



June 18, 2012

Dear City Council Members,

I am writing to provide updates on a number of very important projects. Please call me or the Business Administrator prior to the Council meeting to discuss any of these issues in further detail and so we can answer any questions you may have.

#### **Henkel/Pino Sites for Park Space**

On the agenda this week is an ordinance that would grant my Administration the authority to negotiate and if necessary, begin eminent domain proceedings to purchase land for new parks at the Henkel and Pino sites. At the last Council meeting, the Council awarded a contract to conduct appraisals on these properties, which as you know are currently vacant lots. We have received excellent proposals for attorneys that specialize in land use, real estate, and environmental law. We are completing the evaluation process today and will be providing the Council with a recommendation for a law firm as soon as possible.

#### **Southwest Park & Area in Need of Rehabilitation**

I am grateful that the Council voted to give my Administration the tools needed to acquire land for a Southwest park. We will continue negotiations with the owners to acquire Block 12, a nearly 1 acre property. Before you is a resolution to declare portions of the Southwest an Area in need of Rehabilitation. Through the Rehabilitation process, we can revitalize the neighborhood through a comprehensive planning process, bring needed amenities to the Southwest including restaurants, and determine how best to create additional park space. I hope you will support this effort. The Southwest Area Redevelopment Study has been previously provided to you and is on the City website: [www.hobokennj.org/docs/communitydev/Final-Hoboken-SW-Redevelopment-Study.pdf](http://www.hobokennj.org/docs/communitydev/Final-Hoboken-SW-Redevelopment-Study.pdf)

#### **NJ Transit Redevelopment**

My Administration has been working with our planner, Wallace Roberts & Todd, the Zoning and Economic Development Subcommittee, and the community, to complete a redevelopment plan for the NJ Transit site. As the attached letters between myself and NJ Transit Executive Director James Weinstein note, we just received some information we have been requesting for more than a year. We are working to evaluate the information provided and finalize a plan for introduction as soon as possible.

### **Union Dry Dock**

A few residents had suggested to me that they believed NJ Transit and NY Waterway was in negotiations to acquire the Union Dry Dock [UDD] property for use as a ferry maintenance facility. I asked NJ Transit and NY Waterway about this and expressed my concerns about the future of our waterfront in terms of its use for open space and walkway. James Weinstein, the Executive Director of NJ Transit, responded that "NJ TRANSIT has been discussing potential acquisition of the UDD property for use as a ferry maintenance and fueling facility. However, we have had no discussion of which I am aware with the owner of the property. Nonetheless, should this project go forward, NJ TRANSIT recognizes and respects the longstanding community interest in the role the Union Dry Dock property can play in the Hudson River Waterfront Walkway, as well as in Hoboken's open space plans for the City, and would work with you and the City to determine how best to integrate the walkway into plans for the property." My letter and his response are attached.

### **Waterfront**

There are a variety of updates to provide regarding various waterfront projects including Sinatra Park, Pier A and the 9/11 Memorial which will be located on Pier A. We will be providing additional information shortly and scheduling a special meeting for next week where our professionals will also be available to provide updates and answer any questions.

### **1600 Park**

The consultants from Remington, Vernick & Arango (RVA) and Imbiano Quigley Landscape Architects (IQ) have been working diligently on the details of the project and preparation of the bid specifications for 1600 Park and Hoboken Cove. As you may recall, in September 2011 the City decided to re-design the field at 1600 Park and integrate the two parks into a more comprehensive, interconnected park. The City undertook a process with the stakeholders for this project and the general public to finalize a conceptual design. This design was presented and discussed at a public hearing on January 23, 2012. Since that time, the City and consultants have coordinated with the County and the stakeholders to determine appropriate phasing for the project and to finalize the bid specifications accordingly.

