials will be notified when they are available. Counties are encouraged to use State contracts as their first option wherever possible and practical.

    - The contract reference for state contracts is 1-NJCP, and the description section of the purchase order must include the State contract number.

2. Classic advertising for receipt of bids and award to the lowest responsible bidder or other procedure authorized (i.e., bid exception, registered cooperative purchasing program, etc.) under the Local Public Contracts Law.
    - The contract reference requires the contracting unit's bid or resolution number, or the Division of Local Government Services' co-op purchasing system identifier to appear on the contract or purchase order.

3. Starting July 1, 2005, a county may buy under any other county's existing contract, under the same terms and conditions, and with the approval of the initiating county, vendor, and Director of Local Government Services. **This authority only applies to these homeland security grants.** Approval of the Director is automatically granted when these purchases are otherwise made in compliance with this section. Counties are encouraged to share information on available contracts or needs via the Local Procurement Discussion Forum in GovConnect. The availability and pricing of State contracts for the items being purchased should also be checked before using this process.

   The county freeholder board that initially awarded the bid must approve the use of a contract by other counties. This can be a generic resolution relating only to permitting other counties to use a specific contract(s); it does not have to be done on a case-by-case basis, and a single resolution can list more than one bid. The resolution should reference the bid award by title and resolution or contract number, as appropriate.
    - Users should construct a contract reference number referring to this Local Finance Notice, and the initiating county's name and the resolution number authorizing the use of the contract as follows:

      LFN 2005-14: *Name_of_County-Bid/Resolution#.*

4. Buy from a federal General Services Administration or other federal contractor as authorized and described in Local Finance Notice 2004-21.

   Sound procurement practices should limit the use of GSA or other federal contracts to the following situations:
    a. The contracting agent concludes that bidding is not practicable in order to meet acquisition timing or other criteria appropriate to the circumstances.
    b. The desired items are not available through a state contract or other in-state procurement process (i.e., cooperative purchasing contract, bidding, etc.).

   When using one of these contracts, refer to the federally assigned contract number the vendor received for a contract.
    - Reference the contract number as follows:

      LFN 2004-21/*Vendor_Contract_#*

   The first step in using GSA contracts is to obtain federal pricing by navigating the GSA website. The site may be challenging, but holds a wealth of information. Use the dropdown headings to find products and navigate to the appropriate pages. Please be aware that non-federal agencies cannot use website features that allow direct purchasing from GSA or vendor.

   The following are other important considerations in using GSA contracts.
    a. GSA vendors are not obligated to provide non-federal agencies their federal pricing or services; the vendor must choose to extend pricing and any related services to counties. If a vendor is hesitant to provide federal GSA pricing, county procurement officials can make it clear the basis

for the county's selection is a state law permitting it to waive bidding and accept federal pricing as the basis for a contract award. Such an action does not legally invoke any federal contract obligations or extend any rights to the county. Therefore, purchasing agents should ensure that the vendor will voluntarily extend those GSA terms and conditions to their purchase.

b. GSA prices are considered "ceiling" prices – that the price the county pays cannot exceed the GSA listed price for the item. Counties may be able (and are encouraged) to negotiate lower than posted prices based on market conditions, quantity, or other variables in the procurement process.

c. Counties are generally limited to buying only those items listed as GSA items. If the item needed by a county is available from a GSA vendor and is not in the vendor's GSA contract, but is similar or consistent with other items in the vendor's contract, the county may make the purchase from the GSA vendor, subject to the following requirements (which should be certified as part of the purchase order documentation):

- The item is consistent with the nature of the other goods available under the vendor's GSA contract.
- The item or an equivalent is not available on another GSA contract or from another GSA vendor.
- By awarding the contract, the contracting agent is satisfied that the price is competitive with the market and is similar to other items offered under the contract.

5. Buy from any vendor participating in the U.S. Defense Logistic Agency Prime Vendor Program. This program uses the federal agency as a "buying agent" for the county and provides access to a wide range of goods. The program is described in Local Finance Notice 2004-6 and additional information on the program is on the EREPP website.

   The same principles that apply to using GSA or other federal contracts apply here, and limits use of Prime Vendor programs to circumstances where:

   - The contracting agent concludes that bidding is not practicable in order to meet acquisition timing or other criteria appropriate to the circumstances.
   - The desired items are not available through a state contract or other in-state procurement process (i.e., cooperative purchasing contract, bidding, etc.).
     - For prime vendor contracts, use the reference:

       LFN 2004-6/*Name_of_Prime_Vendor*

6. Buy under a purchasing agreement made between the State Director of the Division of Purchase and Property and any other state or other state's political subdivision. At this time there are no such interstate agreements. If a county becomes aware of goods available from a non-New Jersey government agency that are not available at competitive pricing under any other contracting model, it should provide the information to their State OEM contact, who will then provide the information to State procurement officials for a determination. Reference information will be provided, as need dictates.

7. Counties can join other co-ops, such as public school cooperative purchasing programs that have included a variety of IT and audio-visual-photo equipment and supplies. The Educational Cooperative Pricing System (#26-EDCP) is the largest one of these and is managed by a private company, Educational Data Services, Inc. Use of the system will require the county to join the co-op (passing an enabling resolution). Detailed information on available commodities and joining this co-op are

available from Alan Wohl at 973-340-8800 x18 or by e-mail at alanw@ed-data.com. Additional program information is available on its website at www.ed-data.com.

8. If permission is authorized on a product-by-product basis, piggyback on a state contract awarded by waiver (i.e., Alcotest machines). County officials have been provided with a list of potential waiver items. If those items are needed, please advise the county's State OEM liaison of the information and they will have it reviewed by State procurement staff.

Please refer questions on any of these matters to the Division at lpcl@dca.state.nj.us or 609-292-7842.

Approved: Susan Jacobucci, Director

Page #	Text	Link
1	Local Finance Notice 2004-21	http://www.state.nj.us/dca/lgs/lfns/04lfns/2004-21.doc
2	Local Finance Notice 2004-21	http://www.state.nj.us/dca/lgs/lfns/04lfns/2004-21.doc
2	GSA website	www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=8199&channelPage=%2Fep%2Fchannel%2FgsaOverview.jsp&channelId=-13460
3	Local Finance Notice 2004-6	http://www.state.nj.us/dca/lgs/lfns/04lfns/2004_6.doc
3	on the EREPP website	http://www.state.nj.us/dca/lgs/lpcl/index.shtml#EmergResponder

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO APPROVE A PILOT PROGRAM FOR EXTENDED HOURS AT PROPERLY LICENSED SIDEWALK CAFES

WHEREAS, the City of Hoboken's restaurants are typically slower in the summer months and the weather lends itself to outdoor dining: and,

WHEREAS, extending the hours of operations of sidewalk cafes on Friday and Saturday nights will allow for an extra hour of outdoor dining for residents and visitors; and

WHEREAS, this Pilot program will be a way to determine if extended weekend hours in summer months is beneficial to the community.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes extended hours from 8AM until 12:00AM (midnight) for properly licensed sidewalk cafes on the following dates:

- Friday, August 17, 2012
- Saturday, August 18, 2012
- Friday, August 24, 2012
- Saturday, August 25, 2012
- Friday, August 31, 2012
- Saturday, September 1, 2012; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and the City Clerk 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: August 15, 2012

APPROVED:

_____
Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

_____
Mellissa Longo
Interim Corporation Counsel

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

Introduced by: _____
Seconded by: _____

12

CITY OF HOBOKEN
RESOLUTION NO. :___

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH CHASAN LEYNER & LAMPARELLO PC AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF $3,185.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Chasen Leyner & Lamparello PC did not respond to; and,

WHEREAS, Chasen Leyner & Lamparello PC, however, has special expertise and intricate knowledge of the below listed litigation because it is currently representing the City of Hoboken in outstanding litigation which carries over from last year as follows:

1. Monroe Center Development v. City of Hoboken, Docket No. HUD-L-6452-10

WHEREAS, Chasen Leyner & Lamparello PC, is thereby exempt from the fair and open process for those pieces of litigation it is currently representing the City in, due to its special knowledge and expertise, and it is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $3,185.00 is available in the following appropriations 02-01-20-156-020 **in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Chasen Leyner & Lamparello PC to represent the City as Special Legal Counsel-Outstanding Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Three Thousand One Hundred Eighty Five ($3,185.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover only those matters expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other contract which Chasen Leyner & Lamparello PC has with the City during the contact duration described herein; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: Chasen Leyner & Lamparello PC shall be paid maximum hourly rates of $150.00/hour for attorneys, $50.00/hour for paralegals, and $20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Chasen Leyner & Lamparello PC; 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 and Corporation Counsel 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: May 2, 2012

APPROVED:

Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

Mellissa Longo
Interim Corporation Counsel

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

13

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO PERUCCI STEINHARDT & FADER, LLC AS SPECIAL LEGAL COUNSEL-LABOR NEGOTIATIONS COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE AUGUST 15, 2012 AND EXPIRE AUGUST 14, 2013 FOR A TOTAL NOT TO EXCEED AMOUNT OF $20,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Perucci Steinhardt & Fader LLC responded to; and,

WHEREAS, the evaluation committee scored Florio Perucci Steinhardt & Fader LLC's proposal among the highest for said services, and as a result, the Administration has presented Florio Perucci Steinhardt & Fader LLC as the City's Special Legal Counsel- Labor Negotiations Counsel, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, Florio Perucci Steinhardt & Fader LLC is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $20,000.00 is available in the following appropriations 2-01-20-157-020 **in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Perucci Steinhardt & Fader LLC to represent the City as Special Legal Counsel- Labor Negotiations Counsel be awarded, for a term to commence August 15, 2012 and expire August 14, 2013, for a total not to exceed amount of Twenty Thousand ($20,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Perucci Steinhardt & Fader LLC shall be paid maximum hourly rates of $150.00/hour for attorneys, $50.00/hour for paralegals, and $20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, that Florio Perucci Steinhardt & Fader LLC was appointed earlier in 2012 to provide investigative services to the City with regards to an Affirmative Action issue, and the herein contract and not to exceed amount shall include the within described investigative services; and,

BE IT FURTHER RESOLVED, litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm's services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Florio Perucci Steinhardt & Fader LLC; 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 and Corporation Counsel 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: August 15, 2012

APPROVED:

Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

Mellissa Longo
Interim Corporation Counsel

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

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AWARDS A CONTRACT TO STANS SPORT CENTER INC. THROUGH ITS STATE OF NEW JERSEY CONTRACT NUMBER 81164 FOR SPORTING GOODS AND SPORTING SUPPLIES FOR THE HOBOKEN RECREATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS ($150,000.00)

WHEREAS, N.J.S.A. 40A:11-5 allows municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Stan's Sport Center Inc. has been approved as a State Contractor pursuant to Contract Number 81164 and,

WHEREAS, the City of Hoboken's Recreation Department is in need of sporting goods and sporting supplies, for which goods Stan's Sport Center Inc. has agreed to contractual rates with the State; and,

WHEREAS, the funds are available for this contract, in an amount not to exceed one hundred fifty thousand ($150,000.00) dollars for CY2012.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $150,000.00 **is available in the following appropriations _____ in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide sporting goods and sports equipment for a one year period, to commence January 1, 2012 and terminate December 31, 2012, at individual costs of goods which do not exceed those listed in its contract with the State of New Jersey, and for a total not to exceed amount of one hundred fifty thousand ($150,000.00) dollars, as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:

   Stan's Sport Center Inc.
   (State of New Jersey Contract 81164

Reviewed:

Quentin Wiest
Business Administrator

Approved as to form:

Mellissa Longo, Esq.
Interim Corporation Counsel

Date of Meeting: August 15, 2012

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

Alysia Proko

From: Al Dineros <ADineros@hobokennj.org>
Sent: Thursday, August 09, 2012 2:16 PM
To: 'Alysia Proko'
Subject: RE: state contract number - stan sports

Notice of Award
Term Contract(s)

T-0118
SPORTING GOODS - STATEWI

Vendor Name & Address:	STANS SPORT CENTER INC 528 WASHINGTON STREET HOBOKEN, NJ 07030
Contact Person:	DANIEL DECONGELIO
Contact Phone:	201-798-4466
Order Fax:	201-798-7722
Contract#:	81164
Expiration Date:	04/30/15
Terms:	NONE
Delivery:	14 DAYS ARO
Small Business Enterprise:	YES
Minority Business Enterprise:	NO
Women Business Enterprise:	NO
Cooperative Purchasing *:	YES

*** WILL VENDOR EXTEND CONTRACT PRICES TO COOPERATIVE PURCHASING PARTICIPANTS**

From: Alysia Proko [mailto:aproko@hobokennj.org]
Sent: Thursday, August 09, 2012 1:44 PM
To: 'Al Dineros'; 'Leo Pellegrini'
Cc: 'Mellissa Longo'; 'Daniel Bryan'; 'Quentin Wiest'
Subject: state contract number - stan sports
Importance: High

I cannot find stan sports on the state contract list. Can you please confirm their state contract number as soon as possible. Thank you.

INTRODUCED BY:_____
SECONDED BY:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUESTS FOR QUALIFICATION FOR FINANCIAL ADVISORS

WHEREAS, it is necessary for the City of Hoboken to engage, from time-to-time, the services of a qualified firm and/or professional to provide Professional Services for Financial Advisors; and,

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the State "Pay to Play" Law took effect on January 1, 2006; and,

WHEREAS, the City has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et. seq., by issuing a Request for Qualifications for Financial Advisors; and,

WHEREAS, the City is in receipt of responses to the issued RFQ; and

WHEREAS, the City's review team has determined that the below listed respondents to the RFQ are each qualified to be considered by the City Administration, if and when the Administration finds it necessary to engage the services of such respondent;

NOW, THEREFORE, BE IT RESOLVED by the City of Hoboken that the below listed respondents be and are hereby determined to have submitted qualifying responses to the issued RFQ:

- Phoenix Advisors, LLC of Bordentown, New Jersey
- Acacia Financial Group, Inc. of Marlton, New Jersey
- Public Finance Management, Inc. of New York, New York
- NW Financial Group, LLC of Hoboken, New Jersey

Dated: August 15, 2012

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				

Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

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Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO AWARD PROFESSIONAL SYSTEM ENTINEERING LLC AS VOICE DATA CONSULTANT SERVICES FOR A ONE YEAR TERM WITH A NOT TO EXCEED AMOUNT OF $71,500.00

WHEREAS, the City advertised RFP's for Voice Data Consultant Professional Engineering Services; and,

WHEREAS, Professional System Engineering, LLC responded to the City's RFP with a proposal which was evaluated by the Evaluation Committee as the best proposal to advance the City's purposes, including but not limited to cost effectiveness; and,

WHEREAS, the Council seeks to award contract to Professional Systems Engineering LLC for a one year term as the City's Voice Data Consultants with a not to exceed amount of $71,500.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $71,500.00 is available in the following appropriations C-04-60-711-320 **in the City's 2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED that the contract with Professional System Engineering LLC for Voice Data Consultant Services the City of Hoboken be hereby awarded for a one (1) year period, with a not to exceed amount of Seventy One Thousand Five Hundred Dollars ($71,500.00) pursuant to the City's RFP and the proposal of Professional System Engineering LLC and such other terms and conditions which may be added to the agreement which seek to further enhance the City's interests, as the Administration authorizes; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of the contractor; and

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

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

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

Meeting date: August 15, 2012

APPROVED: APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa Longo
Interim Corporation Counsel

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

Budget Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail

Account: C-04-60-711-320

Desc: Z149C Phone System

Acct Type: Line Item Control

Chk Acct: CAPITAL

Cap Flag:

Fund Type: Capital/Trust

Class Id:

Class Id 2:

Activity | Misc | G/L Accounts

Activity To Date:				Current Period:	
Encumber:	.00	Budgeted:	453,755.00	Expended:	.00
Expended:	.00	Balance:	453,755.00	Trans-In:	.00
Trans-In:	.00			Trans-Out:	.00
Trans-Out:	.00	YTD Requested:	.00	Reimburse:	.00
Reimburse:	.00	Requested Balance:	453,755.00		
Cancel:	.00				

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Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO AMEND AND EXTEND THE CONTRACT WITH BOSWELL ENGINEERING FOR CITY WATERFRONT ENGINEER FOR A ONE YEAR TERM TO BEGIN MAY 1, 2012 AND EXPIRE APRIL 30, 2013, WITH A NOT TO EXCEED AMOUNT OF $680,000.00

WHEREAS, the City previously appointed and contracted for the professional services of Boswell Engineering to act as the City's Waterfront Engineering Firm; and,

WHEREAS, the City wishes to extend the waterfront engineering contract with Boswell Engineering for a one year period, to commence May 1, 2012 and expire April 30, 2013, with a not to exceed amount of Six Hundred Eighty Thousand Dollars ($680,000.00); and,

WHEREAS, Boswell Engineering is hereby required to continue 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 a continuing emergent need for the specialized expertise Boswell Engineering has obtained with regards to the current and future projects and issues related to Waterfront Engineering within the City of Hoboken, which therefore exempts the need for utilization of request for additional proposals under the fair and open process; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $680,000.00 **is available in the following appropriations C-04-60-709-400 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED (*a majority of the full membership concurring*) that the contract with Boswell Engineering for service to the City as the City's Waterfront Engineer be hereby extended and amended for an additional one (1) year period, with a not to exceed amount of Six Hundred Eighty Thousand Dollars ($680,000.00); the remainder of the contract shall remain unchanged and shall continue in accordance with the original request for proposals and Boswell's corresponding proposal; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Boswell Engineering; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions

necessary to complete and realize the intent and purpose of this resolution; and

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

Meeting date: August 15, 2012

APPROVED:

Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

Mellissa Longo
Interim Corporation Counsel

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

Sponsored: _____
Seconded: _____

Dedication by Rider

The City of Hoboken *of* ***The County of Hudson***
Resolution No. _____

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR ***Green Team Trust Fund***
REQUIRED BY **N.J.S.A. 40A:5-29 (Donations)**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, insert ***N.J.S.A. 40A:5-29*** provides for receipt of ***donations*** by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the ***Green Team Trust Fund*** are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the ***City*** of ***Hoboken,*** County of **Hudson,** New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the ***Green Team Trust Fund***

2. The Clerk of the ***City of Hoboken***, County of ***Hudson*** is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this _____day of _____, 20__
and certified as a true copy of an original.

_____

James Farina, Registered Municipal Clerk

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

Introduced by:_____

Seconded by:_____

CITY OF HOBOKEN

RESOLUTION NO: _____

RESOLUTION APPROVING THE ACTION OF THE ADMINISTRATION TO AUCTION BICYCLES DEEMED ABANDONED BY THE CITY OF HOBOKEN ONLINE

WHEREAS, the Administration has taken possession of numerous bicycles that have been deemed abandoned; and,

WHEREAS, the Administration desires to sell these abandoned bicycles in an "as is" condition; and,

WHEREAS, the Purchasing Agent, Department of Administration, requests authorization of the Council to dispose of the abandoned bicycles held by the City of Hoboken at online auction, the said authorization pursuant to law, now, therefore,

BE IT RESOLVED, the Purchasing Agent, Department of Administration, or his duly authorized representative, is hereby authorized to expose for sale the abandoned bicycles set forth on the attached list by way of online auction pursuant to law.

MEETING ON: 15 August, 2012

APPROVED:

_____
Al Dineros
Purchasing Agent

APPROVED AS TO FORM:

_____
Mellissa Longo
Interim Corporation Counsel

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

Michael Russo				
President Peter Cunningham				

List of Bicycles on Auction

I.D #	Make	Model	Serial #	Color
#1	Magna	Glacierpoint	VCG8801	gr
#2	U/K	U/K	M69959208613F9943	painted wht
#3	Cutler 8	Origin	A0F07749	gy
#4	Sims	Jr. Pro	G100408437	blk
#5	Schwinn	Ranger	SNMNG10A14910	red
#6	MGX	DS-7000	SNFSD07A36848	red
#7	Trek	Single track	1651880	gr/blk
#8	Magna	2XDual Susp.	SL09093963	blk
#9	Mountain sp.	Columbia	0150706	blk
#10	Specialized	Hotrock	AE05C05009	blu
#11	Raleigh	SC7	13-N (partial#)	gy/blk
#12	Jamis	Citizen	U23Y58743	sil.
#13	Huffy	Inkoto	AL07C096496	blu
#14	GT	Palomar	7KN32883	red
#15	Schwinn	Windwood	SNFSD08GC3868	red
#16	K-2	Zed	U36Y28338	sil
#17	BCAmerica	Rover	H8D94481	pink
#18	Mongoose	Tactic	SNFSD08CG4955	gr
#19	Pacific	Blaze	HM0284565	sil
#20	Pacific	SX200	C99T4843	sil
#21	Dyno	(painted)	SNFSD08CW452423	blu
#22	Cannondale	M300	02329B5N16	blu
#23	Fox River	All Terrain	None visible	gy (painted)
#24	U/K	U/K	44086836	blu (painted)
#25	Rhino	BMX	00TD451500	sil
#26	Schwinn	Ranger 2.4	14044084-0 (partial)	purple
#27	Pacific	Flash	HN2303065	sil
#28	Trek	800 Sport	TRT0415C20J0494	blk
#29	Trek	Multi Trak	ITK4A)5263	red/sil.

I.D.#	Make	Model	Serial #	Color
#30	Huffy	Barron	81318HUFFY26658	red
#31	Specialized	Hardrock	DOJH56902	Sil/blk
#32	Zebrakenko	025	70-674	red
#33	Magna	Excitor	74297632-SFCYD	red
#34	Huffy	Single gear	92471Huffy26424	red
#35	Free Spirit	u/k	M4579254613F002	purple
#36	Rallye	Vista	None	wht
#37	Huffy	New World	2461429097514H7575	purple
#38	None visible	Elevation	STH0096341	blk
#39	Magna	Alpine Eagle	90TD503885	purple
#40	Raleigh	Record	084730	sil
#41	Huffy	None	246049682434H	red
#42	Murray	Nassau	None	red
#43	Murray	Baja	None	teal
#44	Savoy	u/k	None	brown
#45	Rallye	MTB	97TD333504	blk
#46	Mongoose	None	M5L3566	blu
#47	Schwinn	Breeze	None	blu
#48	Freespirit	Tailwind	CS0274396	Blu/gy
#49	Mongoose	Rockodile	HADJF24411	red
#50	Specialized	Stumpjumper	SBF092	blu
#51	Fuji	Crosstown	ICF6L05674	pink
#52	Freespirit	None	M000446313	blu
#53	Honda	Trailpilot	MC04M03Y	red
#54	Goffa	None	TA1K06470	purple
#55	Giant	Rincon	MR174284	red
#56	Schwinn	Frontier	None	blu
#57	Murray	None	None	green
#58	Pacific	Platinum	SNFS005F53676	yel/blk
#59	Paragon	Hammerhead	YJ94094455	blu
#60	Next	BMX	001D888395	blk
#61	Duracycle	Ranger	K96701127	red
#62	BMX	u/k	None	blk
#63	Raleigh	Sport	None	blu
#64	Huffy	None	HC1370876	wht/purple
#65	Savoy	TX200	A870586975	purple
#66	Rallye	None	None	wht

#67	Giant	Rincon	GS954966	blk
#68	Raleigh	Spirit	None	brown
#69	Murray	None	None	blu
#70	Mongoose	Solution	VC2C012617	blu
#71	Huffy	Baron	K66099075413FU	red
#72	Shelby	Eagle	B8-69324	blu
#73	Diamondback	Sorrento	D6L0018500	blu
#74	Fuji	Sunfire	CF3H09736	Red/sil/blk
#75	Specialized	Hardrock	GY968683	blk
#76	Malibu	u/k	59319635	sil
#77	Royce Union	Royal MT	L970303898	green
#78	Diamondback	Outlook	ACS7B06201	blk
#79	Giant	Cypress St	C45C3540	Red/sil

CITY OF HOBOKEN
COUNTY OF HUDSON
PUBLIC NOTICE

TAKE NOTICE that the undersigned shall expose the attached list of abandoned bicycles for sale pursuant to law at online auction. The bicycles have been deemed abandoned by the Administration of the City of Hoboken.