As part of the revised contract with RVA, we brought on board a Licensed Site Remediation Professional (LSRP) for the 1600 Park and Hoboken Cove project, as we revised the project to shift soil from the 1600 Park site to the Hoboken Cove site in order to reduce the elevation of the field to make the park more cohesive and to ensure more visibility of activities on the field. The LSRP is responsible for compliance with all applicable NJDEP regulations relative to the remediation of the known contamination at the site, as the State of New Jersey has transitioned away from the oversight internally and put the responsibility on the independent LSRPs. As such, RVA obtained all of the available historical information from the DEP and spoke to the prior NJDEP Case Manager and the engineer in charge of construction maintenance of the environmental remediation at the sites. In doing so, the LSRP discovered that there are some unresolved issues and likely additional remediation that needs to be done.

This additional remediation work will not hold up the first phase of this project -- the construction of the field at the 1600 Park site. The engineer and landscape architect are expected to complete the bid specifications for that portion of the work in order to advertise for bid in early August. Barring any issues with permitting or bidding, that will accommodate a September bid award and construction may begin on the construction of the full 1600 Park site as soon as a contract is executed. The expected construction timeframe for the full 1600 Park site is approximately 90 days. That coincides with the County constructing the signal at 16<sup>th</sup> Street and Park Avenue this fall.

## OFFICE OF THE MAYOR

The environmental investigation for the Hoboken Cove site is expected to be complete this summer and bid specifications for the construction of the Hoboken Cove site will be finalized thereafter. Therefore, the second phase to finish remediation and construct the Hoboken Cove improvements will be out to bid this fall for construction in the spring of 2013.

The remaining phases include the boathouse design and construction, the beach/water access improvements, and improvements under the two viaducts. These phases will require additional funding. The top priority is to build the boat house, so the City will seek funding for that phase. The improvements under the viaduct cannot be paid for with Green Acres or Open Space funding, as their primary use is for transportation. Therefore, we will need to more creatively seek funding for those improvements and work closely with the County to ensure safe design.

### **EmNet/Flooding**

My Administration remains committed to comprehensively addressing the flooding issues that remain on the Western side of the City through engineering solutions and green infrastructure. We would like to extend the work EmNet did last year by relocating the sensors to other areas in order to further our understanding of our flooding problem (Attached is the final report produced by EmNet, which provided us with significant, new information about our sewer system). This technology will enable us to gather more data which will be key to informing the work of a professional engineering/green infrastructure team we will be hiring to develop a comprehensive green, storm water management plan. In the past, we have coordinated with the North Hudson Sewerage Authority to coordinate locations for the sensors, and we will be meeting with commissioners this week to explain the program and ask for them to partner with us in this effort both logistically and financially. In order to collect the most useful data possible, it is important that we move ahead with this project before the rain season arrives.

### **Steve Rofsky**

Steve Rofsky, a board member of the Hoboken Municipal Hospital Authority, was an unsung hero of our City. Sadly, he passed away on Thursday, June 14, 2012. He only lived in Hoboken for a few years, but his service to our community has created a legacy that will benefit the people of Hoboken for years to come. His contributions to the saving of our hospital as a hospital financial expert were absolutely invaluable. I extend my condolences to his wife Toby, his two sons, and all of his family and friends.

Thank you for listening, and please do not hesitate to call me or the Business Administrator if you have any questions about any of these issues.

Sincerely,



Mayor Zimmer

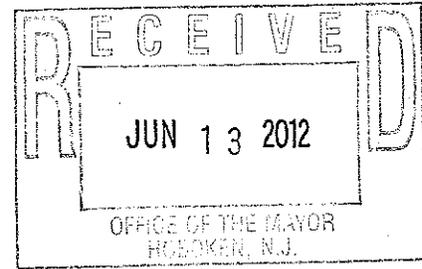
Chris Christie, Governor  
Kim Guadagno, Lieutenant Governor  
James S. Simpson, Board Chairman  
James Weinstein, Executive Director

**NJ TRANSIT**

One Penn Plaza East  
Newark, NJ 07105-2246  
973-491-7000

June 12, 2012

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



Re: Hoboken Terminal and Rail Yard Information Request

Dear Mayor Zimmer:

NJ TRANSIT requested that its development partner, LCOR, compile the information requested in your June 1, 2012 letter. Attached is the Hoboken Terminal and Rail Yard Information package prepared by LCOR. I hope you find it useful as we continue to move toward an agreement on the Terminal redevelopment project that is beneficial to your citizens as well as NJ TRANSIT's customers and the taxpayers of New Jersey.