The abandoned bicycles on the attached list shall be sold "as is" and with no express or implied warranties from the City of Hoboken. The abandoned bicycles may be inspected at the Central Garage (intersection of Willow Street and Observer Highway) between the hours of 9 a.m. and 1 p.m. on Saturday, September 15, 2012.

The address of the auction site is www.govdeals.com. All bidders must pre-register at www.govdeals.com. All successful bidders will be required to sign a release in favor of the City of Hoboken.

The undersigned shall reserve the right to withdraw any of this equipment being auctioned individually. The undersigned also reserves the right to sell all remaining bicycles as scrap in one unit after the online bidding for individual bicycles has concluded.

The City of Hoboken reserves the right to accept or reject any bids submitted.

Al Dineros
Purchasing Agent

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Sponsored By:_____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

AUTHORIZING THE CITY OF HOBOKEN TO PARTICIPATE IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM FOR THE JULY 1, 2012 TO JUNE 30, 2013 TERM, ACCEPTING THE $70,000.00 GRANT FROM THE PROGRAM AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED AGENT FOR THE DURATION OF THE PROGRAM

WHEREAS, the City of Hoboken has been approved by the State of New Jersey Department of Community Affairs for participation in the program known as "State Local Cooperative Housing Inspection Program" which would provide the City of Hoboken with $70,000.00 to effectuate proper housing inspections of multiple family dwellings, hotels and motels within the City limits; and,

WHEREAS, the City Council of the City of Hoboken finds it advantageous for the City to accept participation into this program to help effectuate proper inspections of the numerous multiple family dwellings within the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City is authorized to participate in the State of New Jersey State Local Cooperative Housing Inspection Program for the term commencing July 1, 2012 and terminating June 30, 2013;

BE IT FURTHER RESOLVED, the City of Hoboken accepts the $70,000.00 allocated grant for participation in the program; and,

FURTHER RESOLVED, that the Mayor, or her designee, is hereby authorized on behalf of the City of Hoboken to:

1. Execute and furnish any documentation necessary to effectuate the City's participation in this program and funding for participation in this program;
2. Act as authorized agent and correspondent for the City of Hoboken; and,
3. Execute necessary contracts, as needed, to have the funding awarded.

Meeting Date: August 15, 2012

Reviewed by:

Quentin Wiest
Business Administrator

Approved as to form:

Mellissa Longo, Esq.
Interim Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				

Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 810
TRENTON, NJ 08625-0810

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

July 1, 2012

I am pleased to inform you that your municipality is authorized, subject to the conditions set forth in the enclosed document entitled "Conditions of Authorization", to perform inspections on behalf of the Bureau of Housing Inspection. The reservation of funds and authorization to inspect is effective upon our receipt of two signed copies of the Division of Codes and Standards Director, Edward M. Smith's letter, which is enclosed.

The authorization hereby conferred is subject to revocation in the event that the work submitted by your municipality is inadequate as to either quality or quantity or in the event of any other failure to comply with the enclosed Conditions of Authorization.

It is my pleasure to forward Director Smith's letter reserving funds to pay your municipality for inspections of hotels and multiple dwellings pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and the Regulations for Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1 et seq. If, during the course of the year, you anticipate your earnings to exceed the amount of the reservation, please contact Supervisor George Eaton at (609) 633-6240, so that appropriate action can be taken.

Sincerely,

Edwin S. Tomkiewicz
Acting Chief
Bureau of Housing Inspection

RECEIVED
JUL 17 2012
OFFICE OF THE MAYOR
HOBOKEN, N.J.

State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 810
TRENTON, NJ 08625-0810

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Acting Commissioner

July 1 2012

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

Re: State Local Cooperative Housing Inspection Program

Dear Mayor Zimmer:

On behalf of Governor Chris Christie and the New Jersey Department of Community Affairs, it is my pleasure to welcome the City of Hoboken's participation in the State Local Cooperative Housing Inspection Program. Under this Program, your municipality has requested and received authorization to conduct the State mandated inspections of hotels and multiple dwellings within its jurisdiction on behalf of the Bureau of Housing Inspection during the period from July 1, 2012 to June 30, 2013. This Authorization is based upon the requirement that these inspections and their related activities be conducted in strict accordance with the Conditions of Authorization enclosed with this letter.

In order to pay your municipality for conducting these State inspections during Fiscal Year 2013, the Bureau has allocated the sum of $70,000.00. This amount is based upon the number of hotels, motels and multiple dwellings in your municipality that will require inspection during Fiscal Year 2013. In addition to the current inspections, this number may also include inspections determined by the Bureau to be overdue.

To indicate your acceptance of this authorization, please sign both copies of this letter and return one copy to **George Eaton, Supervisor of the State Local Cooperative Housing Inspection Program, Bureau of Housing Inspection, Post Office Box 810, Trenton, New Jersey 08625-0810. Please retain the other copy for your files.**

I thank you for your interest in the Department's State Local Cooperative Housing Inspection Program and look forward to working with you during the upcoming months toward our common goal of ensuring safe and decent housing within your municipality.

Sincerely,

Edward M. Smith
Director
Division of Codes and Standards

Dawn Zimmer, Mayor
Hoboken
Enclosure

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State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 810
TRENTON, NJ 08625-0810

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Acting Commissioner

July 1 2012

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Sincerely,

Edward M. Smith
Director
Division of Codes and Standards

_____
Dawn Zimmer, Mayor
Hoboken
Enclosure

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CONDITIONS OF AUTHORIZATION

Definitions - Unless otherwise indicated, the within terms shall have the following meanings:

Act - Act shall mean the Hotel and Multiple Dwelling Law (P.L. 1967, C. 76 as amended, N.J.A.C. 55:13A-1 et seq.).

Building - Building shall mean a multiple dwelling as defined by the N.J.S.A. 55:13A-3(k) or a hotel as defined by N.J.S.A. 55:13A-3(j) subject to the jurisdiction of the Bureau of Housing Inspection.

Bureau - Bureau of Housing Inspection.

Certificate of Inspection - shall mean the certificate issued by the Bureau, pursuant to N.J.S.A. 55:13A-13, to the owners of the buildings that are found to be in compliance with the Regulations.

Certificate of Registration - shall mean the certificate issued by the Bureau, pursuant to N.J.S.A. 55:13A-12, to the owners of buildings that have been properly registered.

Commissioner - Commissioner shall mean the Commissioner of Community Affairs.

Department - Department shall mean the Department of Community Affairs

Local Enforcing Agency (LEA) – A permanent municipal, county or interlocal agency maintained for the purpose of conducting inspections and enforcing building maintenance laws, ordinances, codes and rules, that is supervised by, and has all hotel and multiple dwelling inspections performed by, persons licensed under N.J.A.C. 5:10-1 et seq.

Municipality - Municipality shall mean the municipality or county authorized by a letter transmitted together herewith to perform inspections on behalf of the Bureau.

Owner - Owner shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling.

Registration - Registration shall mean registration of a hotel or multiple dwelling in accordance with N.J.S.A. 55:13A-12.

Regulations - Regulations shall mean the current Regulations for the Maintenance of Hotels or Multiple Dwellings (N.J.A.C. 5:10-1.1 et seq.) promulgated pursuant to N.J.S.A. 55:13A-7.

Shall – As used in this Conditions of Authorization, is always to be construed as mandatory.

1. The Municipality shall comply with all provisions of the Act and Regulations whether explicitly referred to herein or not, and with all directives of the Bureau issued pursuant thereto.

2. The Department shall create a reservation for the purchase of inspection services from the Municipality during the period from July 1 to the following June 30 and shall give notice to the Municipality of the amount of such reservation for this period. The Municipality may make requisitions against this Reservation in amounts not to exceed credits earned under Paragraph 7 Section A, B, and C at the time of requisition. Said reservation may be decreased by the Department, if in its sole discretion, it determines that the Municipality cannot reasonably be expected to do enough work satisfactory to the Department to earn the full amount of the Reservation before the end of the State's fiscal year.

3. The Municipality shall perform the following services:

   A. The Municipality shall identify all unregistered or improperly registered buildings within the Municipality. A separate information form prescribed by the Bureau shall be completed and promptly forwarded to the Bureau for each such building.

   B. The Municipality shall be obligated to keep the local registry accurate by promptly reporting to the Department all transfers of ownership, demolitions, alterations, and construction of buildings within the Municipality and by reporting all errors that may appear.

   C. The municipality or county shall inspect, in each State fiscal year, all of the multiple dwellings and hotels and units of dwelling space therein which the Bureau determines to be subject to cyclical inspection in that fiscal year.

   D. **The inspections, that are required to be performed pursuant to Paragraph C above, shall be completed and submitted, to the Bureau within 90 days of their date assigned.**

   E. All buildings are to be inspected in accordance with the most recently promulgated Regulations.

   F. The Municipality shall, in addition to whatever local procedures it chooses to adopt, make an inspection report concerning each inspected building upon forms prescribed by the Bureau. The local program official(s) designated by the Municipality and approved by the Department shall sign all inspection and reinspection reports submitted to the Bureau. Such reports shall include the name of the inspector who performed the inspection and shall be submitted to the Bureau not less frequently than once per month. In the event that an inspection of a building discloses a violation of the Regulations constituting an imminent hazard to the health, safety and welfare of its occupants, the Municipality shall without delay transmit its inspection report and findings to the Bureau for appropriate action. All reports submitted to the Bureau, which disclose violations shall be clearly segregated from reports, which disclose no violation.

G. When specifically requested by the Bureau, the Municipality shall conduct, within one week of the request, reinspection of those buildings where violations were discovered at the time of the original inspection. The Municipality shall make a reinspection report concerning each building upon forms prescribed by the Bureau and forward such reports to the Bureau upon completion thereof. No reinspection reports will be accepted for credit unless all original reported violations have been reinspected. The Bureau shall be responsible for any other functions of the enforcement procedure, which can be undertaken on a local level. **Only the Bureau shall grant extensions of time to complete abatement.**

H. The Municipality shall provide the Department with such information as may be necessary to determine the eligibility of the Municipality for funds that may be requisitioned by it under the Paragraph 7 hereof; including without limitation, copies of past, current and projected operation budgets and tables of organization for the Municipal Departments undertaking inspection and related duties. The Municipality shall also supply the Bureau with a list of appropriate totals of those buildings within its boundaries, which are not registered or inspected by the end of each State fiscal year.

I. The Municipality shall be solely responsible for compliance with Local, State, and Federal Law pertaining to the dislocation and relocation of individuals, families and businesses. Nothing herein shall limit the Municipality from applying to the Department for relocation assistance, as it may deem necessary.

J. The Municipality shall perform, within its boundaries, inspections of those buildings that are the subject of complaints received by the Bureau. Such inspections shall be complete and performed in accordance with Paragraph 3, Section D and included in the regular cycle of inspections. However, in the event that the building, which is subject of the complaint; has been issued a valid Certificate of Inspection, by the Bureau, the first inspection and reinspection shall be limited to the subject matter of the complaint.

K. All persons employed by a municipality or county to perform inspections under the Multiple Dwelling Act, shall be licensed pursuant to N.J.A.C. 5:10-1B. Inspectors acceptable and certified by the Bureau shall perform all inspections pursuant hereto. The Municipality shall provide to the Bureau two passport photos and both resumes and Conflict of Interest Questionnaires, of all inspectors whom the Municipality intends to assign to perform inspections pursuant hereto. No inspector disapproved by the Bureau shall perform any inspections pursuant hereto. Upon request of the Bureau, the Municipality shall provide to the Bureau such further information concerning any inspector whom the Municipality assigns or intends to assign to perform inspections pursuant hereto as the Bureau may require. In the event that the Bureau deems the quality of an inspector's work to be unsatisfactory and so advises the Municipality, then the Municipality shall immediately cease to assign inspections required to be performed pursuant hereto to the said inspector. Upon termination of an inspector, the photo ID supplied by the Bureau shall be returned to the Bureau immediately. All inspectors assigned by the Municipality to perform inspections pursuant hereto shall attend, and shall be required by the Municipality to attend, training sessions scheduled by the Bureau when such attendance is required by the Bureau and any such inspector is not specifically excused by the Bureau.

Inspections made in conjunction with newly constructed or converted buildings as described in N.J.S.A. 52:27D-119 et seq. are not authorized.

L. In the event that the municipality chooses to establish itself as a Local Enforcement Agency (LEA) pursuant to N.J.A.C. 5:10-1A, the municipality will be removed from the State-Local-Cooperative-Housing-Inspection-Program upon passage of the municipal ordinance that establishes them as an LEA, All previously completed and outstanding inspections, reinspections, etc. become the responsibility of the Bureau of Housing Inspection until their completion. All outstanding assignments shall be returned to the Bureau for completion once the LEA is established.

4. The Department or Bureau shall do the following:
   A. The Bureau shall supply the Municipality with a listing of all buildings within the Municipality's boundaries registered or on file with the Bureau, and such other information regarding inspection and enforcement activities of the Municipality and the Bureau as may reasonably be required.

   B. The Department shall furnish to the Municipality all forms or documents, which are or may become necessary to carry out the duties assumed hereunder.

5. The Bureau, upon receipt of each inspection report disclosing a violation or violations, may initiate whatever enforcement or compliance proceedings, as it deems fit and appropriate.

6. The Department shall credit the Municipality in accordance with the following formulas:

   A. Upon formal registration of each building not now registered, the Municipality shall be credited with an amount of $10.

   B. The Municipality shall be credited for inspections performed as follows: $23 per unit for up to and including 7 units, $15 per unit for the next 16 units, $12 per unit for the next 24 units, and $9 per unit for all units in excess of 47 units. Credits for projects will be calculated in the same manner using the total number of units in the project as a base. Credit for reinspection will be $8 per unit reinspected with a minimum of $10 per building. In the event of Administrative hearings and/or court appearances, the Department shall credit the Municipality with a maximum of $25 per full day for each municipal witness required to appear. Without prior permission, Municipal attendance at Departmental hearings shall be limited to one person per day.

   C. The Municipality shall be credited with $10 for each transfer of ownership, or creation of a building when the Municipality is responsible for such information reaching the Department in the first instance.

   D. The Municipality shall be credited with an amount of $10 per unit for each first inspection and each reinspection when the inspection is performed as a result of a complaint received by the Bureau, and when the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau. In the event that the building complained of has not been issued a Certificate of Inspection, the Municipality will be credited in accordance with Paragraph 6, Section B for the first inspection and reinspection.

   E. No credit shall be allowed for any work that is not satisfactory to the Bureau.

7. The Municipality may from time to time make requisitions against the Reservation, as may be approved by the Commissioner, up to but not in excess of the amount of credits outstanding in said account as of the date of the requisition; said requisition shall be nevertheless expressly limited to reimbursement to the Municipality for existing or additional expenses incurred in carrying out the duties assumed by it hereunder or to improve its housing inspection program and to supplement the locally approved budget dedicated to local housing inspection programs; provided, however, in the event the Municipality shows to the satisfaction of the Commissioner that such funds are not needed for the above, requisitions may request payment to the general surplus or other account designated by the Municipality.

8. The Municipality shall submit such data as the Department shall from time to time require and shall from time to time make its books available for the Department's inspection at such times as the Department shall require.

9. The Municipality shall conscientiously enforce all local ordinances related to housing and shall proceed under such ordinances with respect to cases referred by the Bureau for enforcement under such ordinances. No payment shall be made by the Bureau for enforcement under local ordinances.

   While the Bureau recognizes that the Municipality may enact a local ordinance requiring inspection and reinspection of the hotels and motels within its jurisdiction provided it is more restrictive than the Hotel and Multiple Dwelling Law, such inspections and reinspections may not be conducted at the same time as those required under this agreement.

   The municipality is prohibited from performing fire inspections in non-life hazard buildings, which fall under the jurisdiction of the Hotel and Multiple Dwelling Law the year the building has its five-year cyclical inspection done. Any fire violations that may exist are to be cited on the report conducted on the behalf of the Bureau of Housing Inspection.

10. It is further agreed by and between the Department and the Municipality that the Municipality shall be solely responsible for and shall keep, save and hold the Department of Community Affairs, Division of Codes and Standards, the Bureau of Housing Inspection and their officers, directors, employees, agents, and servants harmless from all claims, loss, liability, expense, damage, and judgments, including all legal expenses incurred resulting from any and all acts of the Municipality or any of its officers, directors, employees, agents, or any person or persons in connection with the performance of this agreement, or from any and all injury and damage to any property caused by any and all acts of the Municipality or any of its officers, directors, employees, agents, and servants or any other person or persons in connection with the performance of this agreement. The Municipality's liability under this agreement shall continue after the termination of this agreement with respect to any liability, claims, loss, expense, damage, or judgment resulting from acts occurring prior to termination.

    The Municipality further shall be solely responsible to defend any and all suits that may be brought against the Department, the Division, or the Bureau or any of its officers, directors, employees, agents or servants on account of any and all acts of the Municipality, and will make good to, and reimburse the Department for any expenditures that the Department may make by reason of such acts

11. The Department expressly reserves the right, as its option, to carry out inspection and enforcement activities within the boundaries of the Municipality, as it deems necessary to fulfill the duties imposed upon it by the Act or to assure faithful conformance of the Municipality with the duties and responsibilities assumed hereunder.

12. The Municipality shall not utilize any funds received pursuant hereto to employ or otherwise compensate any employee of the Department of Community Affairs who has directly participated in the negotiation or approval of this Authorization.

13. This Authorization may be terminated at any time by the Department for any of the following reasons: 1) failure for any reason of the Municipality to fulfill in a timely manner any of the conditions herein set forth; 2) submission of reports by the Municipality to the Department that are incorrect and incomplete in any material respect; 3) improper use of funds provided pursuant hereto; 4) any conduct on the part of a municipal employee which would constitute a violation of the New Jersey Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., if that conduct were engaged in by a State employee. In the event of termination, the Municipality shall deliver to the Department all inspection reports and registration information in its possession.

14. This Authorization shall be effective as of the date stated in the letter of authorization and shall continue in effect until revoked by the Department.

15. The Authorization hereby conferred shall be deemed to be extended to the territory of one or more other local units of government upon submission by the Municipality and by such other local unit(s) of government of proof of compliance with the requirements of the Interlocal Services Act (N.J.S.A. 40-8A et seq.).

SLCHIP

PAYMENT SCHEDULE
Effective July 1, 2005

UNITS INSPECTED

@ $23 per unit		@ $12 per unit		@ $9 per unit		$9		$9	
1	23	24	413	48	698	67	869	86	1040
2	46	25	425	49	707	68	878	87	1049
3	69	26	437	50	716	69	887	88	1058
4	92	27	449	51	725	70	896	89	1067
5	115	28	461	52	734	71	905	90	1076
6	138	29	473	53	743	72	914	91	1085
7	161	30	485	54	752	73	923	92	1094
@ $15 per unit		31	497	55	761	74	932	93	1103
8	176	32	509	56	770	75	941	94	1112
9	191	33	521	57	779	76	950	95	1121
10	206	34	533	58	788	77	959	96	1130
11	221	35	545	59	797	78	968	97	1139
12	236	36	557	60	806	79	977	98	1148
13	251	37	569	61	815	80	986	99	1157
14	266	38	581	62	824	81	995	100	1166
15	281	39	593	63	833	82	1004	200	2066
16	296	40	605	64	842	83	1013	300	2966
17	311	41	617	65	851	84	1022	500	4766
18	326	42	629	66	860	85	1031		
19	341	43	641						
20	356	44	653						
21	371	45	665						
22	386	46	677						
23	401	47	689						

Complex scheduled as total units inspected and reinspected (not per building)

REINSPECTION SCHEDULE

$8 per unit no limit, minimum $10 per building

22

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

CULTURAL AFFAIRS STATE AND COUNTY PARTNERSHIP ARTS RE-GRANTEE PROGRAM CY 2012

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available By law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of $5,880.00 from Cultural Affairs State and County Partnership Arts Re-Grantee Program wishes to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....$5,880.00
This is now available as revenue from:
Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Cultural Affairs Partnership Arts Re-Grantee Prog.

NOW, THEREFORE, BE IT RESOLVED that the like sum of: $5,880.00 Be and the same is hereby appropriated under the caption of:
General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Cultural Affairs Partnership Arts Re-Grantee Prog.
Other Expenses $5,880.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

MEETING DATE: August 15, 2012

Approved:

Quentin Wiest
Business Administrator

Approved as to Form:

Melissa Longo
Interim Corporation Counsel

Claims -CASH - Account Date 5/31/2012 Check #4343 $ ***4,410.00
VENDOR: 1730 - CITY OF HOBOKEN

Invoice #	Description	Amount
	First Payment (75%) NJ State Council on the A	4,410.00

⑈004343⑈ ⑆021407912⑆ 7527019464⑈

CHECK IS VOID IF ANY OF THE FOLLOWING SECURITY FEATURES ARE ABSENT. ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER.
CAPITAL ONE BANK

COUNTY OF HUDSON
567 PAVONIA AVE
JERSEY CITY, NJ 07306-1803
Claims -CASH - Account

No. 4343

Date
5/31/2012

$ ***4,410.00

PAY *FOUR THOUSAND FOUR HUNDRED TEN and 00/100*

TO THE ORDER OF
CITY OF HOBOKEN
94 WASHINGTON ST
HOBOKEN NJ 07030

RUBBED IMAGE DISAPPEARS WITH HEAT. SECURITY FEATURES INCLUDED, DETAILS ON BACK. SEE BACK FOR ARTIFICIAL WATERMARK.

⑈004343⑈ ⑆021407912⑆ 7527019464⑈

COUNTY OF HUDSON
OFFICE OF CULTURAL & HERITAGE AFFAIRS
TOURISM DEVELOPMENT
JUSTICE WILLIAM BRENNAN COURT HOUSE
583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
TEL: (201) 459-2070 - FAX: (201) 792-0729
TOURISM: (800) 542-7894

THOMAS A. DeGISE
COUNTY EXECUTIVE

WILLIAM LA ROSA
ADMINISTRATOR

February 24, 2012

Geraldine Fallo
The City of Hoboken
Hoboken City Hall
94 Washington Street
Hoboken, NJ 07030

Dear Ms. Fallo:

*Congratulations! Your **FY 2012** award from the New Jersey State Council on the Arts State/County Partnership Grant administered by the Hudson County Office of Cultural & Heritage Affairs is: **Special Project Support: $5,880.00.***

*Enclosed are two (2) original contracts between the County of Hudson, and your organization, for the administration and distribution of grant moneys for the FY 2011 State/County Partnership Arts Re-Grantee Program. **Please complete the (2) copies of the contract as follows, and return to my attention at the above address.***

1. ***Signature - Page 6 of 6***
2. ***Start and Completion Dates of Project - Annex "A" Page 1***
3. ***Signature - Annex "A" Page 2***
4. ***Signature - Annex "B" Page 1***

Upon receipt of the signed contracts a voucher for the first 75% will be mailed to you.

On behalf of County Executive Thomas A. DeGise and the Board of Chosen Freeholders, I thank you for your continuing service to the people of the County of Hudson.

Sincerely,

Eve Mehos

cc: William La Rosa, Administrator
Enc.

COUNTY OF HUDSON
OFFICE OF CULTURAL & HERITAGE AFFAIRS
TOURISM DEVELOPMENT
JUSTICE WILLIAM BRENNAN COURT HOUSE
583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
TEL: (201) 459-2070 - FAX: (201) 792-0729
TOURISM: (800) 542-7894

THOMAS A DEGISE
HUDSON COUNTY EXECUTIVE

WILLIAM LA ROSA
ADMINISTRATOR

April 26, 2012

Geraldine Fallo
The City of Hoboken
Hoboken City Hall
94 Washington Street
Hoboken, NJ 07030

Dear Ms. Fallo:

Enclosed please find a county voucher in the amount of $4,410.00 which represents the first 75% of your award payment for FY 2012.

Please sign the voucher (does not require notary) and return it to our office at the above address so that we may process for payment.

Sincerely,

Eve Mehos

cc: William La Rosa, Administrator
Enc.

THE OFFICE OF THE COUNTY EXECUTIVE OF THE COUNTY OF HUDSON

REGISTER OF CLAIMS

FOLIO ____

TO: The City of Hoboken
ADDRESS: Hoboken City Hall
94 Washington Street
Hoboken, NJ 07030

DR

DATE OF DELIVERY OR SERVICE	FOR	DOLLARS	CENTS
4/26/12	First Payment (75%) New Jersey State Council on the Arts State/County	$ 4,410	00
	Partnership Arts Block Grant for FY 2012.		
	RESOLUTION #110-3-2011		
	CODE: 67 02-213-40-710-12-3031 2012 TOTAL:	$ 4,410	00

STATE OF NEW JERSEY,) SS
HUDSON COUNTY.) .....

BEING DULY SWORN ACCORDING TO LAW, SAITH THAT THE ABOVE CLAIM AGAINST "THE COUNTY OF HUDSON" IS JUST AND TRUE, AND THAT THE WORK HAS BEEN PERFORMED, AND THE MATERIALS HAVE BEEN FURNISHED. THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITH THE KNOWLEDGE OF SAID DEPONENT IN CONNECTION WITH THE ABOVE CLAIM. THAT IT IS IN ALL RESPECTS A BONA FIDE AND FAIR CLAIM AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.

Subscribed and sworn to before
me this .....)
day of ..... 2011)

.....
Notary Public, New Jersey

X .....
.....
Title

Claims -CASH - Account Date 5/31/2012 Check #4343 $ ***4,410.00
VENDOR: 1730 - CITY OF HOBOKEN

Invoice #	Description	Amount
	First Payment (75%) NJ State Council on the A	4,410.00

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CAPITAL ONE BANK

COUNTY OF HUDSON
567 PAVONIA AVE
JERSEY CITY, NJ 07306-1803
Claims -CASH - Account

No. 4343

Date
5/31/2012

$ ***4,410.00

PAY *FOUR THOUSAND FOUR HUNDRED TEN and 00/100*

TO THE ORDER OF
CITY OF HOBOKEN
94 WASHINGTON ST
HOBOKEN NJ 07030

Cheryl B. Fuller

RUBBED IMAGE DISAPPEARS WITH HEAT SECURITY FEATURES INCLUDED, DETAILS ON BACK. SEE BACK FOR ARTHICIAL WATERMARK

⑈004343⑈ ⑆021407912⑆ 7527019464⑈

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

HOBOKEN PEDESTRIAN SAFETY GRANT– CY 2012

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available By law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of $15,000.00 from New Jersey Division of Highway Traffic Safety to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....$15,000.00
This is now available as revenue from:
Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Pedestrian Safety

NOW, THEREFORE, BE IT RESOLVED that the like sum of: $15,000.00 Be and the same is hereby appropriated under the caption of:
General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Pedestrian Safety O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

MEETING DATE: August 15, 2012

Reviewed by:

Quentin Wiest
Business Administrator

Approved as to Form:

Melissa Longo
Interim Corporation Counsel

STATE OF NEW JERSEY SAGE
System for Administering Grants Electronically

Application: PED-2013-Hoboken City-00033
Status: Confirmation of Receipt
User: Dawn Zimmer
Role: Authorized Official
Logout

Main Menu | Actions | Application Menu | Related Pages

SAVE | SAVE/NEXT | DELETE | VIEW PDF | ADD NOTE | FIRST | PREVIOUS | NEXT | LAST

Created By: Tooke, Jon on 7/19/2012 9:38:05 AM
Last Modified By: Tooke, Jon on 7/19/2012 9:47:56 AM

You are here: > Contract Agreement

CONTRACT AGREEMENT

Project Title	FY 2013 Hoboken Pedestrian Safety Grant
Grant Number	PS-13--01-10
State Fiscal Year	
Amount Awarded	$15,000
Funding Source	
Project Period	7/1/2012 - 6/30/2013
Project Director	Jon Tooke
Financial Officer	George Destefano
Authorizing Official	Dawn Zimmer

Federal policy requires notification of Limited English Proficiency (LEP) requirements to entities that receive Federal funds. A copy of the US Department of Transportation's guide entitled, "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons" can be found on our website at www.state.nj.us/lps/htsalong with a power point presentation

The personnel of this Division look forward to the success of this project in improving highway traffic safety and are prepared to assist you in any way. Thank you for your interest and contributions to making New Jersey a safer state.

Gary Poedubicky
Acting Director and Governor's Representative

☑ **I the Project Director agree to the Terms and Conditions above.***

SAVE | SAVE/NEXT | DELETE | VIEW PDF | ADD NOTE | FIRST | PREVIOUS | NEXT | LAST

416982

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Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

SAFETY PERFORMANCE RECOGNITION AWARD CY 2012

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available By law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of $100.00 from Garden State Municipal Joint Insurance Fund wishes to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....$100.00
This is now available as revenue from:
Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Safety Performance Award

NOW, THEREFORE, BE IT RESOLVED that the like sum of: $100.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Safety Performance Award
Other Expenses $100.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

MEETING DATE: August 15, 2012

Approved:

Quentin Wiest
Business Administrator

Approved as to Form:

Melissa Longo
Interim Corporation Counsel

GSMJIF
Garden State Municipal Joint Insurance Fund

NIP captives

900 Route Nine North, Suite 503, Woodbridge, NJ 07095
Website: www.gsmjif.com
Madeline Delgado, Executive Assistant
mdelgado@nipgroup.com

Toll-free Phone: (800) 446-7647
Main Number: (732) 634-8400 X355
Fax: (732) 634-6312

RECEIVED
JUL 30 2012
OFFICE OF THE BUSINESS ADMINISTRATOR
HOBOKEN, N.J.

July 25th 2012

Re: Safety Performance Recognition Award

Dear Members,

As discussed at our GSMJIF Executive Fund Meeting on July 25th. Enclosed please find check for the amount of $100 for the Safety Recognition Award. Please contact me directly if you have any questions.

Thank you,

Madeline

MD/Encl.

Chapter 159
2.W.

GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

City of Hoboken

CHECK NUMBER 0000000811

CHECK DATE 07/20/12

Invoice Date	Invoice No.	Description	Invoice Amt.
07/20/12	HOB SA		100.00

NET CHECK AMOUNT 100.00

GARDEN STATE MUNICIPAL JOINT INSURANCE FUND
Business Checking
PLAZA NINE
900 ROUTE 9 NORTH, SUITE 503
WOODBRIDGE, NEW JERSEY 07095

Bank of America
55-33/212 NJ

0000000811

CHECK DATE
07/20/12

CHECK AMOUNT
$********100.00

PAY: ONE HUNDRED DOLLARS & 00/100

TO THE ORDER OF City of Hoboken

Security Features Details on back.

⑈0000000811⑈ ⑆021200339⑆ 3810290325 74⑈

Introduced by:_____
Seconded by:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION CONFIRMS THE CITY OF HOBOKEN'S SUPPORT OF THE HOBOKEN VOLUNTEER AMBULANCE CORPS BY VIRTUE OF A SECOND SIX (6) MONTH CONTRIBUTION OF TWENTY THOUSAND ($20,000.00) DOLLARS AND PAYMENT OF ITS INSURANCE COVERAGE FOR ONE HUNDRED FIFTY-FIVE THOUSAND, SIX HUNDRED AND SEVENTY-EIGHT DOLLARS AND FIFTY-FOUR CENTS ($155,678.54).

WHEREAS, pursuant to Resolution No. 12-349, the City Council consented to allocating twenty thousand ($20,000) dollars to the Hoboken Volunteer Ambulance Corps (the "HVAC") for an initial six (6) month period and agreed to reconsider the reminder of the available support and any City support for the HVAC's insurance coverage after the final adoption of the City's annual budget; and,

WHEREAS, the City's FY 2012 budget has been adopted; and,

WHEREAS, the City Council desires to continue to support the HVAC; and,

WHEREAS, the HVAC has provided an invoice for its insurance coverage for One Hundred Fifty-Five Thousand, Six Hundred and Seventy-Eight Dollars and Fifty-Four Cents ($155,678.54) from its insurance agent, Bollinger, Inc.; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $20,000.00 is available in the following appropriations 2-01-25-260-020 in the CY2012 budget and that $155.678.54 is available in the following appropriations 2-01-30-400-010 in the CY2012 budget; and I further certify that these commitments together with all previously made commitments do not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____ **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, that Twenty Thousand ($20,000.00) Dollars, as a second six (6) month contribution for operating expenses of the HVAC, will be disbursed to the Hoboken Volunteer Ambulance Corp. at this time, and One Hundred Fifty-Five Thousand, Six Hundred and Seventy-Eight Dollars and Fifty-Four Cents ($155,678.54) will be disbursed to Bollinger, Inc. for payment of the HVAC's insurance coverage; and,

BE IT FURTHER RESOLVED, that the $20,000.00 for this payment is available in the approved Calendar Year Budget line item appropriation titled Hoboken Volunteer Ambulance Corps, Account **# 2-01-25-260-020**, and that the $155,678.54 for this payment is available in the approved Calendar Year Budget line item appropriation titled General Insurance, Account # **2-01-30-400-010**.

This resolution shall take effect immediately upon passage.

Meeting date: August 15, 2012

APPROVED:

Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

Mellissa L. Longo
Interim Corporation Counsel

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

Introduced By:_____

Second By:_____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING THE REFUND OF OVER BILLED 3RD & 4TH QUARTERS OF 2012 FROM THE TAX DUPLICATE

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 appearing on the attached list totaling **$ 41,855.91**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Park Pointe, LLC 232 Madison St Hoboken, NJ 07030	57/8	415 Jackson St	3&4/12	$ 18.78
1405 Clinton LLC 1422 Grand St #5B Hoboken, NJ 07030	123/1.01	1405-1413 Clinton St	3&4/12	$ 22,775.50
Trustees of Stevens Inst. of Technology Castle Point Station Hoboken, NJ 07030	237/22	802 Castle Point Terrace	3&4/12	$19,061.63

Meeting: August 15, 2012

Approved as to Form:

_____
CORPORATION COUNSEL

Sharon Curran

Sharon Curran

Introduced By:_____

Second By:_____

CITY OF HOBOKEN
RESOLUTION NO._____

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **$11,114.68**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
G M A C Mortgage P O Box 961219 Ft Worth, Tx 76161-0219	57/18/C0006	412 Monroe St	2/12	$ 1,097.49
Saxon Mortgage 4700 Mercantile Drive North Ft. Worth, Tx 76137	96/1/C0030	456 Ninth St	1/12	$ 1,813.74
Saxon Mortgage 4700 Mercantile Drive North Ft. Worth, Tx 76137	155/3/C001B	1021 Grand St	1/12	$ 1,374.75
Saxon Mortgage 4700 Mercantile Drive North Ft. Worth, Tx 76137	155/5/C0210	1026-34 Clinton St	1/12	$ 1,893.46
Saxon Mortgage 4700 Mercantile Drive North Ft. Worth, Tx 76137	177/12/C0004	127 Park Ave	1/12	$ 1,513.38
Saxon Mortgage 4700 Mercantile Drive North Ft. Worth, Tx 76137	245/3.01/C003C	1315-1317 Washington St	1/12	$ 1,397.86
1107 Willow Ave LLC P O Box 838 Montville, NJ 07045	173/5	1107 Willow Ave	1/12	$ 2,024.00

Meeting: August 15, 2012

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

28

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO APPROVE THE ATTACHED REVISED OPRA REQUEST FORMS FOR THE CITY OF HOBOKEN

WHEREAS, the City Clerk is deemed the Custodian of Records pursuant to the Open Public Records Act ("OPRA"); and,

WHEREAS, the City Clerk has requested the City Council review the attached revised OPRA request forms, to ensure approval by the governing body prior to commencement of use; and,

WHEREAS, the City Council finds the attached forms are compliant with state standards, are similar to state utilized forms, and provide the Custodian and requestors with more thorough documentation to ensure clarification of the process and the City's responses.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached OPRA request forms, and authorizes the City Clerk to begin utilizing the new forms immediately in place of any older forms; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and the City Clerk 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: August 15, 2012

APPROVED:

_____
Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

_____
Mellissa Longo
Interim Corporation Counsel

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

City of Hoboken
Custodian of Records

GOVERNMENT RECORDS REQUEST FORM

94 Washington Street
Hoboken, NJ 07030
Phone: 201-239-6651 Fax: 201-420-2085
Email: CITYCLERK@hobokennj.org Website: Hobokennj.org

OPRA REQUEST COVER SHEET

Original Date: _____ Follow Up Date: _____

To: _____ Department: _____

The attached OPRA Request was received by the City Clerk. Records responsive are due from your department on or before the date listed herein. If you require additional time you MUST inform the Clerk's office immediately upon receipt of this packet. **Failure to follow the requirements of OPRA and the procedural requirements enacted by the City of Hoboken to assure compliance with OPRA may subject you to discipline up to and including removal as well as penalties from the State of New Jersey Government Records Council.**

Tracking No: _____ Date Due to Clerk: _____

DEPARTMENTAL RESPONSE:

☐ Responsive records are attached and provided (# of pages __)

☐ No responsive records exist in this department

☐ Responsive records are Privileged and/or Confidential for the following reasons: _____

_____

☐ The Department requires more time to respond until _____ because: _____

_____

☐ Other: _____

_____

_____ _____ _____
Signature of Departmental Responder Printed Name of Departmental Responder Date

ATTACH RESPONSIVE RECORDS TO THIS DOCUMENT, AND RETURN BOTH TO THE CITY CLERK ON OR BEFORE THE DUE DATE LISTED HEREIN.

City of Hoboken
Custodian of Records
GOVERNMENT RECORDS REQUEST FORM

94 Washington Street
Hoboken, NJ 07030
Phone: 201-239-6651 Fax: 201-420-2085
Email: CITYCLERK@hobokennj.org Website: Hobokennj.org

IMPORTANT NOTICE

The LAST PAGE of this form contains important information related to your rights concerning government records. Please read it carefully.

Requester Information – Please Print

First Name _____ MI _____ Last Name _____

E-mail Address _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone _____ FAX _____

Requested Delivery*: Pick up ☐ US Mail ☐ On-Site Inspect ☐ Fax ☐ Email ☐
Special Requests Regarding Delivery Format:_____
**All requests will be via hard copy mail delivery unless otherwise specified.*

If you are requesting records containing personal information, please select one:
Under penalty of N.J.S.A. 2C:25-3, I certify that I ☐ ***HAVE*** / ☐***HAVE NOT*** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____ Date _____

Maximum Authorized Cost
$ _____

Select Payment Method

Cash ☐ Check ☐ Money Order ☐

Fees:
$0.05 per letter page
$0.07 per legal page or larger
Actual Costs will be charged for alternative methods of delivery

Delivery: Additional delivery/postage fees will apply, where applicable, depending upon delivery type.

Extras: Special service charge fees will apply dependent upon request

Record Request Information: Please be as specific as possible in describing the records being requested. **ALSO, PLEASE NOTE THAT YOUR PREFERRED METHOD OF DELIVERY WILL ONLY BE ACCOMMODATED IF THE CUSTODIAN HAS THE TECHNOLOGICAL MEANS AND THE INTEGRITY OF THE RECORDS WILL NOT BE JEOPARDIZED BY SUCH METHOD OF DELIVERY.**

- ☐ Budget: _____
- ☐ Bills/Invoices/Vouchers: _____
- ☐ Contract: _____
- ☐ Collective Bargaining Documents: _____
- ☐ Minutes: _____
- ☐ Ordinance: _____
- ☐ Resolution: _____
- ☐ Police Records: _____
- ☐ Fire Records: _____
- ☐ Other: _____

CUSTODIAN USE ONLY	CUSTODIAN USE ONLY	CUSTODIAN USE ONLY	
Disposition Notes: (requests for additional time/ deposits / additional fees):	Date Opened: _____ Date Due: _____ Date Complete: _____ Date Released: _____	**Tracking Information** Tracking # _____ Rec'd Date _____ Ready Date _____ Total Pages _____	**Final Cost /Disposition** Total _____ Deposit _____ Balance Due _____ Balance Paid _____ Fees Waived By _____ **Records Provided** _____ **Custodian Signature** _____ **Date**

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of $5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

FOR CUSTODIAN USE ONLY

☐ **YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):**

(To be completed by the Custodian of Records- Check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.)**

☐ **N.J.S.A. 47:1A-1.1**

☐ ☐ Inter-agency or intra-agency advisory, consultative or deliberative material

☐ ☐ Legislative records

☐ ☐ Law enforcement records:

- ☐ ☐ Medical examiner photos
- ☐ ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
- ☐ ☐ Victim's records

☐ ☐ Trade secrets and proprietary commercial or financial information

☐ ☐ Any record within the attorney-client privilege

☐ ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security

☐ ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein

☐ ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic date or software

☐ ☐ Information which, if disclosed, would give an advantage to competitors or bidders

☐ ☐ Information generated by or on behalf of public employers or public employees in connection with:

- ☐ ☐ Any sexual harassment complaint filed with a public employer
- ☐ ☐ Any grievance filed by or against an employee
- ☐ ☐ Collective negotiations documents and statements of strategy or negotiating

- ☐ ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ ☐ Information that is to be kept confidential pursuant to court order
- ☐ ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ ☐ Social security numbers
- ☐ ☐ Credit card numbers
- ☐ ☐ Unlisted telephone numbers
- ☐ ☐ Drivers' license numbers
- ☐ ☐ Certain records of higher education institutions:
  - ☐ ☐Research records
  - ☐ ☐Questions or scores for exam for employment or academics
  - ☐ ☐Charitable contribution information
  - ☐ ☐Rare book collections gifted for limited access
  - ☐ ☐Admission applications
  - ☐ ☐Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ ☐ Biotechnology trade secrets **N.J.S.A. 47:1A-1.2**
- ☐ ☐ Convicts requesting their victims' records **N.J.S.A 47:1A-2.2**
- ☐ ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical public interest) **N.J.S.A.** 47:1A-3.a
- ☐ ☐ Public Defender records **N.J.S.A. 47:1A-5.k**
- ☐ ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and Privileges created by State Constitution, statute, court rule or judicial case law **N.J.S.A. 47:1A-9**
- ☐ ☐ Personnel and pension records, **EXCEPT** specific information identified as follows:
  - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
  - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
  - Data contained in information which disclose conformity with specific experiential educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information **N.J.S.A. 47:1A-10**

☐ **N.J.S.A. 47:1A-1**

† "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy"

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

FOR CUSTODIAN USE ONLY (CONT.)

☐ **Executive Order No. 21 (McGreevey 2002)**

☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.

☐ Records exempted from disclosure by State agencies' proposed rules are exempt from disclosure by this Order.

☐ **Executive Order No. 26 (McGreevey 2002)**

☐ Certain records maintained by the Office of the Governor

☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing

☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments

☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation

☐ Information in a personal income or other tax return

☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed

☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing

☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a. (Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each records.)

Other reasons for denial of OPRA request:

ACKNOWLEDGEMENT

I hereby acknowledge that the document(s) specifically requested herein *were /were not /were partially* provided. I hereby acknowledge that the Custodian of Records responded to and closed out my request on the date I sign this Acknowledgement. My signature on this Acknowledgement does not foreclose my rights to appeal the decisions of the Custodian relating to this OPRA request. I further certify under penalty of N.J.S.A. 2C:25-3, that I *have / have not* been convicted of any indictable offense under the laws of the State of New Jersey, any other state, or the federal government.

Requestor's Signature **Date**

ADDITIONAL INFORMATION FOR INDIVIDUALS SUBMITTING OPRA REQUESTS

1. In order to request access to government records under OPRA, you must complete all the required portions of and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the agency custodian of records. Your request is not considered filed until the agency custodian of records receives the request form. If you submit the request form to any other officer or employee of the ***City of Hoboken,*** that officer or employee may not have the authority to accept your request form on behalf of the ***City of Hoboken*** and your request will be directed to the agency custodian of records. The seven (7) business day response time will not commence until the agency custodian of records receives the request form.

2. The fees for duplication of a government records in printed form are listed on the front of this form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the Government Records Council.

3. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address, telephone number, fax number or e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.

4. ***You may be charged a 50% or other deposit when a request for copies exceeds $25.*** The ***City of Hoboken*** custodian will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.

5. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.

6. By law, the ***City of Hoboken*** must notify you that it grants or denies a request for access to government records with seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.

7. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.

8. If the ***City of Hoboken*** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.

9. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.

10. If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have the right to challenge the decision by the ***City of Hoboken*** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a compliant in writing with the Government Records Council ("GRC"), You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. the Council can also answer other questions about the law.

11. All Information provided on this form is subject to disclosure under the Open Public Records Act.

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

EMERGENCY APPROPRIATION
NJSA 40A:4-48

WHEREAS, an emergency has arisen with respect to legal expenses necessary for ongoing litigation, and no adequate provision was made in the CY2012 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is $150,000.00 and three (3) percent of the current operating appropriations in the prior year budget pursuant to NJSA 40A:4-45.3c(1) is $2,799,153.73 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for CY2012,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is here by made for:

Legal Expenses Necessary for Ongoing Litigation

2. That said emergency appropriation shall be provided for in full in the CY2013 budget, pursuant to NJS 40A:4-47, and is requested to be excluded from CAPS, pursuant to NJSA 40A:4-45.3c(1)

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

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

CERTIFICATION

I, James Farina, Clerk of the City of Hoboken hereby certify the foregoing to be a true copy of a resolution adopted by the City of Hoboken Council at their meeting held on August 15, 2012.

WITNESS, my hand and the seal of the City of Hoboken this ___ day of August, 2012.