You will note that some environmental information has been summarized, as discussed within the package. We have included the requested environmental studies from 2005 and 1999, however we have been unable to locate the 1994 study.

As this information package shows, the concepts for the Terminal project have evolved considerably over the past several years as the City, NJ TRANSIT and LCOR have discussed the proper size and scope of this effort. We look forward to expeditiously negotiating an agreement with you and your staff that will produce a project which achieves your vision, meets the goals that we have for the Terminal and that can be presented to the City Council.

Once you have reviewed this material, I suggest a meeting be scheduled with all parties to reach a shared vision for Hoboken Terminal. I recognize that compromise will be necessary to achieve that vision and we are prepared for that discussion.

Thank you for your patience. I look forward to working with you and your team.

Sincerely,

A handwritten signature in black ink, appearing to read "James Weinstein".

James Weinstein  
Executive Director

C: Deborah Gramiccioni, Deputy Chief of Staff, Policy; Office of the Governor  
David Reiner, Senior Policy Advisor; Office of the Governor  
Kurt Eichler, Executive Vice President; LCOR  
Martin Robins



June 15, 2012

James Weinstein  
Executive Director, NJ TRANSIT  
One Penn Plaza East  
Newark, NJ 07105

Dear Jim,

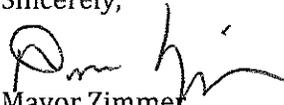
Thank you for the information prepared by LCOR. The information has been repeatedly requested by the City's staff and consultants for well over a year, and those requests were summarized in my June 1, 2012 letter. We will review it and consider it to the extent that it is relevant to the preparation of our redevelopment plan. We did not see the pro forma that was prepared by LCOR that you mentioned at our June 1 meeting. That would be most helpful, and we would like to have a copy if possible.

The City has met many times over the years with NJ Transit and its contract purchaser LCOR to consider and evaluate alternate plans for the redevelopment of the area. However, it is now time for the City, in the exercise of its redevelopment powers, to determine the course of action that is in the best interest of the City, giving due deference to the unique role of NJ Transit, where appropriate.

Your suggestion that an agreement for the implementation of a project be negotiated is premature. The City is still in the process of adopting a redevelopment plan. After the plan is adopted (by ordinance), we expect to engage in the negotiation of the redevelopment agreement, which will spell out the more specific details of the project, establish a project schedule and address the many other issues to be included in a redevelopment agreement.

The City looks forward to a mutually advantageous relationship and the implementation of a financially successful project that will revitalize, in a balanced way, a critically important gateway to Hoboken.

Sincerely,

  
Mayor Zimmer



May 15, 2012

Jim Weinstein  
Executive Director, NJ Transit  
1 Penn Plaza East  
Newark NJ 07105

Arthur Imperatore  
CEO, NY Waterway  
4800 Avenue at Port Imperial  
Weehawken, NJ 07086

Dear Mr. Weinstein and Mr. Imperatore,

I have recently heard from several residents who expressed concern that NJ Transit and NY Waterway are in negotiations to purchase the Union Dry Dock in Hoboken to use for ferry repairs. As you may know, this property is something our community has hoped would one day become open space and part of the continuous Hudson River Waterfront Walkway.

I am writing to ask you for the status of this process. If the site is in fact being considered for acquisition, I believe the public deserves an opportunity to understand all the facts and be part of a discussion about why the State is interested in the property and how it could impact ferry service and our community.

Thank you for your consideration.

Sincerely,

  
Mayor Zimmer

**Chris Christie**, Governor  
**Kim Guadagno**, Lieutenant Governor  
**James S. Simpson**, Board Chairman  
**James Weinstein**, Executive Director

**NJ TRANSIT**  
One Penn Plaza East  
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June 1, 2012

Honorable Dawn Zimmer  
Mayor, City of Hoboken  
94 Washington Street  
Hoboken, NJ 07030



Dear Mayor Zimmer,

Thank you for your letter expressing your interest in the future of the Union Dry Dock (UDD) property in Hoboken.