_____
James Farina, Clerk

Resolution
RESOLUTION TO AMEND CAPITAL BUDGET

WHEREAS, the City of Hoboken, New Jersey, desires to amend the 2012 Capital Budget of said municipality by inserting thereon the items therein as shown in such budget for the following reason:

Rehabilitation and reconstruction of Pier A; construction of a 9/11 memorial; re-design and reconstruction of the following streets: Washington Street, Observer Highway, Sinatra Drive; improvements and renovations to various city garages and acquisition of various pieces of capital equipment for city garages; purchase of public works equipment

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 2012 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 - 2012

Project	Est. Cost	Capital Improvement Fund	Capital Surplus	General Bonds	To Be Funded In Future Years
Parks					
Rehabilitation and Reconstruction of Pier A	$2,304,000	$115,200		$2,188,800	
9/11 Memorial	$250,000	$12,500		$237,500	
Environmental Services					
Washington Street Redesign	$848,000	$42,400		$805,600	
Observer Hwy Redesign	$140,000	$7,000		$133,000	
Sinatra Drive Redesign	$108,000	$5,400		$102,600	
4 Cushman Haulsters or equiv.	$153,000	$7,650		$145,350	
Salt Shed	$90,000	$4,500		$85,500	
Leaf Vacuum Equipment	$26,500	$1,325		$25,175	
BobCat	$42,400	$2,120		$40,280	
2 Large Dump Trucks w/ Plows	$159,000	$7,950		$151,050	
Hoboken Parking Utility					
Improvments and Renovations to City Garages	$3,370,000	$-0-		$3,370.000	
Reconstruction of Pedestrian Walkways	$75,000	$-0-		$75,000	
Installation of Security and Safety Equipment at City Garages	$620,000	$-0-		$620,000	
Improvements to Garage Offices	$145,000	$-0-		$145,000	
Improvements to and Replacement of Garage Elevators	$965,000	$-0-		$965,000	

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.

Council Members	Approved	Opposed	Abstain	Absent
Ravinder Bhalla				
Theresa Castellano				
Jennifer Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

CERTIFICATION

I, James Farina, City Clerk of the City of Hoboken, hereby certify the foregoing to be a true copy of a resolution adopted by the Hoboken City Council at their meeting held, August 15, 2012 .

WITNESS, my hand and the seal of the City of Hoboken this ___ day of August, 2012.

_____

James Farina, City Clerk

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. : ___

A RESOLUTION OF SUPPORT AUTHORIZING THE ADMINISTRATION TO APPLY FOR, ACCEPT AND EFFECTUATE THE FY2013 HUDSON MUNICIPAL ALLIANCE ON ALCOHOLISM AND DRUG ABUSE PROGRAM

WHEREAS, the City of Hoboken desires to apply for, obtain, and effectuate a grant from the Department of Health and Human Services for approximately $38,840.00, with no matching funds, to carry out the FY2013 Municipal Alliance on Alcoholism and Drug Abuse.

NOW THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant, the Administration's acceptance of said grant in the amount of $38,840.00 with no city matching funds, and the Administration's effectuation of the grant purpose; and, the City Council further recognizes and accepts that said grant may offer lesser or greater amount and therefore, upon receipt of the grant agreement from the Department, does further authorize the execution of such grant agreement by the Mayor or her authorized agent, so long as the award does not require matching funds from the City; and

BE IT FURTHER RESOLVED, that upon receipt of the fully executed grant agreement, the Council does further authorize the expenditure of funds pursuant to the terms of the agreement, subject to the limitations listed above; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith, subject to the terms and limitations set forth herein:

_____
Signature

Dawn Zimmer
Mayor, City of Hoboken

Meeting date: August 15, 2012

APPROVED:

_____
Quentin Wiest
Business Administrator

APPROVED AS TO FORM:

_____
Mellissa Longo
Interim Corporation Counsel

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

CERTIFICATION:

I, James Farina, the Municipal Clerk, of the City of Hoboken hereby certify that at a meeting of the City Council held on July 2012 the above RESOLUTION was duly adopted.

_____

Signature

32

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

HUDSON COUNTY OPEN SPACE TRUST FUND CY 2012

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available By law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of $100,000.00 from Hudson County Open Space Trust Fund wishes to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....$100.000.00
This is now available as revenue from:
Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Hudson County Open Space
Castle Point Park

NOW, THEREFORE, BE IT RESOLVED that the like sum of: $100,000.00 Be and the same is hereby appropriated under the caption of:
General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Hudson County Open Space
Castle Point Park Other Expenses $100,000.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

MEETING DATE: August 15, 2012

Approved:

Quentin Wiest
Business Administrator

Approved as to Form:

Melissa Longo
Interim Corporation Counsel

583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
WWW.HUDSONCOUNTYNJ.ORG/PLANNING

THOMAS A. DeGISE
COUNTY EXECUTIVE

MARIANO VEGA, JR.
DIRECTOR

STEPHEN D. MARKS, PP, AICP
DIVISION CHIEF

(201) 217-5137
FAX (201) 795-7856

September 18, 2008

Hon. David Roberts, Mayor
City of Hoboken
94 Washington St.
Hoboken, N.J. 07030

Re: Hudson County Open Space, Recreation and Historic Preservation Trust Fund
Application No. PI-07-08
Castle Point Park Repair of Collapsed Area -
$100,000.00

Dear Mayor Roberts:

I am pleased to announce that the County Executive and Board of Chosen Freeholders approved Resolution No. 327-8-2008 accepting the Hudson County Open Space Trust Fund Advisory Board's recommendations for 2008. The Advisory Board favorably reviewed the above referenced application and made the following findings and recommendations with regard to the project:

1. Completion of the Hudson River Waterfront Walkway is a major goal of the Hudson County Master Plan, the Hudson River Waterfront Walkway Implementation Study and the Hudson County Open Space, Recreation and Historic Preservation Plan.

2. The Advisory Board commends the City of Hoboken for its stewardship of the waterfront and undertaking the repair of the collapsed walkway at Castle Point Park.

3. The application to repair the walkway is a worthy public project which is eligible for funding from the Hudson County Open Space Trust Fund.

4. The County Executive and Freeholder Board approved $100,000.00 from the Hudson County Open Space Trust Fund for this project.

Please find enclosed three copies of the grant agreement between your organization and the County. Please sign, date and return at your earliest convenience. If you have any questions or need additional information or assistance please feel free to contact me any time. Thank you for your attention to this matter.

An equal opportunity employer

COUNTY OF HUDSON
DEPARTMENT OF PUBLIC RESOURCES
DIVISION OF PLANNING
BRENNAN COURT HOUSE
583 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306
WWW.HUDSONCOUNTYNJ.ORG/PLANNING

THOMAS A. DeGISE
COUNTY EXECUTIVE

MARIANO VEGA, JR.
DIRECTOR

STEPHEN D. MARKS, PP, AICP
DIVISION CHIEF

(201) 217-5137
FAX (201) 795-7856

November 7, 2008

Stephanie Hottendorf, Principal Clerk
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

RE: 2008 Open Space Grant Agreement- Project No. PI0708

Dear Stephanie,

Enclosed please find a fully executed, original copy of the 2008 Open Space Grant Agreement for Project No. PI-07-08 for the Castle Point Park Repair of Collapsed Area. Grant award funds are available on a reimbursement basis only. To request a reimbursement, please complete the enclosed County Voucher Form and return along with any necessary attachments including copies of contract documents, invoices, proofs of payment, and cancelled checks to this office.

As always, if you have any questions please do not hesitate to contact me at any time.

Thank you,

Jonathan Luk
GIS Specialist

Enclosures

An equal opportunity employer

E-_____

THE OFFICE OF THE COUNTY EXECUTIVE
COUNTY OF HUDSON

Vendor: City of Hoboken

Address: 94 Washington Street Hoboken NJ 07030

Date of Service Or Delivery	Description	Dollars	Cents
	2008 Open Space Project No. PI-07-08 Castle Point WaterFront		
	Walkway		
	Total Payment Due		

Being duly sworn according to law, saith that the above claim against "The County of Hudson", is just and true, and that the work has been performed, and the materials have been furnished, that no bonus has been given or received by any person or persons with the knowledge of said deponent in connection with the above claim: That it is in all respects a bona fide and fair claim and that the amount charged is a reasonable one.

_____
Claimant Signature

_____
Title

WHEREAS, THE COUNTY OF HUDSON (THE "COUNTY") HAS BEEN DULY DESIGNATED TO ADMINISTER OR SUPERVISE THE ADMINISTRATION OF THE HUDSON COUNTY OPEN SPACE TRUST FUND AND HAS, IN TURN, DESIGNATED THE GRANTEE TO BE DIRECTLY RESPONSIBLE FOR THE IMPLEMENTATION AND ADMINISTRATION OF PARK AND RECREATION IMPROVEMENTS OR HISTORIC PRESERVATION PROJECTS COVERED BY THIS CONTRACT.

THEREFORE, THE COUNTY AND THE GRANTEE AGREE AS FOLLOWS:

I. DEFINITIONS

For the purpose of this document, the following items, when capitalized shall have meaning as stated:

Appendix(es) means the attachment(s) to this document including the Grant Terms and Conditions, Appendix "A", and the Publicity Agreement, Appendix "B".

Grant Contract means this document, the Appendix(es), any additional appendices or attachments including any approved assignments, contracts, modification(s) and all supporting documents. The Grant Contract constitutes the entire agreement between the parties.

Notice means an official written communication between the County and the Grantee Agency. All Notices shall be directed to the person(s) and address(es) specified for such purpose in the Appendix(es) or to such other persons as either party may designate in writing.

Grantee means CITY OF HOBOKEN

Termination means an official cessation of this Grant Contract resulting either from routine expiration of from formal action taken by the County of Grantee Agency, in accordance with provisions contained in this Grant Contract, to nullify the contract prior to term.

II. BASIC OBLIGATIONS OF THE COUNTY

Section 2.0.1 Administration The County shall act as the administrator of this Grant Contract and shall not be declared by the Grantee to be a sponsor or co-sponsor of the Grantee's project, unless otherwise indicated.

Section 2.02 Payment As established in the Appendix(es), payment of the grant shall be based on allowable expenditures. Such payment(s) shall be authorized by the County in accordance with the time frames specified in the Terms and Conditions of the Grant Contract. Total payment(s) shall not exceed the awarded grant amount. All payments authorized by the County under this Grant Contract shall be subject to revision on the basis of an audit(s) or on the basis of the County monitoring or evaluating the Grant Contract.

Section 2.03 Compliance with Laws The Grantee Agency agrees through the acceptance of this Grant Contract to comply with all applicable Federal, State, and Local Laws, rules and regulations (collectively "Laws"), including but not limited to the following State and Local Laws relating to licenser; Federal and State Laws relating to safeguarding of client information; the Federal Civil Rights Act of 1964 (as amended) P.L.1975, Chapter 127, of the State of New Jersey (N.J.S.A. 10:5-31 et seq.) and associated executive orders pertaining to affirmative action and non-discrimination in public contracts; the Federal Equal Employment Opportunity Act; Section 504 of the Federal Rehabilitation Act of 1973 pertaining to non-discrimination on the basis of disability, and regulations there under. Failure to comply with the laws, rules, and regulations referenced above may result in the termination of this Grant Contract.

Section 2.04 County Policies and Procedures In the administration of this Contract, the Grantee shall comply with all applicable policies and procedures issued by the County. Failure to comply with these policies and procedures shall be grounds to terminate this Grant Contract.

Section 2.05 Finance Management System A comprehensive financial management system is required as are provisions for a clear audit trail of Hudson County Open Trust Fund grant funds. The Grantee must maintain all financial records, including substantiating documentation (i.e. invoices, bills, payroll vouchers), for a four (4) year period; or for a period required under any applicable sate or federal record retention regulations, which ever is longer.

The grantee's financial management system shall provide for the following:

(a) Accurate, current, and complete disclosure of the financial results of this Grant Contract.
(b) Effective internal and accounting controls over all funds, property, and other assets. The Grantee shall adequately safeguard all such assets and shall ensure they are used solely for authorized purposes.
(c) Comparison of actual outlays with budgeted amounts for this Grant Contract.

(d) Accounting records supported by source documentation.
(e) Procedures to minimize elapsed time between an advanced payment issued and the disbursement of such advance funds by the Grantee.

Section 2.06 Audit At any time during the Grant Contract term, the Grantee's overall operations, its compliance with specific Grant Contract provisions, and the operation of any assignees or sub-contractors engaged by the Grantee under Section 4.02 Assignments and Sub-contracts may be subject to audit or review by the County, by any other appropriate unit or agency of the County, State, or Federal government, and/or a private firm or firms retained or approved by the County for such purposes.

Whether or not such audits are conducted during the Grant Contract term, final financial and compliance audit of Grant Contract operations, including the relevant operation of any assignee or sub-contractors, may be conducted after Grant Contract termination. The Grantee is subject to audit up to four (4) years after Termination of the Contract.

If any audit has begun, but not completed or resolved before the end of the four (4) year period, the Grantee continues to be subject to such audit until it is completed and resolved.

The County may require submission of the Grantee annual organization-wide audit.

Audits shall be conducted in accordance with generally accepted auditing standards as specified in the Statement on Auditing Standards issued by the American Institute of Certified Public Accountants and Standard for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States or other standards required by the County.

Section 2.07 Grant Contract Reports The Grantee shall submit to the County programmatic and financial reports in the manner and on the due dates as set by the County.

III. TERMINATIONS

Section 3.01 Termination by Grantee. The Grantee may only terminate this Grant Contract upon written notice with the effective date of cessation of the Grant Contract to the Division Chief of the Hudson County Division of Planning. If the Contract is terminated by the Grantee, the Grantee shall be obligated to return all unexpended awarded Grant Contract funds to the County and shall settle all accounts with the County in the manner specified by the County and shall be subject to a final audit.

Section 3.02 Termination for Cause If the Grantee is not, or has not been in compliance with any provision(s) of this Grant Contract and its Annexes, the County may, by Notice, place the Grantee in a state of probation at which time the Grantee shall take expeditious steps to comply immediately; failure to comply may cause the County to find the Grantee in default of the Grant Contract and, in accordance with County policy and procedures, may terminate the Grant Contract and release the County from any remaining Hudson County Open Space Trust grant payment obligations.

Section 3.03 Reduction or Termination Due to Fiscal Constraints Anything to the contrary in this Grant Contract notwithstanding, the parties recognize and agree that the County's ability to honor the terms and conditions of this Grant Contract is contingent upon receipt of funds from the State of New Jersey and/or any other applicable source. If during the term of the Grant Contract, therefore, the State government or applicable source reduces its allocation to the County, the County reserves the right, upon Notice to the Grantee, to reduce or Terminate the Grant Contract.

IV. MISCELLANEOUS

Section 4.01 Application of New Jersey Law This Contract shall be governed, construed, and interpreted in accordance with the laws of the State of New Jersey.

Section 4.02 Assignment and Subcontracts No right or obligation of the Grantee under this Grant Contract may be assigned or subcontracted without authorized written consent from the County. It is further understood that no funds granted herein shall be used for any purpose other than the stated purpose for which this grant is made.

Section 4.03 Statement of Non-Influence No person employed by the County of Hudson has been or will be paid any fees, or compensation of any kind, or granted any gratuity by the Grantee or any representative thereof, in order to influence the awarding or administration this Grant Contract.

Section 4.04 Exercise of Rights A failure or delay on the part of the County or the Grantee in exercising any right, power or privilege under this Grant Contract shall not waive any right, power or privilege. Moreover, a single or partial exercise shall not prevent another or a further exercise of that or any other right, power or privilege.

V. OBLIGATION OF THE GRANTEE

Section 5.01 The Grantee shall not change any of the terms of this Grant Contract. If the Grantee attempts to change the Grant Contract in anyway, the grant will be null and void and the County will rescind all or part of the grant funds, or terminate the Grant Contract.

Section 5.02 The awarded Grant Contract is for the period stated in Appendix "A". All grant funds, as well as challenge and matching funds approved for projects specifically to be supported by this grant, must be obligated within that period.

Section 5.03 This awarded grant fund must be expended only for the activities described in the approved application, as stated in Appendix "A", during the specified period.

Section 5.04 The Grantee must abide by the publicity agreement as stated in Appendix "B". Failure to comply may result in Grant Contract termination or suspension and rescission of all or part of the awarded grant funds.

Section 5.05 In the event the Grantee is not a municipal subdivision or a duly created statutory municipal or a County autonomous agency, the Grantee certifies that its agency is a certified non-profit agency, and recognize as such by the State of New Jersey and the Internal Revenue Service.

Section 5.06 Pursuant to N.J.S.A 40A:5-16, the County shall pay moneys to the Grantee upon the Grantee first presenting a detailed bill of items on demand, specifying particularly how the bill or demand is made up, with the certification of the Grantee that is correct.

This certification shall be in the form of a claimant signature on the standard County voucher (Executive Order) form. Said form shall then be submitted by the Grantee to the Hudson County Division of Planning, and shall contain copies of all invoices and/or other documentation supporting the detailed list of claims on said form. Said form must be certified by the Director of Parks, Engineering and Planning, or his/her designee, having knowledge of the facts that the goods have been received by, or the services rendered to, the County prior to a payment being made to the Grantee.

The Grantee shall receive the grant funds upon the completion of this agreement by all parties and the balance of upon completion of the project or period, and the submission and approval of the County of any final reports, site inspections and/or audits.

Section 5.07 The Grantee is entirely accountable for the receipt, handling, and expenditure of grant funds solely for the purposes as specified in the approved application as listed in Appendix "A".

CONTRACT SIGNATURE AND DATES

THE PARTIES AGREE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT SET-FORTH ON THE PRECEDING PAGES AND THE REFERENCED APPENDICES.

FOR THE COUNTY OF HUDSON:

By: _____ **Dated:** 10/30/08
Thomas A. DeGise
County Executive

Attest:

By: _____ **Dated:** 10/30/08
Alberto G. Santos
Freeholder Clerk

FOR THE CITY OF HOBOKEN:

By: _____ **Dated:** 9/23/08
Name/Title
DAVID ROBERTS, MAYOR

Attest:

By: _____ **Dated:** 9-23-08
Name/Title
JAMES J. FARINA, CITY CLERK

GRANTEE CORPORATE SEAL

_____
(Imprint Here)

CONTRACT EFFECTIVE DATE: 3/14/08

CONTRACT EXPIRATION DATE: 8/13/11

APPENDIX "A" GRANT PROJECT AGREEMENT

GRANTEE: City of Hoboken **PROJECT NO.:** PI-07-08

INCORPORATED NAME: City of Hoboken

ADDRESS: 94 Washington Street
Hoboken, NJ 07030

CATEGORY OF AWARD FUNDING: Park Improvement

GRANT AWARD AMOUNT: $100,000

AWARDED GRANT PROJECT DESCRIPTION: The City of Hoboken is awarded funds to repair the Hudson River Waterfront Walkway located at Castle Point along Frank Sinatra Drive. The walkway collapsed and is need of repairs. The grantee shall rebuild the walkway and repair all structural components that have caused the collapse.

FISCAL YEAR OF GRANT: 2008

START DATE OF GRANT AWARDED PROJECT: 8/14/08

COMPLETION DATE OF GRANT AWARDED PROJECT: _____

TERMS AND CONDITIONS GOVERNING THE AWARDED GRANT:

1. The City of Hoboken, hereinafter known as the Grantee, shall not change any of the terms of this Grant Contract (deletions, additions, etc.) without the written permission of the County of Hudson. If a Grantee attempts to make a change without written permission, the Grant Contract will be null and void and the County of Hudson, hereinafter known as the County, will terminate the Grant Contract and rescind all or part of the grant.

2. Awarded Grant Projects must begin and must be completed within the fiscal year and in accordance with the Grantee stated start and completion dates. All grant funds, as well as matching funds approved for projects specifically to be supported by the grant, must be obligated within the start and completion dates.

3. Grants must be expended solely for the activities described in the awarded grant application, unless a specific modification requested in writing has been approved in writing by the County. Any unencumbered grant funds at the end of fiscal period covering the awarded grant shall be returned to the County.

4. Grants shall not be used to repay loans or in turn loaned to other agencies for any reason.

5. Grants shall not be used as down payments or as collateral for personal self-gain.

6. General Operating Support Recipients Only: Purchases and rental agreements shall only be made for those goods and services which directly support the grant awarded project and only for the period covering the grant awarded fiscal year.

7. Grantees sponsoring an agency to facilitate the grant awarded project shall not replace the facilitating agency with another without the written permission of the County.

8. Grantees shall not fund any other park and recreation improvement or historic preservation project with the grant awarded funds.

9. It shall be the responsibility of the Grantee to notify the Hudson County Division of Planning in writing of any change in its mailing address or telephone number. Failure to do so may result in termination of the Grant Contract and rescission of all or part of the grant funds.

10. The Grantee shall honor all deadlines for program and final reports. Failure to do so may result in the withholding of remaining payments and/or the prohibition of future grant applications to the County.

TO THIS THE UNDERSIGNED IS AGREED (SIGN AND RETURN WITH AGREEMENT)

AGENCY AUTHORIZED DESIGNEE

9/23/08
DATE

APPENDIX "B" PUBLICITY AGREEMENT

BETWEEN

COUNTY OF HUDSON

AND

CITY OF HOBOKEN

This publicity agreement is hereby incorporated into the body of the Grant Contract between the County of Hudson, and the above named Grantee, as explicit terms and conditions of the Contract. By the signature below, the Grantee agrees to abide by these terms and conditions. Failure to do so may result in rescission of all of part of the grant.

1. **PROGRAM, FLYER, ORGANIZATIONAL BROCHURE CREDIT**: The language used when crediting the County of Hudson in programs, flyers, or brochures shall be **set in type size not smaller than 7 pt.** and will read as follows: **THIS PROGRAM IS MADE POSSIBLE IN PART BY FUNDS FROM THE HUDSON COUNTY OPEN SPACE TRUST FUND, ADMINISTERED BY THE HUDSON COUNTY DIVISION OF PLANNING, THOMAS A. DEGISE, COUNTY EXECUTIVE, AND THE BOARD OF CHOSEN FREEHOLDERS.** The credit line must be given on the title page of all programs, playbills, catalogues, manuscripts, organizational brochures.

2. **PUBLICITY, MARKETING AND PROMOTION:** The aforesaid credit line must be inserted in all printed materials, newspaper and magazine ads, ads in playbills or programs that are 10 column inches or larger. Press releases announcing Hudson County Open Space Trust Fund supported projects or general operating activities must include the credit line. Posters, handbills, advertising post cards, billboards, and train or bus call cards promoting projects or organizations funded through the Hudson County Open Space Trust Fund shall include the credit line. The credit line also must be incorporated in all paid or donated radio and television advertising spots longer than fifteen (15) seconds.

3. **ADVERTISING:** Any advertising, regardless of size/length, placed by Grantee that credits another funding source must also credit the Hudson County Open Space Trust Fund.

4. **SUBMISSION OF PUBLICITY MATERIAL:** The Grantee shall send to the Hudson County Division of Planning copies of all publicity, marketing, promotional materials, programs, catalogues, flyers, posters, mailers, etc. utilized by the Grantee in the promotion of the program or project funded by the Hudson County Open Space Trust Fund.

5. **CO-SPONSORSHIP:** Under no circumstances may Grantee state or imply that its program and/or activities are "sponsored" or "co-sponsored" by the Hudson County Division of Planning or the County of Hudson, without expressed written consent of the County. Those programs that are "co-sponsored" will have additional, specific publicity requirements dependent on the program at time of negotiation.

6. **CONSTRUCTION SIGNAGE:** Grantee shall erect and maintain for the duration of the project a construction sign identifying the project as funded by the Hudson County Open Space Trust Fund and meets Hudson County's specifications for size, content and design according to the detail sheet provided by Hudson County (see Exhibit 1).

7. **SIGNAGE PLACEMENT:** Hudson County shall provide Grantee with one or more signs that identify the parkland or facility as a Hudson County funded site dedicated to permanent recreation and open space or historic preservation. The grantee shall post the sign(s) in a prominent place or places on the funded parkland or, as applicable, at the recreation and conservation facility, and shall maintain such sign(s) (see Exhibits 2 and 3).

8. **SIGNAGE RELOCATION**: Grantee receives approval to divert or dispose of funded parkland under the procedures in the Open Space Trust Fund Program Statement (Revised August 9, 2007), the grantee shall relocate the sign identifying the parkland and/or recreation and conservation facility as a Hudson County funded site to the replacement land and/or recreation and conservation facility approved by the Hudson County Board of Chosen Freeholders.

TO THIS THE UNDERSIGNED IS AGREED (SIGN AND RETURN WITH AGREEMENT)

GRANTEE AGENCY/ORGANIZATION

9/23/08
DATE

Appendix "B" Page 1 of 1
Exhibit 1: Construction Signage Specifications
(Grantee Responsibility)

COUNTY OF HUDSON

THIS PROJECT IS FUNDED BY THE

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST

THOMAS A. DEGISE
COUNTY EXECUTIVE

BOARD OF CHOSEN FREEHOLDERS

NAME OF JURISDICTION

NAME OF PROJECT

LOCAL OFFICIALS, CONTRACTORS & CONSULTANTS

DESIGN TO SUIT

OPEN SPACE GRAPHIC AVAILABLE
FROM HUDSON COUNTY DIVISION
OF PLANNING OFFICE

WHITE BACKGROUND WITH BLACK LETTERING

"HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION CONSTRUCTION SIGN"

Exhibit 2: Permanent Outdoor Signage Specifications
(Sign to be Provided by the Hudson County Division of Planning)

24"

18"

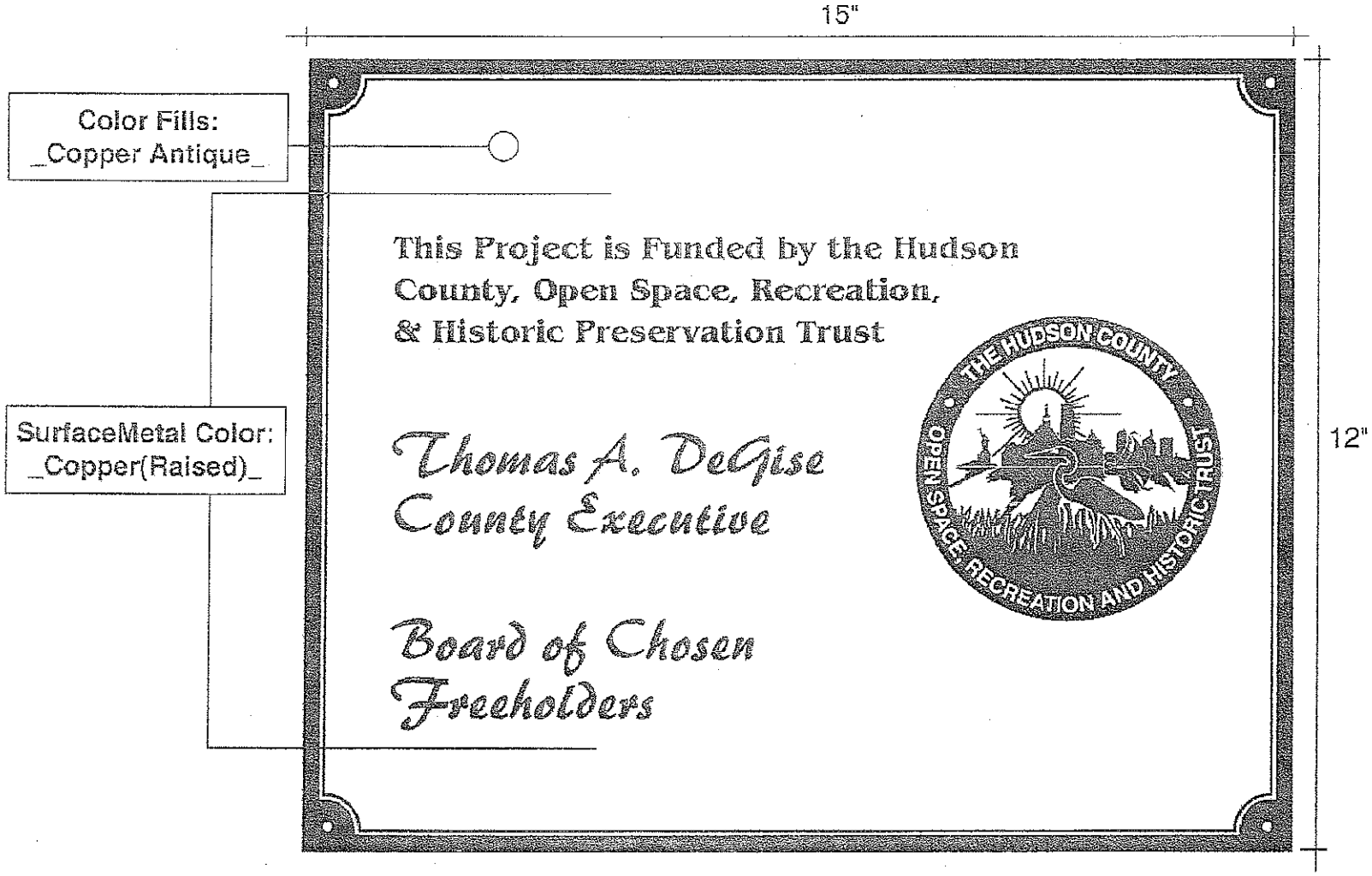
This Project is Funded by the
Hudson County Open Space, Recreation
and Historic Preservation Trust

THE HUDSON COUNTY OPEN SPACE, RECREATION AND HISTORIC TRUST

Thomas A DeGise
County Executive

Board of Chosen
Freeholders

Exhibit 3: Permanent Indoor Signage Specifications
(Sing to be Provided by the Hudson County Division of Planning)



INTRODUCED BY: Giattino
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

RESOLUTION IN OPPOSITION TO ASSEMBLY BILL A2580 AND IN SUPPORT OF THE ADMINISTRATION'S CONTINUED EFFORTS OPPOSING THE BILL

WHEREAS, the New Jersey State Legislature is considering a bill S1534/A2586 to exempt private colleges and universities from municipal land use law; and

WHEREAS, the State Senate passed the bill, which is soon expected to be considered by the State Assembly; and

WHEREAS, development in Hoboken should reflect and respect the will of the community as determined by resident input, local land use law, and the City's Master Plan; and

WHEREAS, local planning and zoning boards are the only public safeguards that can protect existing neighborhoods from poorly planned institutional encroachments; and

WHEREAS, the City of Hoboken considers the Stevens Institute of Technology an important member of the Hoboken community, however if passed by the legislature and signed into law, private institutions would be able to develop however they pleased, without input from the community or governing body, regardless of how extreme the development plan may be or its impact on taxes and infrastructure,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken expresses its strong opposition to the proposed "Assembly Bill A2586" and supports the Administration in its continued efforts to oppose this legislation.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Date of Meeting: August 15, 2012

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

Sponsored by: _____Occhipinti_____

Seconded by: _____

City of Hoboken
Ordinance No.:_____

AN ORDINANCE AMENDING ARTICLE V "SIDEWALK CAFES" OF CHAPTER 168 "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF HOBOKEN

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

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

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

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

SECTION ONE: DELETION

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

SECTION TWO: ADDITION

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

ARTICLE V
Sidewalk Cafes

§168-501. Definitions.

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

ESTABLISHIMENT – Any business which has as its primary purpose the service of food and beverages

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

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

§168-502. Projection Into Streets.

A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken pursuant to the procedures set forth in §168-505.

B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.

C. Where an operating establishment is located on a corner, both the front and side sidewalk areas fronting the establishment may be used for the sidewalk café.

D. Sidewalk cafes shall only be permitted in front of an operating establishment that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

§168-503. General Requirements.

A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location on the door or a window of the primary business which faces onto the sidewalk.

B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way unless expressly approved by the governing body.

C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.

D. Sidewalk cafes with four (4) seats or less shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet.

E. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.

F. The sidewalk café shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of eight (8) feet from the sidewalk to the bottom of the awning/umbrella.

G. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.

H. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.

I. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.

J. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.

K. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.

L. After a snow event all snow must be cleared from the sidewalk from the width of the entire establishment in order to operate the sidewalk cafe. No tables, chairs, or boundaries may be placed on the sidewalk until all snow is removed. The snow shall be placed on the sidewalk within the first 18 inches from the street.

M. Once snow has accumulated greater than an inch while a cafe is already open than all tables, chairs, boundaries must be removed from the sidewalk.

N. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.

O. Food service shall be available during all times in which the sidewalk café is open for business.

P. Establishments which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.

Q. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.

R. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.

S. The number of patrons served in the sidewalk café shall be limited to the maximum number indicated on the sidewalk café license. No persons other than those being served and establishment personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the establishment proper.

T. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.

U. Establishments that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

§168-504. Terms of License, Dates and Hours of Operation.

A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.

B. All licenses issued pursuant to this article shall permit sidewalk café operations for a twelve (12) month period beginning January 1 and ending on December 31 of the following year.

   a. Any establishment holding a valid current side café license as of November 30, 2012, shall automatically have that sidewalk café license extended, without any additional fees, until December 31, 2012.

C. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State of Local Alcoholic Beverage Control (ABC) laws.

§168-505. Application and Fees.

A. Applicants for a sidewalk café shall submit the following documents;

   1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.

   2. A copy of the establishment's certificate of liability insurance.

   3. A valid current lease or letter of consent, which may include any express conditions relating to time and manner of use, from the property owner stating that the establishment and its operator, by name, are permitted to operate a sidewalk café in front of the property.

   4. A letter from the City of Hoboken Health Department confirming that the applicant establishment is in good standing.

   5. A letter from the City of Hoboken ABC Board confirming that the applicant establishment, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.

   6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.

      a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.

      b. All tables, chairs and accessory equipment must also be shown.

7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added, removed or altered since its last licensing, or in front of a building that has been significantly altered since the last licensing.

B. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee, with no proration for a partial year, at two dollars ($2.00) per square foot.

§168-506. Insurance Required.

A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million ($1,000,000) dollars per occurrence and two million ($2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.

B. Laps in insurance coverage will result in the immediate suspension of the café license.

C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

§168-507. Enforcement.

A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.

B. Any person who violates any provision of this ordinance shall be subject to a civil penalty of not less than $150 nor more than $500 per occurrence. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. The City of Hoboken, through its duly authorized agent, may revoke the license of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within twenty (20) days of said citation.

D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.

E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the Planning Board or Zoning Board of Adjustment. Such request for hearing shall be in writing and delivered to the Planning Board, attn. Board Secretary, 94 Washington Street, Hoboken, New Jersey, 07030.

F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

Date of Introduction: _____

Approved as to Legal Form:

_____

Melissa Longo, Interim Corporation Counsel

RECORD OF COUNCIL VOTE ON 1ST READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

RECORD OF COUNCIL VOTE ON FINAL READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

CERTIFICATION:

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this _____ day of _____, 2012.

_____
James J. Farina
City Clerk

Approved by the Mayor on the _____ day of _____, 2012.

_____

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

_____

_____

_____

_____

2

Sponsored by: Giattino

Seconded by: _____

City of Hoboken
Ordinance No.:_____

AN ORDINANCE AMENDING ARTICLE V "SIDEWALK CAFES" OF CHAPTER 168 "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF HOBOKEN

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

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

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

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

SECTION ONE: DELETION

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

SECTION TWO: ADDITION

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

ARTICLE V
Sidewalk Cafes

§168-501. Definitions.

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

BAR -- A place of business duly licensed by the Alcoholic Beverage Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

RESTAURANT -- An establishment principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of meals to its customers.

RESTAURANT, CLASS I -- A restaurant whose primary function and operation is the preparation and service, by employees, of food and drink to customers seated at a counter, bar, or table at which the meal is consumed. A Class I restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons.

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

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

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

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

§168-502. Projection Into Streets.

A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken pursuant to the procedures set forth in §168-505.

B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.

C. Where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk café.

D. Sidewalk cafes shall only be permitted in front of an operating restaurant that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

E. Sidewalk cafes shall only be permitted in front of restaurants; Class I or II, as defined herein.

§168-503. General Requirements.

A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location.

B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way unless expressly approved by the governing body.

C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) inches in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.

D. Sidewalk cafes with four (4) seats or less shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet.

E. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.

F. The sidewalk café shall have an overhead covering, consisting of either individual umbrellas or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of seven (7) feet from the sidewalk to the bottom of the awning/umbrella.

G. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.

H. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.

I. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.

J. Smoking shall not be permitted within a sidewalk café.

K. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.

L. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.

M. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.

N. Food service shall be available during all times in which the sidewalk café is open for business.

O. Restaurants which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.

P. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.

Q. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.

R. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper. No restaurant personnel shall serve café patrons from outside the partition.

S. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.

T. Class II restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

§168-504. Terms of License; Dates and Hours of Operation.

A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.

B. The term of each license shall commence on January 1st and expire on December 31st of each year. There shall be no proration of license fees, regardless of when the license is obtained.

C. All licenses issued pursuant to this article shall permit sidewalk café operations year round, any day of the year, except that no cafés shall be operated on the first Saturday in March, or when there is snow obstructing any part of the public right-of-way.

D. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State of Local Alcoholic Beverage Control (ABC) laws.

§168-505. Application and Fees.

A. Applicants for a sidewalk café shall submit the following documents;

1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.

2. A copy of the restaurant's certificate of liability insurance.

3. A letter of consent from the property owner stating that the restaurant and its operator, by name, are permitted to operate a sidewalk café in front of the property.

4. A letter from the City of Hoboken Health Department confirming that the applicant restaurant is in good standing.

5. A letter from the City of Hoboken ABC Board confirming that the applicant restaurant, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.

6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.

    a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.

    b. All tables, chairs and accessory equipment must also be shown.

7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added, removed or altered since its last licensing, or in front of a building that has been significantly altered since the last licensing.

B. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee of two (2) dollars per square foot of café area, with no proration for a partial year.

§168-506. Insurance Required.

A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million ($1,000,000) dollars per occurrence and two million ($2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.

B. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of Hoboken. Any laps in insurance coverage, for any reason, will result in the immediate suspension of the café license.

C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

§168-507. Enforcement.

A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.

B. Any person who violates any provision of this ordinance shall be subject to a civil penalty of not less than $150 nor more than $500 per occurrence. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. The City of Hoboken, through its duly authorized agent, may revoke the license, after notice and a hearing, of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within ten (10) days of said citation.

D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.

E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the governing body. Such request for hearing shall be in writing and delivered to the City Clerk, 94 Washington Street, Hoboken, New Jersey, 07030.

F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

SECTION THREE: EXEMPTION

Restaurants located in any Residential Zone, who are licensed to operate a sidewalk café at the adoption of this Ordinance, and who have a fence that is non-conforming to this Ordinance, but is in conformance with Chapter 168 (Streets and Sidewalks), Article III (Fences, Gateways and Stairways) of the Municipal Code of the City of Hoboken, shall be permitted to retain said fence until such time as the fence is replaced or substantially altered.

SECTION FOUR: AMENDMENTS

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

Chapter 196: Article II. Definitions

§ 196-6. B

BAR

A place of business duly licensed by the Alcoholic Beverages Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use~~, whether or not food service is also provided~~. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

BAR, CLASS I

A place of business duly licensed by the Alcoholic Beverage Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, and whose capacity is under 100 persons. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

BAR, CLASS II

A place of business duly licensed by the Alcoholic Beverage Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, and whose capacity is 101 or more persons. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

BAR, CLASS III

An establishment, licensed for the sale and on-premises consumption of alcoholic beverages where music is performed live or produced by a DJ and where dancing is permitted; or where comedians or other such entertainers perform for patrons.

RESTAURANT

~~A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use.~~ An establishment principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, and serving of food for its customers.

RESTAURANT, CLASS I

A restaurant whose primary function and operation is the preparation and service, by employees, of food and drink to customers seated at a counter, bar or table at which the meal is consumed. A Class I restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons.

RESTAURANT, CLASS II

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

RETAIL FOOR ESTABLISHMENT

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

SIDEWALK CAFE

~~Use of the sidewalk beyond the building line for chairs, tables and other space dividers to permit the serving of food and drink for consumption by the patrons of the restaurant fronting on the expanse of sidewalk to be used for this purpose. Facilities shall be fully enclosed by a transparent or translucent temporary structure and shall, in all respects, conform to all applicable city and state regulations, as well as standards set forth elsewhere in this chapter.~~

See Chapter 168 Streets and Sidewalks, Article V Sidewalk Cafes.

For the purposes of this Chapter, a Sidewalk Café shall be considered an accessory use; customarily incidental to an approved restaurant use.

~~SIDEWALK CAFE, ENCLOSED~~

~~An enclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter.~~

~~SIDEWALK CAFE, LIMITED~~

~~The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space, which space is unenclosed and does not have walls, and subject to the conditions set forth in Article V of Chapter 168.~~

~~SIDEWALK CAFE, OPEN~~

~~An unenclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter.~~

Chapter 196: Article V. Schedule I: Residential Districts

§196-14. D

~~(o) Sidewalk cafes.~~

§ 196-15. D

~~(12) Sidewalk cafes.~~

§ 196-16. D

~~(9) Sidewalk cafes.~~

Article VII. Schedule III: Review Districts

§ 196-19. D (1)

~~(d) Sidewalk cafes.~~

§196-38. Standards for particular use.

~~Q. Sidewalk café. The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space shall be subject to the following conditions:~~

~~(1) Conformity with the Building Code and all applicable state and local Health Department standards.~~

~~(2) A renewable annual contract between the restaurant management and the Mayor and Council of the City of Hoboken setting forth the annual fee to the city, the hours and conditions of operation and such circumstances as will void renewal of the annual contract.~~

~~(3) No more than half the sidewalk or six (6) feet, whichever is less, shall be utilized for sidewalk cafes. In no case shall less than four (4) feet of sidewalk be available for pedestrian traffic.~~

~~(4) Site plan review and approval by the Planning Board.~~

SECTION FIVE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall take effect January 1, 2013. The 2012 season shall terminate as scheduled on November 30th.

SECTION EIGHT: CODIFICATION

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

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

Date of Introduction: August 15, 2012.

Approved:

Quentin Wiest, Business Administrator

Approved as to Legal Form:

Melissa Longo, Interim Corporation Counsel

RECORD OF COUNCIL VOTE ON 1ST READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

RECORD OF COUNCIL VOTE ON 2ND READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

CERTIFICATION:

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this _____ day of _____, 2011.

_____
James J. Farina
City Clerk

Approved by the Mayor on the _____ day of _____, 2011.

_____
Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

_____

_____

_____

_____

Sponsored by: Occhipinti
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 141A ENTITLED "PARKING PERMITS" TO AMEND PARKING AND BUS STOP REGULATIONS RELATING TO JACKSON STREET AT NEWARK AND OBSERVER

WHEREAS, Chapter 141A of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders, and Chapter 190 deals with parking issues relating to time limit parking and bus stops; and,

WHEREAS, the municipality has found that specific sections of Chapter 141A and Chapter 190 currently requires amendments in order to best effectuate parking in the City within the Jackson Street area between Newark and Observer; and,

WHEREAS, the City Council wishes to remove previously adopted amendments which the Council now finds inefficient, ineffective, or less advantageous than the Council had anticipated at the time of adoption.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE SECTION 190-29.8

§ 190-29.8. Time limit parking locations and fees.
In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets:

Street Location	Side	Hours/Time Limits	Rate
~~Jackson Street from Newark Street to Observer Highway~~	~~West~~	~~9:00 a.m. to 9:00 p.m./ 2.0 hours~~	~~$0.25/15 min.~~

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 190-47(E)

§ 190-47. Streets Designated.

E.

The following roadways are hereby designated as bicycle lanes and/or routes.

Street	Begin	End	Class
Jackson Street	~~Newark~~ First	Seventh	II

SECTION THREE: AMENDMENTS TO HOBOKEN CODE CHAPTER 141A

§ 141A-2. Resident permits.

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

Name of Street	Side	Limits	Locations
~~Jackson Street~~	~~West~~	~~24 hours~~	~~Beginning at the northerly curbline of Observer Highway and extending to the southerly curbline of Paterson Avenue~~

SECTION FOUR: AMENDMENTS TO HOBOKEN CODE SECTION 190-13

Article VII. Bus Stops

§ 190-13. Bus stops designated.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated:

~~N. Jackson Street, northbound on the easterly side at:~~

Street/Location	Hours/Days
~~Observer Highway (near side), beginning at the southerly curbline of Observer Highway and extending 100 feet southerly therefrom~~	~~6:00 a.m. to 11:00 p.m. Monday to Friday~~

SECTION FIVE: AMENDMENTS TO HOBOKEN CODE SECTION 190-6

Section 190-6 No Stopping or Standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Locations
Jackson Street	Both	Beginning at the northerly curbline of Observer Highway and extending to the southerly curbline of Newark Street

SECTION SIX: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION SEVEN: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or

unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION EIGHT: EFFECTIVE DATE

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

SECTION NINE: 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: August 15, 2012

Introduction:

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

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				

Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

_____
Mellissa Longo, Interim Corporation Counsel

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

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____
_____
_____
_____
_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2011

_____
Dawn Zimmer, Mayor

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.

2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.

3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.

4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.

5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.

6. This ordinance shall take effect as provided by law.

Date of Introduction: August 15, 2012

Approved as to Legal Form:

_____
Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2012

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____
_____
_____
_____
_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2012

_____
Dawn Zimmer, Mayor

Title	Minimum	Maximum
Corporation Counsel	$50,000.00	$109,317.90
Keyboarding Clerk 4	$25,000.00	$55,000.00
Omnibus Operator (F/T)	$20,000.00	$45,000.00
Omnibus Operator (P/T)	$10.00/hour	$17.50/hour
Police Training Rate	$25,000.00	$25,000.00
Signal System Technician 3	$42,000.00	$79,388.00
Supervising Laborer	$33,500.00	$71,498.00
Special Law Enforcement Officer (Police) Class 1	$25,000.00	$25,000.00
Building Inspector	$50,000.00	$77,165.00
Traffic Control Officer (P/T)	$12.00/hour	$17.50/hour

5

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 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 $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the 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 $470,900;

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is $447,355; and

(c) a down payment in the amount of $23,545 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 $447,355, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of $23,545, which amount represents the required down payment, is 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 $447,355 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 $447,355 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer 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 Chief Financial Officer 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 $197,000.

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:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition of Four (4) Cushman Haulster Vehicles for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$153,000	$7,650	$145,350	5 years
B.	Acquisition and Installation of Salt Shed for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	90,000	4,500	85,500	15 years
C.	Acquisition of Leaf Vacuum Equipment for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	26,500	1,325	25,175	10 years
D.	Acquisition of Bobcat Loader/Excavator, for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	42,400	2,120	40,280	10 years
E.	Acquisition of Two (2) Large Dump Trucks with Plows for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	159,000	7,950	151,050	10 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 9.33 years.