The UDD property is the last remaining working marine property along a major stretch of the Hudson waterfront, and is zoned for its current use of marine vessel maintenance and repair.

NJ TRANSIT's enabling statutes recognize the important role of ferries in providing the people of New Jersey and the region with safe, efficient and convenient transit options to access employment, recreation and other opportunities.

The statutes give NJ TRANSIT responsibility to construct, operate and maintain capital projects and facilities for ferries, including improvements that support robust ferry service in the trans-Hudson corridor. Over the past 15 years, New Jersey has invested nearly \$200 million in ferry projects, including the Weehawken Ferry Terminal and most recently the \$115 million renovation of the ferry slip at Hoboken Terminal.

These improvements are more vital than ever in meeting future local and regional travel demand and assuring the optimal use of Hoboken Terminal as a premier multi-modal facility. Indeed, ferries are the only trans-Hudson transportation mode that has significant unused capacity remaining. Optimizing the availability and use of this capacity will be a crucial part of a coordinated transportation strategy to meet the future travel needs of our citizens.

In order to help assure the long-term viability of Trans-Hudson ferry service, NJ TRANSIT has been discussing potential acquisition of the UDD property for use as a ferry maintenance and fueling facility. However, we have had no discussion of which I am aware with the owner of the property.

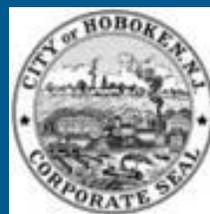
Nonetheless, should this project go forward, NJ TRANSIT recognizes and respects the longstanding community interest in the role the Union Dry Dock property can play in the Hudson River Waterfront Walkway, as well as in Hoboken's open space plans for the City, and would work with you and the City to determine how best to integrate the walkway into plans for the property.

We will keep you fully apprised as we proceed in this important endeavor. Thank you for your interest in this project on behalf of your citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Weinstein', written in a cursive style.

James Weinstein  
Executive Director



## **FINAL REPORT NOV. 15<sup>TH</sup>, 2011**

### **PREPARED BY EMNET, LLC**

## **Executive Summary**

In order to better understand its' flooding problem, the City of Hoboken, NJ installed an extensive sewer monitoring system throughout its collection system. The data from the monitoring system was then analyzed in order to determine:

- Which outfalls are able to overflow during the observed storm events
- The impact of drainage area interconnections on flooding during the observed storm events
- Where additional means of flood mitigation are necessary for a variety of storm events

The hydraulics of the collection system was analyzed for two groups of storm events: typical, medium storm events (that occurred between March and May, 2011) and large, severe storm events (including Tropical Storm Irene). From this analysis, the following conclusions were made:

### *For Medium Storm Events*

- All of the detected flooding during these storm events occurred in the H1 drainage area, and it is expected that the presence of the Observer Highway ejector pump will prevent this type of flooding from happening in the future.
- In the analyzed medium storm events, no flows from other drainage areas entered the H1 drainage area. This may have been due to sediment buildup in the H1/H4 interconnection and blockages in the H1/H3 interconnections. This situation may change after the H1/H4 interconnection is cleaned.
- Flow did enter the H1 drainage area from the H3 drainage area in ensuing storm events. Given the relatively high elevation of the H3 drainage area, it was unlikely that this area would flood if these interconnections are completely closed off. Doing so would decrease the amount of flooding in the H1 drainage area.
- The southern regulators were unable to overflow during the medium storm events, but this only caused flooding in the H1 drainage area.
- The northern regulators were able to overflow during the medium storm events.

- If flooding occurred at Grand and Sixteenth during these storm events, an ejector pump may be necessary to prevent this flooding. This drainage area was able to relieve excess flows into the H5 drainage area during medium storm events, but it was unclear if this would prevent the possible flooding.