Section 9. 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 10. 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 $447,355 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. 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 12. The applicable Capital Budget of the City 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 applicable 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 13. The City hereby declares its intent to reimburse itself from the proceeds 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 14. 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 authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, 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 term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of 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 15. 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 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. 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 City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on August 15, 2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____ __, 2012 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 VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 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 $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition of Four (4) Cushman Haulster Vehicles for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$153,000	$7,650	$145,350	5 years
B.	Acquisition and Installation of Salt Shed for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	90,000	4,500	85,500	15 years
C.	Acquisition of Leaf Vacuum Equipment for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	26,500	1,325	25,175	10 years
D.	Acquisition of Bobcat Loader/Excavator, for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	42,400	2,120	40,280	10 years
E.	Acquisition of Two (2) Large Dump Trucks with Plows for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	159,000	7,950	151,050	10 years

Appropriation: $470,900
Bonds/Notes Authorized: $447,355
Grants (if any) Appropriated: N/A
Section 20 Costs: $197,000
Useful Life: 9.33 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 City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2012 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 VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 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 $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition of Four (4) Cushman Haulster Vehicles for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$153,000	$7,650	$145,350	5 years
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D.	Acquisition of Bobcat Loader/Excavator, for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	42,400	2,120	40,280	10 years
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Appropriation: $470,900
Bonds/Notes Authorized: $447,355
Grants (if any) Appropriated: N/A
Section 20 Costs: $197,000
Useful Life: 9.33 years

JAMES J. FARINA, RMC, City Clerk

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

PARKER McCAY
ATTORNEYS AT LAW

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Mount Laurel, New Jersey 08054

P: 856-596-8900
F: 856-596-9631
www.parkermccay.com

Jeffrey D. Winitsky, Esquire
856-985-4086
jwinitsky@parkermccay.com

August 8, 2012

Via Email

Mr. Quentin Wiest
Business Administrator
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

RE: CITY OF HOBOKEN – BOND ORDINANCE FOR DEPARTMENT OF ENVIRONMENTAL SERVICES EQUIPMENT

Dear Mr. Wiest:

Pursuant to the specific request of the City of Hoboken ("City"), I have prepared and have attached a bond ordinance ("Bond Ordinance") authorizing the appropriation of funds and the issuance of bonds or bond anticipation funds to pay for the costs of the acquisition of various pieces of capital equipment for the Department of Environmental Services.

Please review the Bond Ordinance at your earliest convenience. To the extent that you have any questions or comments, please contact me. If the Bond Ordinance meets with your approval, please have the same placed on the agenda for the August 15, 2012 City Council meeting.

By copy of this letter, I am forwarding the attached Bond Ordinance to the individuals listed below for their general review and comment.

Thank you for your time and consideration in this matter.

Very truly yours,

/s/ Jeffrey D. Winitsky

JEFFREY D. WINITSKY

Attachment

cc: Hon. Dawn Zimmer (w/attachment) (via email)James J. Farina (w/attachment) (via email)
Nicholas Trasente (w/attachment) (via email)
Stephen Marks (w/attachment) (via email)
Melissa Longo, Esquire (w/attachment) (via email)
Alysia Proko, Esquire (w/attachment) (via email)
Christopher Baldwin (w/attachment) (via email)
Leo Pellegrini (w/attachment) (via email)
James J. Farina (w/attachment) (via email)

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

BACKGROUND

WHEREAS, the City of Hoboken, County of Hudson, New Jersey ("City"), has determined that it is necessary to prepare and execute a complete program of revaluation of real property for use by the City Tax Assessor and the Hudson County Board of Taxation ("Revaluation Project"); and

WHEREAS, the amount to be appropriated by the City for the purposes described above is $1,300,000.00, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, N.J.S.A. 40A:4-1 et seq.; and

WHEREAS, it is the desire of the City Council to adopt an ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. There is hereby appropriated pursuant to N.J.S.A. 40A:4-53(b), the sum of $1,300,000.00 for the Revaluation Project, as further described in the preambles of this ordinance.

Section 2. The appropriation of said $1,300,00.00 for the Revaluation Project as further described in the preambles of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in N.J.S.A. 40A:4-53(b).

Section 3. Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to N.J.S.A. 40A:4-55; provided, however at least one-fifth ($1/5^{th}$) of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.

Section 4. A certified copy of this ordinance as finally adopted shall be filed by the City Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Date of Introduction: _____

Date of Final Adoption: _____

Statement to be Published After Introduction

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

Public notice is hereby given that the foregoing ordinance was introduced and passed on first reading at the City Council meeting of the City of Hoboken, County of Hudson, New Jersey, held on August 15, 2012. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon at a meeting of the City Council of the City Council to be held at 94 Washington Street, Hoboken, New Jersey 07030 on _____ __, 2012 at _____ __.m. The foregoing ordinance authorizes certain special emergency appropriations in and for the City of Hoboken pursuant to N.J.S.A. 40A:4-53(b). Prior to and up to and including the date of said meeting, copies of said ordinance will be made available at the City Clerk's Office for members of the general public to request the same.

_____
James J. Farina, RMC,
City Clerk

Statement to be Published After Final Adoption

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

The ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, County of Hudson, New Jersey, on _____ __, 2012.

_____
James J. Farina, RMC,
City Clerk

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED "LEASE AGREEMENTS" TO RENAME THE CHAPTER AND TO INCLUDE A SMOKING PROHIBITION NEAR THE ENTRANCES TO CITY BUILDINGS

WHEREAS, the City seeks to enforce the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq., but has not, to date, created any local code which is more restrictive; and,

WHEREAS, the Council finds that employees and visitors of City owned buildings should be entitled to smoke free air when entering and exiting City owned buildings; and,

WHEREAS, the Council finds that the result of the New Jersey Smoke Free Air Act, without more, is that smoking occurs more frequently at entrances and exits to buildings; and,

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

SECTION ONE: AMENDMENTS TO THE TITLE OF HOBOKEN CODE CHAPTER 46:

CHAPTER 46 "LEASE AGREEMENTS"

shall herein after be changed to

CHAPTER 46 "PUBLIC PROPERTY"

SECTION TWO: AMENDMENTS TO THE SUBSTANCE OF HOBOKEN CODE CHAPTER 46:

ARTICLE II: City Buildings

46-10 Smoking Restrictions

A. The rules and regulations of the Smoke Free Air Act, N.J.S.A. 26:3D-55, shall be complied with at all times while on City property or within City buildings.
B. Smoking is prohibited within all buildings owned, rented or leased by the City of Hoboken.
C. Outdoor smoking is prohibited within 25 feet of any entrance to or air intake duct on any building owned, rented or leased by the City of Hoboken.
D. Outdoor smoking is prohibited within any outdoor courtyard or atrium on any property owned, rented or leased by the City of Hoboken.
E. Enforcement of this Article II of Chapter 46 shall be effectuated by the City's Health Officer(s), and the Hoboken Police Department.
F. Violations and penalties of this Article II of Chapter 46 shall be governed by and subject to Hoboken Code § 115-11 – Violations and Penalties, except where expressly and exclusively governed by the violations and penalties of the Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq..

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

Date of Introduction: August 15, 2012

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

_____

Mellissa Longo, Interim 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

8

Keli (HC-2010A)
Maxwell Place Easement Ordinance
080112
080812

CITY OF HOBOKEN

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF AND ACCEPTING A NON-EXCLUSIVE OPEN SPACE EASEMENT OVER A PORTION OF BLOCK 261.04, LOT 1 FROM MAXWELL PLACE CONDOMINIUM ASSOCIATION, INC. (1101-1125 HUDSON STREET)

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, Maxwell Place Condominium Association, Inc. ("Owner") is the owner of certain real property formally known as Block 261.04, Lot 1 on the Official Tax Map of the City of Hoboken; and

WHEREAS, the Owner desires to convey to the City of Hoboken ("City") a non-exclusive easement over the portion of Block 261.04, Lot 1 that has been set aside in conjunction with the approval of the Project for open space purposes, commonly known as the "Block A Open Space", to establish rules and regulations governing the use of the Block A Open Space by the public; and

WHEREAS, a certain easement entitled "Open Space Easement" ("Easement"), a copy of which is on file with the City Clerk, has been presented to the City; and

WHEREAS, the City desires to approve the terms and conditions of and to accept the dedication of the Easement to the City.

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

SECTION 1. The terms and conditions of a non-exclusive open space easement over a portion of Block 261.04, Lot 1, as specifically described in an Open Space Easement by and between Maxwell Place Condominium Association, Inc. and the City of Hoboken ("Easement"), a copy of which is on file with the Clerk of the City of Hoboken ("City"), are hereby approved, ratified and confirmed by the City Council.

SECTION 2. The dedication of said Easement is hereby accepted.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute said Easement after execution of the same by Maxwell Place Condominium Association, Inc. and together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance. The City hereby authorizes and approves any non-substantive modifications to said Easement as may be recommended and approved by counsel for the City prior to execution.

SECTION 4. The City Tax Collector and Tax Assessor are hereby authorized and directed to take any action necessary to further the purpose of this Ordinance.

SECTION 5. All ordinances, resolutions and regulations or parts of ordinances, resolutions or regulations inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 6. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

THE CITY OF HOBOKEN

By:

James J. Farina, City Clerk

Dawn Zimmer, Mayor

NOTICE OF INTRODUCTION AND STATEMENT OF PURPOSE AND SUMMARY PURSUANT TO N.J.S.A. 40:49-2 AND N.J.S.A. 40:49-2.1 CITY OF HOBOKEN, COUNTY OF MORRIS

NOTICE IS HEREBY GIVEN that an Ordinance entitled "An Ordinance Approving The Terms And Conditions Of And Accepting A Non-Exclusive Open Space Easement Over A Portion Of Block 261.04, Lot 1 From Maxwell Place Condominium Association, Inc. (1101-1125 Hudson Street)" was introduced, read by title and passed on first reading at a meeting held on _____, 2012. A Statement of Purpose of the Ordinance is contained below. The Council of the City of Hoboken will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on _____, 2012 at _____ p.m. prevailing time, at City Hall, 94 Washington Street, Hoboken, New Jersey 07030, at which time and place a public hearing will be heard thereon by the City Council and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

Statement of Purpose of Ordinance

The purpose of the above ordinance is to approve the terms and conditions of and to accept the conveyance of a non-exclusive open space easement over a portion of Block 261.04, Lot 1 from Maxwell Place Condominium Association, Inc. (1101-1125 Hudson Street) which establishes rules and regulations governing the use by the public of the open space located on that property, which is commonly known as the Block A Open Space.

A copy of the full Ordinance is available to any member of the general public, without cost, at Hoboken City Hall, 94 Washington Street, Hoboken, New Jersey, at the Office of the City Clerk, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

_____
James J. Farina, City Clerk

CITY OF HOBOKEN
AFFORDABLE HOUSING ORDINANCES PACKAGE

RECEIVED
2012 AUG -9 PM 1:11
CITY CLERK
HOBOKEN, NJ 07030

ORDINANCE NO. 1 – REPEALER

Sponsored by Theresa Castellano

Seconded by

AN ORDINANCE REPEALING ORD NO.P-6, §196-68 THROUGH -81, ON AFFORDABLE HOUSING.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Hoboken, New Jersey, as follows:

Section 1. Repeal of Ord. No. P-6

(a) The Affordable Housing Ordinance added to the City Code 5-18-88 by Ord. No. P-6, §196-68 through -81, is hereby repealed, except it shall remain in full force and effect for all applications for residential development pending before the Zoning Board of Adjustment on the effective date of this ordinance seeking a use variance to allow residential development in a zoning district or redevelopment plan where such uses are not currently permitted or seeking an increase in residential density or floor area ratio (FAR).

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

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

ORDINANCE NO. 2 –INCLUSIONARY AFFORDABLE HOUSING

RECEIVED
2012 AUG -9 PM 1:11
CITY CLERK
HOBOKEN, NJ 07030

Sponsored by Theresa Castellano

Seconded by

AN ORDINANCE REQUIRING THE INCLUSION OF AFFORDABLE HOUSING UNITS IN RESIDENTIAL AND MIXED USE DEVELOPMENTS, EITHER NEW CONSTRUCTION OR SUBSTANTIAL REHABILITATION, THAT SEEK OR RECEIVE INCENTIVES AND COMPENSATORY BENEFITS INCLUDING USE VARIANCES AND INCREASES IN DENSITY AND FLOOR AREA RATIO, AND IN REDEVELOPMENT PLANS PROVIDING FOR RESIDENTIAL DEVELOPMENT, PROVIDING STANDARDS FOR DESIGN AND CONSTRUCTION OF AFFORDABLE HOUSING, AND ESTABLISHING REQUIREMENTS FOR AFFIRMATIVE MARKETING, SALE, RENTAL, AND AFFORDABILTY CONTROLS FOR AFFORDABLE HOUSING.

WHEREAS, the City of Hoboken seeks to maintain and provide diversity and choice in the mix of housing types available in the City; and

WHEREAS, an inclusionary ordinance with incentives and requiring a mandatory set-aside of affordable housing, either on or off-site, is an effective and fair means of encouraging and ensuring the production of affordable housing by private sector developers recognized by the Supreme Court in So. Burlington Cty. N.A.A.C.P. v, Mt. Laurel Tp., 92 N.J. 158 ("Mt. Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, increases in permitted residential density or floor area ratio ("FAR"), accompanied by a mandatory set-aside of affordable housing, constitute incentives to private developers and compensatory benefits as required by the Fair Housing Act, N.J.S.A. 52:27D-311.h.; and

WHEREAS, use variances granted by the Zoning Board of Adjustment permitting residential uses in zoning districts and redevelopment plans restricted against such uses constitute a compensatory benefit when a mandatory set-aside of affordable housing is required as a condition of such residential use variance approvals; and

WHEREAS, new and amended redevelopment plans prepared and adopted under the Local Housing and Redevelopment Plan, N.J.S.A. 40A.12A-1 et seq., that increase residential density or FAR or permit residential uses in zoning districts restricted against such uses and require a mandatory set-aside of affordable housing constitute a compensatory benefit for inclusionary development.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Hoboken, New Jersey, as follows:

Section 1. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, as defined and with the responsibilities specified at N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing" means housing restricted to income-eligible low and moderate income households.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share housing obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Assisted living residence" means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Board of jurisdiction" means the Planning Board of the City of Hoboken, the Board of Adjustment of the City of Hoboken, or the City Council of the City of Hoboken, as applicable.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), or successor agency.

"DCA" means the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Developer" means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

"Housing region" means a geographic area, determined by COAH, of no less than two and no more than four contiguous, whole counties, which exhibits significant social, economic, and income similarities and which constitutes, to the greatest extent practicable, a Primary Metropolitan Statistical Area (PMSA) as last defined by the United States Census Bureau.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Infill" means development on vacant or underutilized property between existing buildings.

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income for the housing region.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by COAH.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income for the housing region.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Redevelopment plan" means a plan adopted by the governing body of the City of Hoboken for the redevelopment or rehabilitation of all or any part of a redevelopment area, or area in need of rehabilitation, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq.

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under the UHORP or MONI programs of the Agency.

"Substantial rehabilitation" means any rehabilitation of a vacant structure or any rehabilitation that involves the replacement of two or more major systems.

"Total development cost" mean the expenses that a developer can reasonably expect to incur in order to develop an affordable housing development, include "hard costs" such as land acquisition, site improvements, and new construction or rehabilitation, and "soft costs" consisting of all other costs and fees, such as professional services and financing fees.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 2. Inclusionary Affordable Housing Requirements

(a) **Applicability – Types of Development**: All development of property in the City of Hoboken that includes residential uses, whether residential or mixed use development, new construction on vacant land, redevelopment of previously developed sites, or substantial rehabilitation or adaptive use of existing structures, with the exception of the exemptions listed below in (c), shall include housing affordable to low and moderate income housing as specified below and in accordance with the standards of this Article.

(b) **Applicability – Board of Jurisdiction**: The provisions of this Article shall be applicable to:

1. Planning Board decisions on subdivision, site plan, and conditional use applications in zoning districts and adopted redevelopment plans upzoned to permit a higher density or floor area ratio or rezoned to allow residential uses after the effective date of this ordinance,

2. Zoning Board of Adjustment decisions on applications for variances to permit residential uses in a zoning district or redevelopment plan restricted against such use or increases in density or floor area ratio (FAR), i.e., "d" variances, and

3.The residential development provisions of new and amended redevelopment plans, which permit increased residential density or FAR or allow residential uses in redevelopment areas where such uses were previously not permitted, recommended by the Planning Board and adopted by the City Council under the Local Redevelopment and Housing Law after the effective date of this ordinance.

(c) **Exemptions**: The following types of residential development are exempt from the provisions of this Article:

1. The first ten (10) housing units of substantial rehabilitation projects.
2. Development under an adopted redevelopment plan subject to an executed redevelopment agreement between the City of Hoboken and a redeveloper in effect as of the effective date of this ordinance, unless amended subsequently to increase the density or floor area ratio.

(d) **Set-Aside of Affordable Housing Required** – Each development and redevelopment plan subject to this Article shall set-aside and contain affordable housing as follows:

1. 15 percent of the total units developed in a residential or mixed use development where the units are rented.
2. 20 percent of the total units developed in a residential or mixed use development where the units are sold in fee simple, as a condominium, or as a cooperative.

3. In all calculations of a developer's affordable housing set-aside responsibility under this Article, any unit reserved for the superintendent of the residential development shall not be credited towards satisfaction of the affordable housing obligation.
4. Rounding: When any calculation of the percentage of affordable units required to be provided results in a fractional unit of one-half or more, the fraction shall be rounded up to the next whole unit. When a calculation results in a faction of less than one-half, the fraction shall be rounded down to the previous whole unit.
5. Any residential or mixed use development receiving Urban Hub Tax Credit financing pursuant to N.J.S.A. 34:1B-207 et seq. shall set-side 20 percent of the total units in the development as affordable units.

(e) **Option of Off-site Provision of Affordable Units** – At the request of a developer and at the discretion of the board of jurisdiction, some or all of the affordable housing required to be set-aside and provided in a development under this Article may be provided off-site in a structure or structures elsewhere within the City of Hoboken, at the rate of 1.5 off-site affordable units in lieu of each affordable unit otherwise required on-site. Any such off-site affordable units provided shall be subject to all other provisions of this Article, including, but not limited to, the required controls on affordability. The off-site option may be approved if the board of jurisdiction finds on balance, giving substantial weight to the policy of favoring mixed-income development over separate developments for lower and higher income households, that:

1. The affordable units to be provided off-site will be of comparable or superior size and quality to those that would otherwise have been provided on-site.
2. The environmental conditions of the neighborhood in which the off-site affordable units are to be located are suitable for residential development.
3. Approval of the off-site location would not increase the concentration of low or moderate income housing within any neighborhood of the City of Hoboken.

(f) **Phasing.** Construction and completion of on-site or-off-site affordable housing required under this Article shall take place simultaneously with the development of the market-rate units that trigger the affordable housing set-aside obligation, in accordance with the following construction and completion phasing schedule:

Maximum Percentage of Market-Rate Units Completed and Certificates of Occupancy Issued	Minimum Percentage of Low- and Moderate-Income Units Completed and Certificates of Occupancy Issued
25%	0
25%+1	10%
50%	50%
75%	75%
90%	100%

(g) **Location of Low and Moderate Income Units.** In inclusionary developments, low- and moderate-income units shall be integrated with and interspersed among the market-rate

units, but may be concentrated for financing or property management reasons at the discretion of the board of jurisdiction, e.g., for rental affordable units satisfying the set-aside required for a development of market-rate condominium units.

(h) **Utilities.** Affordable units shall utilize the same type of heating source as market-rate units within the affordable development.

Section 3. New Construction and Substantial Rehabilitation Standards

The following standards apply to all newly constructed developments and substantial rehabilitations that contain low-and moderate-income housing units.

(a) **Low/Moderate Split of Affordable Housing Units:**

1. The designated affordable housing units shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

(b) **Bedroom Distribution of Affordable Housing Units**:

1. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
2. In affordable developments that are not age-restricted the bedroom distributions of affordable units shall be structured, in conjunction with realistic market demands, such that:
   i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
   ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
   iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
   iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
3. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(c) **Accessibility Requirements:**

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

i. An adaptable toilet and bathing facility on the first floor;

ii. An adaptable kitchen on the first floor;

iii. An interior accessible route of travel on the first floor;

iv. An interior accessible route of travel shall not be required between stories within an individual unit;

v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the City of Hoboken has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

B. To this end, the builder of restricted units shall deposit funds within the City of Hoboken's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

C. The funds deposited under paragraph B. above shall be used by the City of Hoboken for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the City of Hoboken.

E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the City of Hoboken's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet these requirements for site-specific reasons. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(d) **Rents and Sales Prices for Affordable Units**

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
4. At least 10 percent of all low- and moderate-income rental units in an affordable development shall be affordable to households earning no more than 30 percent of median income (i.e., very low income).
5. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
6. Occupancy standards for determining rents and sales prices: In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
   i. A studio shall be affordable to a one-person household;
   ii. A one-bedroom unit shall be affordable to a one and one-half person household;
   iii. A two-bedroom unit shall be affordable to a three-person household;
   iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
   v. A four-bedroom unit shall be affordable to a six-person household.
7. Occupancy standards for determining rents in assisted living facilities: In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
   i. A studio shall be affordable to a one-person household;
   ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
   iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

8. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the current Federal Reserve H.15 rate of interest for conventional mortgages), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented, i.e., the occupancy standards above; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented, i.e., the occupancy standards above; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
10. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
11. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
12. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 4. Affirmative Marketing Requirements

(a) The City of Hoboken shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

(b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 (Northeast: Bergen, Passaic, Hudson, and Sussex Counties, as may be amended) and covers the period of deed restriction.

(d) The Administrative Agent designated by the City of Hoboken shall assure the affirmative marketing of all affordable units developed pursuant to this Article, consistent with the Affirmative Marketing Plan for the municipality.

(e) In implementing the affirmative Marketing Plan, the Administrative Agent shall provide a list of housing counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy of the units.

(g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City of Hoboken.

Section 5. Occupancy Standards

(a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sex with separate bedrooms; and
3. Prevent more than two persons from occupying a single bedroom.

(b) Additional provisions related to occupancy standards (if any) shall be provided in the city of Hoboken's Operating Manual for affordable housing.

Section 6. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

(a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Article until the City of Hoboken elects to release the unit from such requirements. Prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq. and this Article, as may be amended and supplemented, for a minimum of 40 years.

(b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

(c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

(d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after

the unit's release from the requirements of this Article, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

(e) The affordability controls set forth in this Article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(f) All conveyances of restricted ownership units pursuant to this Article shall be made by deeds and restrictive covenants substantially in the form prescribed in N.J.A.C. 5:80-26 Appendices. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be filed by the developer or seller with the records office of the County of Hudson. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

(g) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 7. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

(a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

(b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

(c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

(d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 8. Buyer Income Eligibility

(a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be

reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 9. Limitations on indebtedness secured by ownership unit; subordination

(a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the Administrative Agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

(b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 10. Control Periods for Restricted Rental Units

(a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the City of Hoboken elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq. and this Article, as may be amended and supplemented, for minimum of 40 years.