#### *For Large Storm Events*

- Flooding was detected in the H1, H4, and H5 drainage areas during these large storm events. Flooding also likely occurred in the H7 drainage area.
- The southern regulators were unable to overflow during large storm events.
- The northern regulators were able to overflow during large storm events.
- Flows from the H3 drainage area into the H1 drainage area aggravated the H1 flooding problem without providing any benefit to the H3 drainage area.
- Flows out of the H5 drainage area aggravated flooding in the H7 and H4 drainage area.
- The H5 drainage area was able to relieve excess flows into the H4 and H7 drainage areas. If these areas had ejector pumps, then no additional pump would be required to prevent flooding in the H5 area.
- Flow conditions during large storm events in the H1/H4 interconnection and the H4/H5 interconnections could not be determined due to removed or damaged equipment.
- Ejector pumps are necessary to prevent flooding in the H1, H4, and H7 drainage areas.

#### *Other Conclusions*

- After the completion of the Observer Highway ejector pump, it is expected that H1 drainage area will likely be able to withstand a 6 month storm event before flooding occurs.
- The collection system has the ability to store several million gallons of water before flooding begins.

## INTRODUCTION

The City of Hoboken, NJ has a combined sewer system, which conveys all of the dry weather flow to the wastewater treatment plant (WWTP). During wet weather, the storm runoff also enters the sewers, thereby exceeding the capacity of the WWTP. The system is designed to discharge this excess flow into the Hudson River at seven outfalls. Unfortunately, several portions of the City are below the high tide elevation of the Hudson River. When a storm occurs during high tide, the outfalls are not able to discharge the excess water into the river. This excess flow then backs up into the system, until it causes flooding in the lowest lying areas. Figure 1 shows the flood prone areas identified by the City.

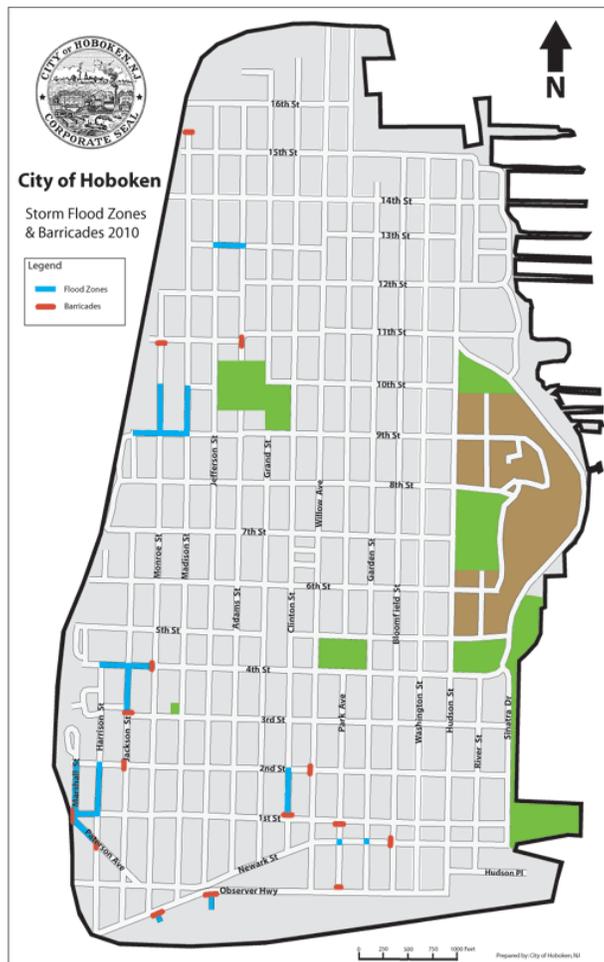


Figure 1. Flood Prone Areas Identified by the City (source:www.hobokennj.org)

The City's collection system is divided into seven primary drainage areas (see Figure 2). The flow in each drainage area converges into one large trunk line, which then conveys the flow to the regulator. During dry weather, these regulators send the flows to the WWTP via two lift stations, located at Fourth St and Eleventh St. During wet weather, these regulators send as much flow as possible to the WWTP, and then attempt to overflow the rest. When this collection system was modeled, only the trunk lines, the regulators, and the lift stations were included. Based on this model, it was determined that four ejector pumps were required to pump the water that would have overflowed during low tide into the Hudson River for storms that occur during high tide.

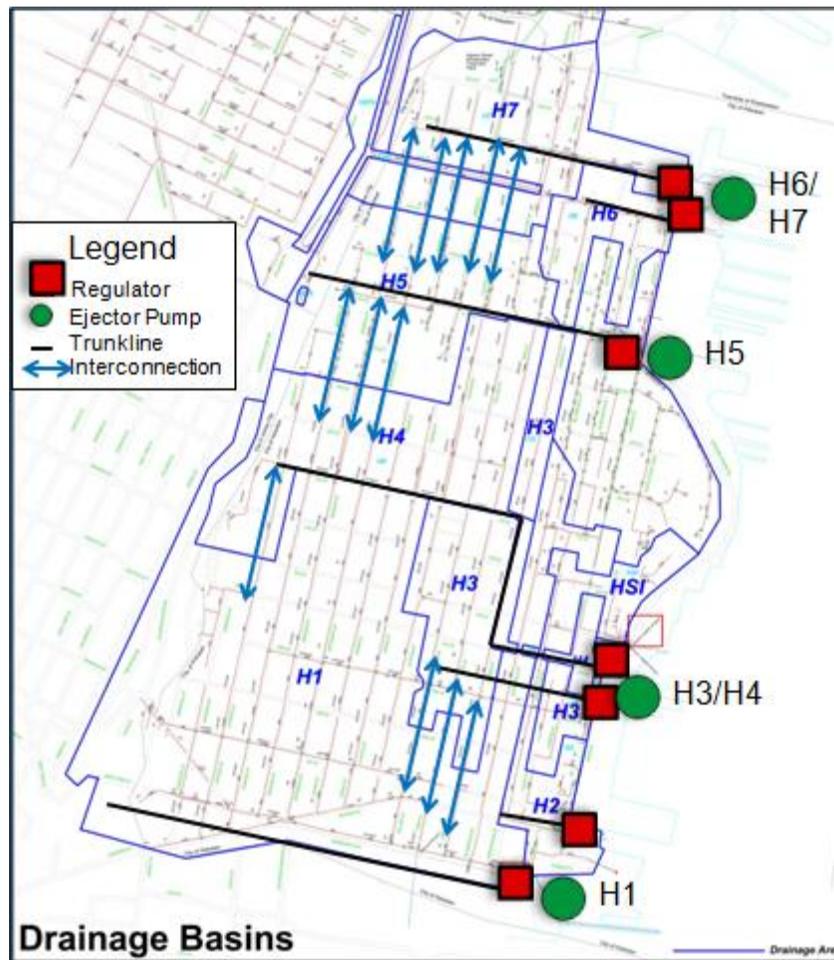


Figure 2. Hoboken's Drainage Areas, Regulators, Trunk lines, Drainage Area Interconnections, and Proposed Ejector Pump Locations

The City's collection system, however, contains several interconnections between the various drainage areas, also shown in Figure 2. These interconnections allow flows from one drainage area to freely enter another. This may mean that flows from non-flooding drainage areas may be aggravating flooding in a flood prone area or that flows from one drainage area may be able to be relieved into another drainage area in order

to prevent flooding. The impact of these interconnections on the overall flooding problem is not fully understood.

The purpose of this study is to determine what mechanisms cause or aggravate the Hoboken flooding issue and which areas would require additional means of flood prevention during the observed storm events.

## **OBJECTIVES**

The objectives of this study are to:

- Deploy an expansive sewer monitoring system in order to determine the hydraulics in the collection system during a variety of storm events
- Determine which outfalls are able to overflow during the observed storm events
- Determine the impact of the sewer interconnections on flooding during the observed storm events
- Determine where additional means of flood mitigation are necessary for a variety of storm events

## MONITORING SYSTEM DESIGN AND IMPLEMENTATION

In order to accomplish these objectives, a sewer monitoring system was implemented at the following locations:

- The flood prone areas identified by the City
- Representative interconnections between the drainage areas
- Near each of the active outfalls
- At a point indicative of the tide elevation

Figure 3 shows the locations of the monitoring locations with respect to the flood prone areas identified by the City.