(b) Deeds of all real property that include restricted rental units shall contain deed restriction language substantially in the form set forth in N.J.A.C. 5:80-26 Appendices. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hudson. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

(c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

Section 11. Price Restrictions for Rental Units; Leases

(a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

(b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

(c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 12. Tenant Income Eligibility

(a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

(c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 13. Administration: Municipal Housing Liaison and Administrative Agent

(a) The position of Municipal Housing Liaison (MHL) for the City of Hoboken is established by this Article. The City of Hoboken shall make the actual appointment of the MHL by means of a letter from the Mayor to COAH.

1. The MHL must be either a full-time or part-time employee of the City of Hoboken.
2. The person appointed as the MHL must be reported to COAH for approval.
3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the City of Hoboken, including the following responsibilities which may not be contracted out to the Administrative Agent:
   - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
   - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
   - iii. When applicable, supervising any contracting Administrative Agent.
   - iv. Monitoring the status of all restricted units in the City of Hoboken's Fair Share Plan;
   - v. Compiling, verifying and submitting annual reports as required by COAH;
   - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
   - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

(b) The City of Hoboken shall designate by resolution of the City Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed or substantially rehabilitated affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC (N.J.A.C. 5:80-26).

(c) An Operating Manual shall be prepared and provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manual(s) shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

(d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in

the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
2. Affirmative Marketing;
2. Household Certification;
3. Affordability Controls;
4. Records retention;
5. Resale and re-rental;
6. Processing requests from unit owners; and
7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 14. Enforcement of Affordable Housing Regulations

(a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

   i. A fine of not more than $1000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

   ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment

into the City of Hoboken Affordable Housing Trust Fund of the gross amount of rent illegally collected;

iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

(c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

(d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference

between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 20. Appeals from Administrative Agent Decisions

Appeals from all decisions of an Administrative Agent designated pursuant to this Article shall be filed in writing with the Executive Director of COAH.

Section 21. Inclusionary Standards and Requirements for Future Redevelopment Plans

All redevelopment plans providing for residential development, prepared and adopted or amended pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. after the effective date of this Article, shall include inclusionary affordable housing development standards and requirements identical to the standards and requirements of this Article.

Section 22. Effective Date

This ordinance shall take effect upon passage and publication as provided by law, but shall not be applicable to applications for residential development pending before the board of jurisdiction on the effective date of this ordinance.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ORDINANCE NO. 3 – DEVELOPMENT FEES FOR AFFORDABLE HOUSING

Sponsored by _____

Seconded by_____

AN ORDINANCE ESTABLISHING REQUIREMENTS AND STANDARDS FOR THE COLLECTION AND EXPENDITURE OF DEVELOPMENT FEES DEDICATED TO PROVIDING LOW AND MODERATE INCOME HOUSING AND ESTABLISHING THE CITY OF HOBOKEN AFFORDABLE HOUSING TRUST FUND.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the city of Hoboken, New Jersey, as follows:

Section 1. Purpose

a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or a court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

Section 2. Basic requirements

a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C.* 5:96-5.1.

b) The City of Hoboken shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C.* 5:97-8.10 and *N.J.A.C.* 5:96-5.3.

Section 3. Definitions

a) The following terms, as used in this ordinance, shall have the following meanings:

i. "**Affordable housing development**" means a development, whether included in the Housing Element and Fair Share Plan or not, that complies with the requirements of the Inclusionary Affordable Housing Ordinance of the City of Hoboken (§196- ...), including, but not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

ii. "**COAH**" or the "**Council**" means the New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State, or successor agency.

iii. "**Development fee**" means money paid by a developer for the improvement of property as permitted in *N.J.A.C.* 5:97-8.3.

iv. "**Developer**" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

v. "**Equalized assessed value**" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

vi. "**Green building strategies**" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

Section 4. Residential Development fees

a) Imposed fees

i. Within all zoning district(s) of the City of Hoboken, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) percent of the

equalized assessed value for residential development provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a contribution to the City of Hoboken Affordable Housing Trust Fund established by this Article in lieu of on-site or off-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of this municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

Section 5. Non-residential Development fees

a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots, subject to the provisions of, N.J.S.A. 40:55D-8.6, P.L.2011, c.122.

ii. Non-residential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

c)

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) percent development fee, unless otherwise exempted below.

ii. The two and a half percent (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three

years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by City of Hoboken as a lien against the real property of the owner.

Section 6. Collection procedures

a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the municipal construction official responsible for the issuance of a building permit.

b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development that is subject to a development fee.

d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

f) Within ten (10) business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the City of Hoboken fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

h) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining 50% portion shall be collected prior to the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined prior to issuance of certificate of occupancy when paying the remaining 50% portion of the development fee.

i) Appeal of development fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the City of Hoboken. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the City of Hoboken. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

Section 7. Affordable Housing Trust Fund

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the City of Hoboken, to be known as the City of Hoboken Affordable Housing Trust Fund, for the purpose of depositing development fees for affordable housing collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the city of Hoboken Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. Payments in lieu of on-site construction of affordable units;
2. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. Rental income from municipally operated affordable units;
4. Repayments from affordable housing program loans;
5. Recapture funds;
6. Proceeds from the sale of affordable units; and
7. Any other funds collected in connection with the City of Hoboken's affordable housing program.

c) Within seven days from the opening of the trust fund account, the City of Hoboken hall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

d) All interest accrued in the City of Hoboken Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

Section 8. Use of funds

a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the City of Hoboken's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse City of Hoboken for past housing activities.

c) At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d) The City of Hoboken/ may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e) No more than 20 percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

Section 9. Monitoring

a) The City of Hoboken shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing

program loans, and any other funds collected in connection with City of Hoboken's affordable housing program, as well as to the expenditure of revenues and implementation of the Housing Element and Fair Share Plan certified by COAH or approved by a court of competent jurisdiction. All monitoring reports shall be completed on forms designed by COAH.

Section 10. Entitlement to ongoing collection and expenditure of development fees

a) The ability of the City of Hoboken to impose, collect and expend development fees shall expire with substantive certification from COAH or judgment of compliance from the court unless City of Hoboken has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the City of Hoboken fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification or judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The City of Hoboken shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor City of Hoboken retroactively impose a development fee on such a development. The City of Hoboken shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

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

CS

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO.: ____

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING PENDING OR THREATENED LITIGATION IN THE MATTER OF HOBOKEN COVE UMBRELLA ASSOCIATION V. CITY OF HOBOKEN AND PSE&G

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12 and attorney client privilege; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel on matters in which litigation is anticipated and/or threatened, such as in the matter of Hoboken Cove Umbrella Association and PSE&G's streetlight payment dispute; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

MEETING: August 15, 2012

APPROVED AS TO FORM:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

35

SPONSORED: _____
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

RESOLUTION AUTHORIZING THE EXEUCTION OF THE GENERAL WAIVER AND RELEASE IN SETTLEMENT OF ALL CLAIMS IN THE MATTER OF HOBOKEN COVE UMBRELLA ASSOCIATION'S STREETLIGHT PAYMENTS

WHEREAS, Hoboken Cove Umbrella Association filed a tort claim against the City of Hoboken and threatened to initiate a lawsuit relating to alleged overpayments made by the Association on streetlights within the municipality which were allegedly owned and operated by the City at the time of payment; and,

WHEREAS, the Administration, Hoboken Cove Umbrella Association and PSE&G have negotiated an agreement under which Hoboken Cove Umbrella Association waives and releases all claims against the City relating to this matter in exchange for (1) PSE&G rebillling the streetlights to the City and reimbursing Hoboken Cove Umbrella Association for their payments and (2) the City paying the PSE&G invoice, at the lower BPU rate for municipalities, so that PSE&G will make the reimbursement to Hoboken Cove Umbrella Association; and,

WHEREAS, counsel to the City has advised that the terms and conditions of the negotiated agreement offers a fair and reasonable settlement of the matter that represents the best interest of the City in resolution of the dispute; and,

WHEREAS, the Administration seeks authorization to formally execute the negotiated General Release and Waiver, and acceptance of and approval by the Council of the rebilled amount as a forthcoming claim.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or her authorized agent are hereby authorized to enter into and finalize the General Release and Waiver so long as said document representing the same substantive terms and conditions as described herein and in the Memorandum from Alysia M. Proko, Esq., regarding this matter.

This resolution shall take effect immediately upon passage.

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Meeting Date: August 15, 2012

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

INTRODUCED BY:_____
SECONDED BY:_____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AWARDS A CONTRACT TO STANS SPORT CENTER INC. THROUGH ITS STATE OF NEW JERSEY CONTRACT NUMBER 81164 FOR SPORTING GOODS AND SPORTING SUPPLIES FOR THE HOBOKEN RECREATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS ($120,000.00)

WHEREAS, N.J.S.A. 40A:11-5 allows municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Stan's Sport Center Inc. has been approved as a State Contractor pursuant to Contract Number 81164 and,

WHEREAS, the City of Hoboken's Recreation Department is in need of sporting goods and sporting supplies, for which goods Stan's Sport Center Inc. has agreed to contractual rates with the State; and,

WHEREAS, the funds are available for this contract, in an amount not to exceed one hundred twenty thousand ($120,000.00) dollars for CY2012.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $90,000.00 is available in the following appropriations 2-01-28-370-020 in the CY2012 budget and $30,000.00 is available in the following appropriations T-03-40-000-100 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____ **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide sporting goods and sports equipment for a one year period, to commence January 1, 2012 and terminate December 31, 2012, at individual costs of goods which do not exceed those listed in its contract with the State of New Jersey, and for a total not to exceed amount of one hundred twenty thousand ($120,000.00) dollars, as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:

Stan's Sport Center Inc.

Account Description	P.O. Id	Item	Vendor Id	Vendor Name	Item Description	Amount		Status	First Enc D	Rcvd Date	Invoice
BABE RUTH BASEBALL	12-01994	1	00690	STAN'S SPORT CENTER	MAJESTIC MAJOR LEAGUE TEES	1,320.00	1,320.00	P	6/1/2012	7/2/2012	040953
BABE RUTH BASEBALL	12-01994	2	00690	STAN'S SPORT CENTER	WILSON BASEBALL PANTS	1,516.00	1,516.00	P	6/1/2012	7/2/2012	040953
BABE RUTH BASEBALL	12-01994	3	00690	STAN'S SPORT CENTER	OUTDOOR CAPS WITH LOGO	520.00	520.00	P	6/1/2012	7/2/2012	040953
BABE RUTH BASEBALL	12-01994	4	00690	STAN'S SPORT CENTER	TWIN CITY OBK BASEBALL SOCKS	360.00	360.00	P	6/1/2012	7/2/2012	040953
BABE RUTH BASEBALL	12-01994	5	00690	STAN'S SPORT CENTER	MARTIN BASEBALL BELTS	300.00	300.00	P	6/1/2012	7/2/2012	040953
GIRLS SOFTBALL	12-01246	1	00690	STAN'S SPORT CENTER	CATCHERS GEAR	320.00	320.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	2	00690	STAN'S SPORT CENTER	MARTIN SY11 PRACTICE BALLS	120.00	120.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	3	00690	STAN'S SPORT CENTER	MARTIN SY12 PRACTICE BALLS	120.00	120.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	4	00690	STAN'S SPORT CENTER	RAWLINGS 11" GAME SOFTBALLS	520.00	520.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	5	00690	STAN'S SPORT CENTER	RAWLINGS 12" GAME SOFTBALLS	520.00	520.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	6	00690	STAN'S SPORT CENTER	BATS	180.00	180.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	7	00690	STAN'S SPORT CENTER	ICE PACKS	198.00	198.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	8	00690	STAN'S SPORT CENTER	J&J MEDICAL KITS	112.00	112.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	9	00690	STAN'S SPORT CENTER	SCOREBOOKS	48.00	48.00	P	4/9/2012	4/25/2012	040810
GIRLS SOFTBALL	12-01246	10	00690	STAN'S SPORT CENTER	EQUIPMENT BAGS	40.00	40.00	P	4/9/2012	4/25/2012	040809
GIRLS SOFTBALL	12-01246	11	00690	STAN'S SPORT CENTER	SOFTBALL HELMETS WITH MASK	310.00	310.00	P	4/9/2012	4/25/2012	040809
GIRLS SOFTBALL	12-01246	12	00690	STAN'S SPORT CENTER	W/LG CUP & SOFTBALL TRIM	75.00	75.00	P	4/9/2012	4/25/2012	040809
GIRLS SOFTBALL	12-01246	13	00690	STAN'S SPORT CENTER	W/MEDIUM CUP & SOFTBALL TRIM	80.00	80.00	P	4/9/2012	4/25/2012	040809
GIRLS SOFTBALL	12-01246	14	00690	STAN'S SPORT CENTER	SOFTBALL RESIN	280.00	280.00	P	4/9/2012	4/25/2012	040809
GIRLS SOFTBALL	12-01246	15	00690	STAN'S SPORT CENTER	SOFTBALL RESIN	336.00	336.00	P	4/9/2012	4/25/2012	040809
INSTRUCTIONAL BASEBALL	12-00601	1	00690	STAN'S SPORT CENTER	GILDEN T- SHIRTS W/ FRONT LOGO	672.00	672.00	P	2/27/2012	6/12/2012	040447
INSTRUCTIONAL BASEBALL	12-00601	2	00690	STAN'S SPORT CENTER	HATS W/TEE BALL LOGO	462.00	462.00	P	2/27/2012	6/12/2012	040447
INSTRUCTIONAL BASEBALL	12-00601	3	00690	STAN'S SPORT CENTER	MESH BAGS	6.00	6.00	P	2/27/2012	6/12/2012	040447
INSTRUCTIONAL BASEBALL	12-00601	5	00690	STAN'S SPORT CENTER	J&J MEDICL KIT	28.00	28.00	P	2/27/2012	6/12/2012	040447
INSTRUCTIONAL BASEBALL	12-00601	6	00690	STAN'S SPORT CENTER	MARTIN TB20 SOFTEE BASEBALLS	81.00	81.00	P	2/27/2012	6/12/2012	040447
INSTRUCTIONAL BASEBALL	12-00602	1	00690	STAN'S SPORT CENTER	GILDEN T-SHIRTS W/FRONT LOGO	522.50	522.50	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	2	00690	STAN'S SPORT CENTER	MARTIN TB20 SOFTEE BASEBALLS	135.00	135.00	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	3	00690	STAN'S SPORT CENTER	EQUIPMENT BAG	40.00	40.00	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	4	00690	STAN'S SPORT CENTER	MESH BAG	6.00	6.00	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	5	00690	STAN'S SPORT CENTER	TEE BALL BAT	35.00	35.00	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	6	00690	STAN'S SPORT CENTER	ICE PACKS	49.50	49.50	P	2/27/2012	5/30/2012	040445
INSTRUCTIONAL BASEBALL	12-00602	7	00690	STAN'S SPORT CENTER	BATTING TEES	40.00	40.00	P	2/27/2012	5/30/2012	040446
INSTRUCTIONAL BASEBALL	12-00602	8	00690	STAN'S SPORT CENTER	BATTING HELMETS W/MASK	120.00	120.00	P	2/27/2012	5/30/2012	040446
INSTRUCTIONAL BASEBALL	12-00602	9	00690	STAN'S SPORT CENTER	STARBURST BASEBLL RESIN	665.00	665.00	P	2/27/2012	5/30/2012	040446
INSTRUCTIONAL BASEBALL	12-00602	10	00690	STAN'S SPORT CENTER	J&J MEDICAL KIT	28.00	28.00	P	2/27/2012	5/30/2012	040446
LITTLE LEAGUE BASEBALL	12-00599	1	00690	STAN'S SPORT CENTER	RAWLINGS PRACTICE BALLS	252.00	252.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	2	00690	STAN'S SPORT CENTER	BUCKETS ONLY	45.00	45.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	3	00690	STAN'S SPORT CENTER	GATORADE COOLER	56.00	56.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	4	00690	STAN'S SPORT CENTER	THROAT PROTECTORS	21.00	21.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	5	00690	STAN'S SPORT CENTER	ICE PACKS	49.50	49.50	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	6	00690	STAN'S SPORT CENTER	J&J MEDICAL KITS	84.00	84.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	7	00690	STAN'S SPORT CENTER	PACIFIC 705W HATS WITH LOGO	810.00	810.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	8	00690	STAN'S SPORT CENTER	SCOREBOOKS	18.00	18.00	P	2/27/2012	5/30/2012	040450
LITTLE LEAGUE BASEBALL	12-00599	9	00690	STAN'S SPORT CENTER	LINE UP CARDS	12.00	12.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	10	00690	STAN'S SPORT CENTER	EQUIPMENT BAGS	40.00	40.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	11	00690	STAN'S SPORT CENTER	RAWLINGS HELMETS WITH MASK	540.00	540.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	12	00690	STAN'S SPORT CENTER	SOCKS	180.00	180.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	13	00690	STAN'S SPORT CENTER	BELTS	225.00	225.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	14	00690	STAN'S SPORT CENTER	RAWLINGS RLBB1 BASEBALLS	340.00	340.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	15	00690	STAN'S SPORT CENTER	MCDAVID YOUTH HEART SHIRTS	60.00	60.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00599	16	00690	STAN'S SPORT CENTER	MCDAVID ADULT HEART SHIRT	140.00	140.00	P	2/27/2012	5/30/2012	040451
LITTLE LEAGUE BASEBALL	12-00600	1	00690	STAN'S SPORT CENTER	RAWLINGS RLLB1 BASEBALLS	1,360.00	1,360.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	2	00690	STAN'S SPORT CENTER	MESH BAGS	24.00	24.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	3	00690	STAN'S SPORT CENTER	ICE PACKS	165.00	165.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	4	00690	STAN'S SPORT CENTER	J&J MEDICAL KITS	84.00	84.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	5	00690	STAN'S SPORT CENTER	LINE UP CARDS	60.00	60.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	6	00690	STAN'S SPORT CENTER	SCOREBOOKS	36.00	36.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	7	00690	STAN'S SPORT CENTER	UMPIRE GEAR	190.00	190.00	P	2/27/2012	5/30/2012	040448

Account Description	P.O. Id	Item	Vendor Id	Vendor Name	Item Description	Amount		Status	First Enc D	Rcvd Date	Invoice
LITTLE LEAGUE BASEBALL	12-00600	8	00690	STAN'S SPORT CENTER	UMPIRE SHIRTS W/EMB LOGO	420.00	420.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	9	00690	STAN'S SPORT CENTER	UMPIRE 8015 HATS LOGO FRONT/BI	180.00	180.00	P	2/27/2012	5/30/2012	040448
LITTLE LEAGUE BASEBALL	12-00600	10	00690	STAN'S SPORT CENTER	INDICATORS	72.00	72.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	11	00690	STAN'S SPORT CENTER	RED FLAGS	36.00	36.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	12	00690	STAN'S SPORT CENTER	CUP AND SUPPORTERS	32.00	32.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	13	00690	STAN'S SPORT CENTER	W/LGE CUP & BASEBALL	75.00	75.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	14	00690	STAN'S SPORT CENTER	W/MED CUP & BASEBALL	120.00	120.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	15	00690	STAN'S SPORT CENTER	BILLBOARD BASEBALL RESIN	144.00	144.00	P	2/27/2012	5/30/2012	040449
LITTLE LEAGUE BASEBALL	12-00600	16	00690	STAN'S SPORT CENTER	BILLBOARD BASEBALL RESIN	120.00	120.00	P	2/27/2012	5/30/2012	040449
MINOR LEAGUE BASEBALL	12-00608	1	00690	STAN'S SPORT CENTER	PRACTICE BALLS	56.00	56.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	2	00690	STAN'S SPORT CENTER	RAWLINGS BASEBALLS	68.00	68.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	3	00690	STAN'S SPORT CENTER	GATORADE 5 GALLON COOLER	56.00	56.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	4	00690	STAN'S SPORT CENTER	THROAT PROTECTOR	7.00	7.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	5	00690	STAN'S SPORT CENTER	ICE PACKS	16.50	16.50	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	6	00690	STAN'S SPORT CENTER	J&J MEDICAL KIT	28.00	28.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	7	00690	STAN'S SPORT CENTER	SCOREBOOK	6.00	6.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	8	00690	STAN'S SPORT CENTER	LINE UP CARDS	4.00	4.00	P	2/27/2012	3/29/2012	040368
MINOR LEAGUE BASEBALL	12-00608	9	00690	STAN'S SPORT CENTER	PACIFIC HATS 705W W/LOGO	270.00	270.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	10	00690	STAN'S SPORT CENTER	RAWLINGS HELMET WITH MASK	180.00	180.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	11	00690	STAN'S SPORT CENTER	SOCKS	60.00	60.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	12	00690	STAN'S SPORT CENTER	BELTS	75.00	75.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	13	00690	STAN'S SPORT CENTER	LARGE CUP & BASEBALL RESIN	75.00	75.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	14	00690	STAN'S SPORT CENTER	MEDIUM CUP & BASEBALL RESIN	80.00	80.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	15	00690	STAN'S SPORT CENTER	BASEBALL RESINS	168.00	168.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00608	16	00690	STAN'S SPORT CENTER	BASEBALL RESINS	140.00	140.00	P	2/27/2012	3/29/2012	040444
MINOR LEAGUE BASEBALL	12-00610	1	00690	STAN'S SPORT CENTER	MARTIN TB20 SOFTEE BASEBALLS	324.00	324.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	2	00690	STAN'S SPORT CENTER	RAWLINGS LLB1 BASEBALLS	442.00	442.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	3	00690	STAN'S SPORT CENTER	EQUIPMENT BAG	40.00	40.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	4	00690	STAN'S SPORT CENTER	MESH BAGS	12.00	12.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	5	00690	STAN'S SPORT CENTER	BATS	120.00	120.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	6	00690	STAN'S SPORT CENTER	ICE PACKS	165.00	165.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	7	00690	STAN'S SPORT CENTER	LINE UP CARDS	24.00	24.00	P	2/27/2012	3/29/2012	040366
MINOR LEAGUE BASEBALL	12-00610	9	00690	STAN'S SPORT CENTER	THROAT PROTECTORS	49.00	49.00	P	2/27/2012	3/29/2012	040367
MINOR LEAGUE BASEBALL	12-00610	10	00690	STAN'S SPORT CENTER	CATCHERS GERA	135.00	135.00	P	2/27/2012	3/29/2012	040367
MINOR LEAGUE BASEBALL	12-00610	11	00690	STAN'S SPORT CENTER	CATCHERS MITT	180.00	180.00	P	2/27/2012	3/29/2012	040367
MINOR LEAGUE BASEBALL	12-00610	12	00690	STAN'S SPORT CENTER	CUP AND SUPPORTS	128.00	128.00	P	2/27/2012	3/29/2012	040367
MINOR LEAGUE BASEBALL	12-00610	13	00690	STAN'S SPORT CENTER	J&J MEDICAL KITS	84.00	84.00	P	2/27/2012	3/29/2012	040367
MICKEY MANTLE BASEBALL	12-01573	1	00690	STAN'S SPORT CENTER	WILSON 1010 GAME BASEBALLS	274.75	274.75	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	2	00690	STAN'S SPORT CENTER	RAWLINGS COACH HELMETS	69.90	69.90	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	3	00690	STAN'S SPORT CENTER	RAWLINGS SCOREBOOKS	19.90	19.90	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	4	00690	STAN'S SPORT CENTER	GLOVER LINE UP SCORECARDS	19.90	19.90	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	5	00690	STAN'S SPORT CENTER	EASTON B.B CORE SERGE BAT	299.00	299.00	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	6	00690	STAN'S SPORT CENTER	BUCKET OF WILSON PRACTICE	125.00	125.00	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	7	00690	STAN'S SPORT CENTER	METAL FURGO BAT	45.00	45.00	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	8	00690	STAN'S SPORT CENTER	ICE PACKS	16.95	16.95	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	9	00690	STAN'S SPORT CENTER	J&J MEDICAL KITS	29.95	29.95	O	5/1/2012		
MICKEY MANTLE BASEBALL	12-01573	10	00690	STAN'S SPORT CENTER	GATORADE COOLER	0.00	-	O	5/1/2012		51961
MICKEY MANTLE BASEBALL	12-01575	1	00690	STAN'S SPORT CENTER	MARTIN TWO BUTTON SHIRTS	440.00	440.00	P	5/1/2012	6/12/2012	041384
MICKEY MANTLE BASEBALL	12-01575	2	00690	STAN'S SPORT CENTER	PACIFIC FLEX FIT CAP (RED)	339.00	339.00	P	5/1/2012	6/12/2012	041384
MICKEY MANTLE BASEBALL	12-01575	3	00690	STAN'S SPORT CENTER	GREY BASEBALL PAINTS	499.00	499.00	P	5/1/2012	6/12/2012	041384
MICKEY MANTLE BASEBALL	12-01575	4	00690	STAN'S SPORT CENTER	PURPLE SOCKS	90.00	90.00	P	5/1/2012	6/12/2012	041384
MICKEY MANTLE BASEBALL	12-01575	5	00690	STAN'S SPORT CENTER	PURPLE BELTS	80.00	80.00	P	5/1/2012	6/12/2012	041384
BASKETBALL	12-00489	1	00690	STAN'S SPORT CENTER	BASKETBALL RESINS	208.00	208.00	P	2/21/2012	2/29/2012	040021
BASKETBALL	12-00489	2	00690	STAN'S SPORT CENTER	BASKETBALL RESINS	256.00	256.00	P	2/21/2012	2/29/2012	040021
BASKETBALL	12-00489	3	00690	STAN'S SPORT CENTER	LARGE CUP & FIJ & TRIM	75.00	75.00	P	2/21/2012	2/29/2012	040021
BASKETBALL	12-00489	4	00690	STAN'S SPORT CENTER	MEDIUM CUP & FIJ & TRIM	120.00	120.00	P	2/21/2012	2/29/2012	040021
BASKETBALL	12-00489	5	00690	STAN'S SPORT CENTER	RESIN BASKETBALL OVAL	15.00	15.00	P	2/21/2012	2/29/2012	040021
BASKETBALL	12-01993	1	00690	STAN'S SPORT CENTER	MARTIN REVERSIBLE	744.00	744.00	P	6/1/2012	6/12/2012	041352