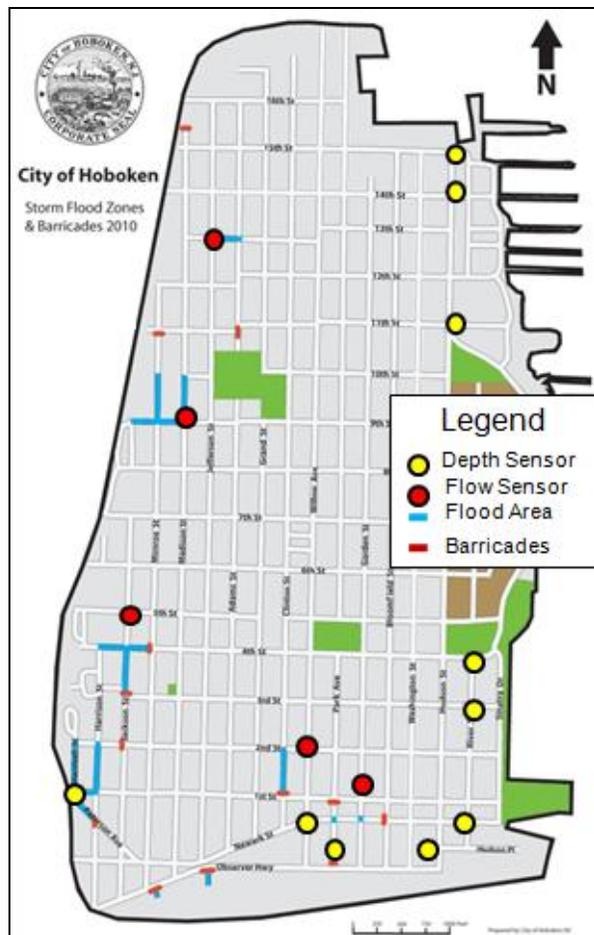


Figure 3. Location of Monitoring Points in Relation to Flood Prone Areas

Figure 4 shows the locations of the monitoring points with respect to the drainage area interconnections and the regulators. The regulator monitoring points were typically located one manhole upstream of the regulator chamber. The one exception was the monitoring point near the H7 regulator. This monitoring point is located in the overflow chamber on the downstream side of the weir. From this position, the monitoring point is able to measure the elevation of the Hudson River during dry and wet weather. A complete list of the monitoring point locations, their purposes, and the parameters measured at each location is listed in Table 1.

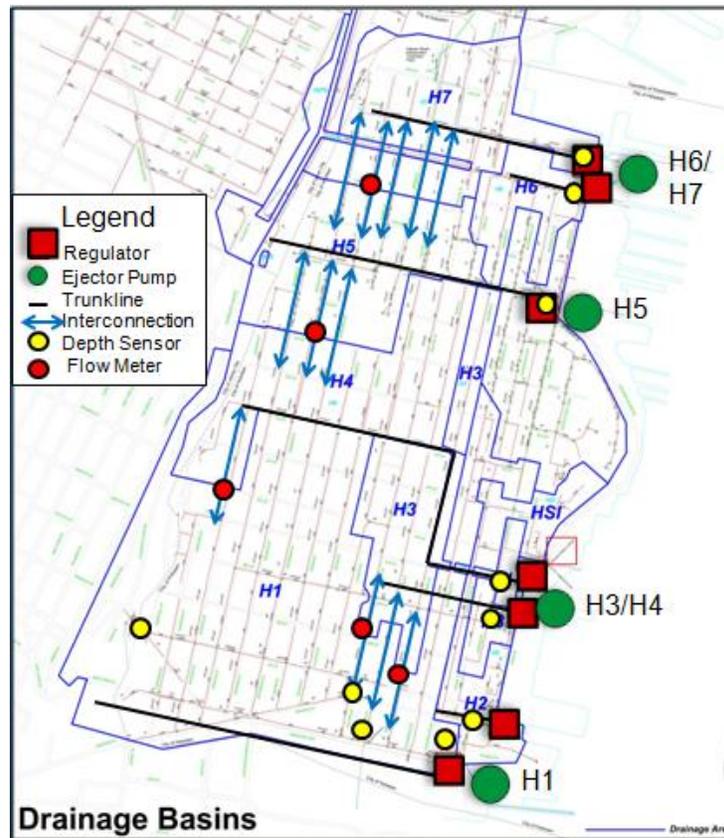


Figure 4. Location of Monitoring Points in Relation to the Interconnections and Outfalls

Table 1.