Account Description	P.O. Id	Item	Vendor Id	Vendor Name	Item Description	Amount		Status	First Enc D	Rcvd Date	Invoice
SANDY KOUFUX BASEBALL	12-01574	1	00690	STAN'S SPORT CENTER	MARTIN TWO BUTTON SHIRTS	440.00	440.00	P	5/1/2012	6/12/2012	041355
SANDY KOUFUX BASEBALL	12-01574	2	00690	STAN'S SPORT CENTER	PACIFIC FLEX FIT 801	339.00	339.00	P	5/1/2012	6/12/2012	041355
SANDY KOUFUX BASEBALL	12-01574	3	00690	STAN'S SPORT CENTER	BLACK BASEBALL PANTS	499.00	499.00	P	5/1/2012	6/12/2012	041355
SANDY KOUFUX BASEBALL	12-01574	4	00690	STAN'S SPORT CENTER	BLACK SOCKS	90.00	90.00	P	5/1/2012	6/12/2012	041355
SANDY KOUFUX BASEBALL	12-01574	5	00690	STAN'S SPORT CENTER	BLACK BELTS	80.00	80.00	P	5/1/2012	6/12/2012	041355
SANDY KOUFUX BASEBALL	12-01579	1	00690	STAN'S SPORT CENTER	WILSON 1010 GAME BASEBALLS	274.75	274.75	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	2	00690	STAN'S SPORT CENTER	RAWLINGS COACHES HELMETS	69.90	69.90	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	3	00690	STAN'S SPORT CENTER	RAWLINGS SCOREBOOKS	19.90	19.90	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	4	00690	STAN'S SPORT CENTER	GLOVER LINE UP CARDS	19.90	19.90	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	5	00690	STAN'S SPORT CENTER	EASTON BB COSE SIAGE	299.00	299.00	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	6	00690	STAN'S SPORT CENTER	BUCKET - WILSON PRACTICE BALLS	125.00	125.00	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	7	00690	STAN'S SPORT CENTER	FURGO BAT	45.00	45.00	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	8	00690	STAN'S SPORT CENTER	ICE PACKS	16.95	16.95	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	9	00690	STAN'S SPORT CENTER	J&J MEDICAL KIT	29.95	29.95	P	5/1/2012	7/2/2012	041522
SANDY KOUFUX BASEBALL	12-01579	10	00690	STAN'S SPORT CENTER	GATORADE COOLER	0.00	-	P	5/1/2012	7/2/2012	041522
TRAVELING GIRLS SOFTBALL	12-00603	1	00690	STAN'S SPORT CENTER	TEAMWORKS CUSTOM SOFTBALL	937.50	937.50	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	2	00690	STAN'S SPORT CENTER	RAWLINGS BATTING HELMETS	149.75	149.75	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	3	00690	STAN'S SPORT CENTER	RAWLINGS SOFTBALLS	348.00	348.00	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	4	00690	STAN'S SPORT CENTER	SCHEITT CATCHERS EQUIPMENT	285.00	285.00	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	5	00690	STAN'S SPORT CENTER	LOUISVILLE CATCHERS MITT	89.95	89.95	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	6	00690	STAN'S SPORT CENTER	EASTON SOFTBALL BATS	210.00	210.00	P	2/27/2012	5/29/2012	041064
TRAVELING GIRLS SOFTBALL	12-00603	7	00690	STAN'S SPORT CENTER	TWIN CITY TSK SOFTBALL SOCKS	137.50	137.50	P	2/27/2012	5/29/2012	041060
TRAVELING GIRLS SOFTBALL	12-00603	8	00690	STAN'S SPORT CENTER	CASES OF ICE PACKS	33.00	33.00	P	2/27/2012	5/29/2012	041060
TRAVELING GIRLS SOFTBALL	12-00603	9	00690	STAN'S SPORT CENTER	JOHNSON & JOHNSON MEDICAL KIT	59.90	59.90	P	2/27/2012	5/29/2012	041060
TRAVELING GIRLS SOFTBALL	12-00603	10	00690	STAN'S SPORT CENTER	PACIFIC CUSTOM VISORS WITH	248.75	248.75	P	2/27/2012	5/29/2012	041060
TRAVELING GIRLS SOFTBALL	12-00604	1	00690	STAN'S SPORT CENTER	TEAMWORKS CUSTOM SOFTBALL	937.50	937.50	P	2/27/2012	5/30/2012	041019
TRAVELING GIRLS SOFTBALL	12-00604	2	00690	STAN'S SPORT CENTER	RAWLINGS BATTING HELMETS	149.75	149.75	P	2/27/2012	5/30/2012	041019
TRAVELING GIRLS SOFTBALL	12-00604	3	00690	STAN'S SPORT CENTER	RAWLINGS SOFTBALLS	348.00	348.00	P	2/27/2012	5/30/2012	041019
TRAVELING GIRLS SOFTBALL	12-00604	4	00690	STAN'S SPORT CENTER	SCHEITT CATCHERS EQUIPMENT	285.00	285.00	P	2/27/2012	5/30/2012	041019
TRAVELING GIRLS SOFTBALL	12-00604	5	00690	STAN'S SPORT CENTER	LOUISVILLE CATCHER'S MITT	95.00	95.00	P	2/27/2012	5/30/2012	041019
TRAVELING GIRLS SOFTBALL	12-00604	6	00690	STAN'S SPORT CENTER	EASTON SOFTBALL BATS	210.00	210.00	P	2/27/2012	5/30/2012	041020
TRAVELING GIRLS SOFTBALL	12-00604	7	00690	STAN'S SPORT CENTER	TWIN CITY TSK SOFTBALL SOCKS	137.50	137.50	P	2/27/2012	5/30/2012	041020
TRAVELING GIRLS SOFTBALL	12-00604	8	00690	STAN'S SPORT CENTER	ICE PACKS	33.00	33.00	P	2/27/2012	5/30/2012	041020
TRAVELING GIRLS SOFTBALL	12-00604	9	00690	STAN'S SPORT CENTER	JOHNSON&JOHNSON MEDICAL KITS	59.90	59.90	P	2/27/2012	5/30/2012	041020
TRAVELING GIRLS SOFTBALL	12-00604	10	00690	STAN'S SPORT CENTER	PACIFIC CUSTOM VISORS	248.75	248.75	P	2/27/2012	5/30/2012	041020
TRAVELING GIRLS SOFTBALL	12-00605	1	00690	STAN'S SPORT CENTER	TEAMWORKS CUSTOM SOFTBALL	937.50	937.50	P	2/27/2012	5/29/2012	041021
TRAVELING GIRLS SOFTBALL	12-00605	2	00690	STAN'S SPORT CENTER	RAWLINGS BATTING HELMETS	149.75	149.75	P	2/27/2012	5/29/2012	041021
TRAVELING GIRLS SOFTBALL	12-00605	3	00690	STAN'S SPORT CENTER	RAWLINGS 12" SOFTBALLS	348.00	348.00	P	2/27/2012	5/29/2012	041021
TRAVELING GIRLS SOFTBALL	12-00605	4	00690	STAN'S SPORT CENTER	ALL STAR CATCHERS EQUIPMENT	245.00	245.00	P	2/27/2012	5/29/2012	041021
TRAVELING GIRLS SOFTBALL	12-00605	5	00690	STAN'S SPORT CENTER	EASTON CATCHER'S MITT	95.00	95.00	P	2/27/2012	5/29/2012	041021
TRAVELING GIRLS SOFTBALL	12-00605	6	00690	STAN'S SPORT CENTER	EASTON SOFTBALL BATS BBCORE	390.00	390.00	P	2/27/2012	5/29/2012	041022
TRAVELING GIRLS SOFTBALL	12-00605	7	00690	STAN'S SPORT CENTER	TWIN CITY OBK SOCKS	112.50	112.50	P	2/27/2012	5/29/2012	041022
TRAVELING GIRLS SOFTBALL	12-00605	8	00690	STAN'S SPORT CENTER	ICE PACKS	33.00	33.00	P	2/27/2012	5/29/2012	041022
TRAVELING GIRLS SOFTBALL	12-00605	9	00690	STAN'S SPORT CENTER	JOHNSON & JOHNSON MEDICAL KIT	59.90	59.90	P	2/27/2012	5/29/2012	041022
TRAVELING GIRLS SOFTBALL	12-00605	10	00690	STAN'S SPORT CENTER	PACIFIC VISORS	248.75	248.75	P	2/27/2012	5/29/2012	041022
TRAVELING GIRLS SOFTBALL	12-00606	1	00690	STAN'S SPORT CENTER	TEAMWORKS SOFTBALL UNIFORMS	937.50	937.50	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	2	00690	STAN'S SPORT CENTER	RAWLINGS BATTING HELMETS	149.75	149.75	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	3	00690	STAN'S SPORT CENTER	WILSON SOFTBALLS	408.00	408.00	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	4	00690	STAN'S SPORT CENTER	EASTON CATCHER'S EQUIPMENT	245.00	245.00	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	5	00690	STAN'S SPORT CENTER	EASTON CATCHER'S MITT	95.00	95.00	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	6	00690	STAN'S SPORT CENTER	LOUISVILLE SOFTBALL BATS	390.00	390.00	P	2/27/2012	5/30/2012	041032
TRAVELING GIRLS SOFTBALL	12-00606	7	00690	STAN'S SPORT CENTER	TWIN CITY OBK SOCKS	112.50	112.50	P	2/27/2012	5/30/2012	041065
TRAVELING GIRLS SOFTBALL	12-00606	8	00690	STAN'S SPORT CENTER	ICE PACKS	33.00	33.00	P	2/27/2012	5/30/2012	041065
TRAVELING GIRLS SOFTBALL	12-00606	9	00690	STAN'S SPORT CENTER	JOHNSON & JOHNSON MEDICAL KIT	59.90	59.90	P	2/27/2012	5/30/2012	041065
TRAVELING GIRLS SOFTBALL	12-00606	10	00690	STAN'S SPORT CENTER	PACIFIC CUSTOM VISORS	248.75	248.75	P	2/27/2012	5/30/2012	041065
TRAVELING GIRLS SOFTBALL	12-00607	1	00690	STAN'S SPORT CENTER	TEAMWORKS CUSTOM UNIFORMS	937.50	937.50	P	2/27/2012	5/29/2012	041056
TRAVELING GIRLS SOFTBALL	12-00607	2	00690	STAN'S SPORT CENTER	RAWLINGS BATTING HELMETS	149.75	149.75	P	2/27/2012	5/29/2012	041056
TRAVELING GIRLS SOFTBALL	12-00607	3	00690	STAN'S SPORT CENTER	WILSON SOFTBALLS	408.00	408.00	P	2/27/2012	5/29/2012	041056

Account Description	P.O. Id	Item	Vendor Id	Vendor Name	Item Description	Amount		Status	First Enc D	Rcvd Date	Invoice
TRAVELING GIRLS SOFTBALL	12-00607	4	00690	STAN'S SPORT CENTER	COMPLETE CATCHER'S EQUIPMEN	275.00	275.00	P	2/27/2012	5/29/2012	041056
TRAVELING GIRLS SOFTBALL	12-00607	5	00690	STAN'S SPORT CENTER	EASTON CATCHER'S MITT	95.00	95.00	P	2/27/2012	5/29/2012	041056
TRAVELING GIRLS SOFTBALL	12-00607	6	00690	STAN'S SPORT CENTER	EASTON SOFTBALL BATS	390.00	390.00	P	2/27/2012	5/29/2012	041056
TRAVELING GIRLS SOFTBALL	12-00607	7	00690	STAN'S SPORT CENTER	TWIN CITY OBK SOCKS	112.50	112.50	P	2/27/2012	5/29/2012	041057
TRAVELING GIRLS SOFTBALL	12-00607	8	00690	STAN'S SPORT CENTER	ICE PACKS	33.00	33.00	P	2/27/2012	5/29/2012	041057
TRAVELING GIRLS SOFTBALL	12-00607	9	00690	STAN'S SPORT CENTER	JOHNSON & JOHNSON MEDICAL KIT	59.90	59.90	P	2/27/2012	5/29/2012	041057
TRAVELING GIRLS SOFTBALL	12-00607	10	00690	STAN'S SPORT CENTER	PACIFIC VISORS W/CUSTOM LOGO	248.75	248.75	P	2/27/2012	5/29/2012	041057
							38,274.65				

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AWARDS A CONTRACT TO BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC. THROUGH ITS GSA CONTRACT (GS-07F-0011J) FOR A FIREBOAT/WATER RESCUE VESSEL AND TRAILER WITH EQUIPMENT FOR THE HOBOKEN FIRE DEPARTMENT

WHEREAS, N.J.S.A. 40A:11-12(b) and Department of Community Affairs LFN 2005-14 allow municipalities to award public contracts without public bidding when the vendor is an approved state or federal contractor, and Brunswick Commercial and Government Products, Inc. has been approved as a State Contractor pursuant to GSA Contract: GS-07F-0011J; and,

WHEREAS, the City of Hoboken's Fire Department is in need of a Fireboat/Water Rescue Vessel and Trailer with equipment using funds provided by Department of Homeland Security; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $364,460.00 **is available in the following appropriations** C-02-41-200-FB2 **in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____ **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide a Fireboat/Water Rescue Vessel and Trailer with equipment using funds provided by Department of Homeland Security and for a total not to exceed amount of Three Hundred Sixty Four Thousand Four Hundred Sixty ($364,460.00) dollars, as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:

   Brunswick Commercial & Government Products, Inc
   420 Megan Z Avenue
   Edgewater, FL 32132

Reviewed:

_____
Quentin Wiest
Business Administrator

Approved as to Form:

_____
Mellissa Longo, Esq.
Interim Corporation Counsel

Budget Acct No: G-02-41-200-FB2
Description: PORTAUTH.OF NY/NJ SUBGRANT FIREBOAT 2012 Type: Line Control Account
Starting Date: 01/01/01 Ending Date: 08/10/12 Po Transactions: Summarized
* Transaction is included in Previous and/or Opening Balance ** Transaction is not included in Balance
En = PO Line Item First Encumbrance Date BC = Blanket Control BS = Blanket Sub

Date	Description	Trans Amount	Balance
	OPENING BALANCE		364,464.00
06/26/12	PO 12-02306 1 Open FIREBOAT FOR FIRE DEPARTMENT	364,460.00-	4.00
	Vn 03028 BRUNSWICK COMMERCIAL& GOV PROD		

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :___

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH CHASAN LEYNER & LAMPARELLO PC AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF $3,185.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Chasen Leyner & Lamparello PC did not respond to; and,

WHEREAS, Chasen Leyner & Lamparello PC, however, has special expertise and intricate knowledge of the below listed litigation because it is currently representing the City of Hoboken in outstanding litigation which carries over from last year as follows:

1. Monroe Center Development v. City of Hoboken, Docket No. HUD-L-6452-10

WHEREAS, Chasen Leyner & Lamparello PC, is thereby exempt from the fair and open process for those pieces of litigation it is currently representing the City in, due to its special knowledge and expertise, and it is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $3,185.00 is available in the following appropriations 02-01-20-156-020 **in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Chasen Leyner & Lamparello PC to represent the City as Special Legal Counsel-Outstanding Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Three Thousand One Hundred Eighty Five ($3,185.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover only those matters expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other contract which Chasen Leyner & Lamparello PC has with the City during the contact duration described herein; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: Chasen Leyner & Lamparello PC shall be paid maximum hourly rates of $150.00/hour for attorneys, $50.00/hour for paralegals, and $20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Chasen Leyner & Lamparello PC; and

Budget Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail

Account: 2-01-20-156-020

Desc: SPECIAL COUNSEL O/P

Acct Type: Line Item Control

Chk Acct: OPERATING

Cap Flag: ☑

Fund Type: Budget

Class Id:

Class Id 2:

Activity | Misc | G/L Accounts

Activity To Date:				Current Period:	
Encumber:	588,996.24	Budgeted:	1,442,000.00	Expended:	.00
Expended:	410,968.21	Balance:	442,035.55	Trans-In:	.00
Trans-In:	.00			Trans-Out:	.00
Trans-Out:	.00	YTD Requested:	3,312.35	Reimburse:	.00
Reimburse:	.00	Requested Balance:	438,723.20		
Cancel:	.00				

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :___

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO PERUCCI STEINHARDT & FADER, LLC AS SPECIAL LEGAL COUNSEL-LABOR NEGOTIATIONS COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE AUGUST 15, 2012 AND EXPIRE AUGUST 14, 2013 FOR A TOTAL NOT TO EXCEED AMOUNT OF $20,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Perucci Steinhardt & Fader LLC responded to; and,

WHEREAS, the evaluation committee scored Florio Perucci Steinhardt & Fader LLC's proposal among the highest for said services, and as a result, the Administration has presented Florio Perucci Steinhardt & Fader LLC as the City's Special Legal Counsel- Labor Negotiations Counsel, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, Florio Perucci Steinhardt & Fader LLC is hereby required to continue 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, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $20,000.00 is available in the following appropriations 2-01-20-157-020 **in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Perucci Steinhardt & Fader LLC to represent the City as Special Legal Counsel- Labor Negotiations Counsel be awarded, for a term to commence August 15, 2012 and expire August 14, 2013, for a total not to exceed amount of Twenty Thousand ($20,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Perucci Steinhardt & Fader LLC shall be paid maximum hourly rates of $150.00/hour for attorneys, $50.00/hour for paralegals, and $20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, that Florio Perucci Steinhardt & Fader LLC was appointed earlier in 2012 to provide investigative services to the City with regards to an Affirmative Action issue, and the herein contract and not to exceed amount shall include the within described investigative services; and,

BE IT FURTHER RESOLVED, litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm's services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

Budget Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail

Account: 2-01-20-156-020

Desc: SPECIAL COUNSEL O/P

Acct Type: Line Item Control

Chk Acct: OPERATING

Cap Flag: ☑

Fund Type: Budget

Class Id:

Class Id 2:

Activity | Misc | G/L Accounts

Activity To Date:				Current Period:	
Encumber:	588,996.24	Budgeted:	1,442,000.00	Expended:	.00
Expended:	410,968.21	Balance:	442,035.55	Trans-In:	.00
Trans-In:	.00			Trans-Out:	.00
Trans-Out:	.00	YTD Requested:	3,312.35	Reimburse:	.00
Reimburse:	.00	Requested Balance:	438,723.20		
Cancel:	.00				

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN
RESOLUTION NO. :____

RESOLUTION TO AMEND AND EXTEND THE CONTRACT WITH BOSWELL ENGINEERING FOR CITY WATERFRONT ENGINEER FOR A ONE YEAR TERM TO BEGIN MAY 1, 2012 AND EXPIRE APRIL 30, 2013, WITH A NOT TO EXCEED AMOUNT OF $680,000.00

WHEREAS, the City previously appointed and contracted for the professional services of Boswell Engineering to act as the City's Waterfront Engineering Firm; and,

WHEREAS, the City wishes to extend the waterfront engineering contract with Boswell Engineering for a one year period, to commence May 1, 2012 and expire April 30, 2013, with a not to exceed amount of Six Hundred Eighty Thousand Dollars ($680,000.00); and,

WHEREAS, Boswell Engineering is hereby required to continue 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 a continuing emergent need for the specialized expertise Boswell Engineering has obtained with regards to the current and future projects and issues related to Waterfront Engineering within the City of Hoboken, which therefore exempts the need for utilization of request for additional proposals under the fair and open process; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that $680,000.00 **is available in the following appropriations C-04-60-709-400 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

Signed: _____ **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED (*a majority of the full membership concurring*) that the contract with Boswell Engineering for service to the City as the City's Waterfront Engineer be hereby extended and amended for an additional one (1) year period, with a not to exceed amount of Six Hundred Eighty Thousand Dollars ($680,000.00); the remainder of the contract shall remain unchanged and shall continue in accordance with the original request for proposals and Boswell's corresponding proposal; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Boswell Engineering; 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

Budget Account Maintenance

Add | Edit | Close | Delete | << | >> | Detail

Account: C-04-60-709-400

Desc: Z-30 WATERFNT WLKWAY 40A:2-20 COST $4M

Acct Type: Sub

Chk Acct: CAPITAL

Cap Flag:

Fund Type: Capital/Trust

Class Id:

Class Id 2:

Activity | Misc | G/L Accounts

Activity To Date:				Current Period:	
Encumber:	21,303.36	Budgeted:	4,000,000.00	Expended:	.00
Expended:	591,414.26	Balance:	3,387,282.38	Trans-In:	.00
Trans-In:	.00			Trans-Out:	.00
Trans-Out:	.00	YTD Requested:	789.17	Reimburse:	.00
Reimburse:	.00	Requested Balance:	3,386,493.21		
Cancel:	.00				

Control Balance: 5,035,406.38 Control Requested Balance: 5,034,617.21