Location and Purpose of Monitoring Points

Location	Purpose	Parameter(s) Measured
<b>Marshall and First</b>	Flood Prone Area	Depth
<b>Willow and Newark</b>	Flood Prone Area	Depth
<b>Jackson and Fifth</b>	Flood Prone Area/ Interconnection Between H1 and H4 Drainage Areas	Flow, Depth, and Velocity
<b>Madison and Ninth</b>	Flood Prone Area/ Interconnection Between H4 and H5 Drainage Areas	Flow, Depth, and Velocity
<b>Jefferson and 13th</b>	Flood Prone Area/ Interconnection Between H5 and H7 Drainage Areas	Flow, Depth, and Velocity
<b>Willow and Second</b>	Interconnection Between H1 and H3 Drainage Areas	Flow, Depth, and Velocity
<b>Garden and First</b>	Interconnection Between H1 and H3 Drainage Areas	Flow, Depth, and Velocity
<b>Park and Observer</b>	Upstream of Regulator H1	Depth
<b>Court and Observer</b>	Upstream of Regulator H1	Depth
<b>River and Newark</b>	Upstream of Regulator H2	Depth
<b>River and Third</b>	Upstream of Regulator H3	Depth
<b>River and Fourth</b>	Upstream of Regulator H4	Depth
<b>Hudson and Eleventh</b>	Upstream of Regulator H5	Depth
<b>Hudson and Fourteenth</b>	Upstream of Regulator H6	Depth
<b>Hudson and Fifteenth</b>	Tide in Hudson River, Downstream of Regulator H7	Depth

The monitoring system was installed between March 1, 2011 and March 3, 2011, and has been operational ever since. When the flow meter at Jackson and Fifth was installed, the pipe was found to be nearly full with sediment. This monitoring location was removed in June, 2011 for sewer cleaning, which is still ongoing at the time of this report. The monitoring point at Madison and Ninth was damaged during a street paving project when it was accessed without EmNet's knowledge or permission. The monitoring point consists of a computerized manhole cover which collects the data from the sensor(s) and uploads it to a website through a cellular connection. The composite manhole cover was removed and replaced with a cast iron cover, which made it impossible for the monitoring point to transmit its data. The monitoring point has since been repaired, but no data was received from this location during the month of August, 2011.

## ANALYSIS ASSUMPTIONS

In order to perform the analysis required for this study, the following assumptions were made:

- The H7 outfall, located at Hudson and Fifteenth is always able to overflow. This was stated in the 1996 CSO Monitoring Study for the North Hudson Sewerage Authority (NHSA), and is confirmed by the fact that this outfall does not have a tide gate. This means that the depths upstream and downstream of the weir are the same during high tide overflow events.
- The elevations of the manhole rim are accurate to within 0.2'. These elevations were provided by Boswell Engineering from a 1996 aerial flyover as the best available approximation of the rim elevations.
- The City of Hoboken is 90% impervious, meaning that 90% of the rainwater enters the collection system almost immediately.
- Flows in one interconnection pipe are indicative of flows between all interconnections between the same two drainage areas.
- The rain gauge from Central Park in New York City, NY accurately represents the rainfall for the City of Hoboken.
- The Hudson and Fifteenth monitoring point provides an accurate representation of the tide elevation in the Hudson River. The depth sensor is located in the overflow chamber, which contains a drain and an elevated overflow line (see Figure 5). The tide is able to enter and leave this chamber freely, as seen in the tidal pattern recorded by this sensor (see Figure 6).

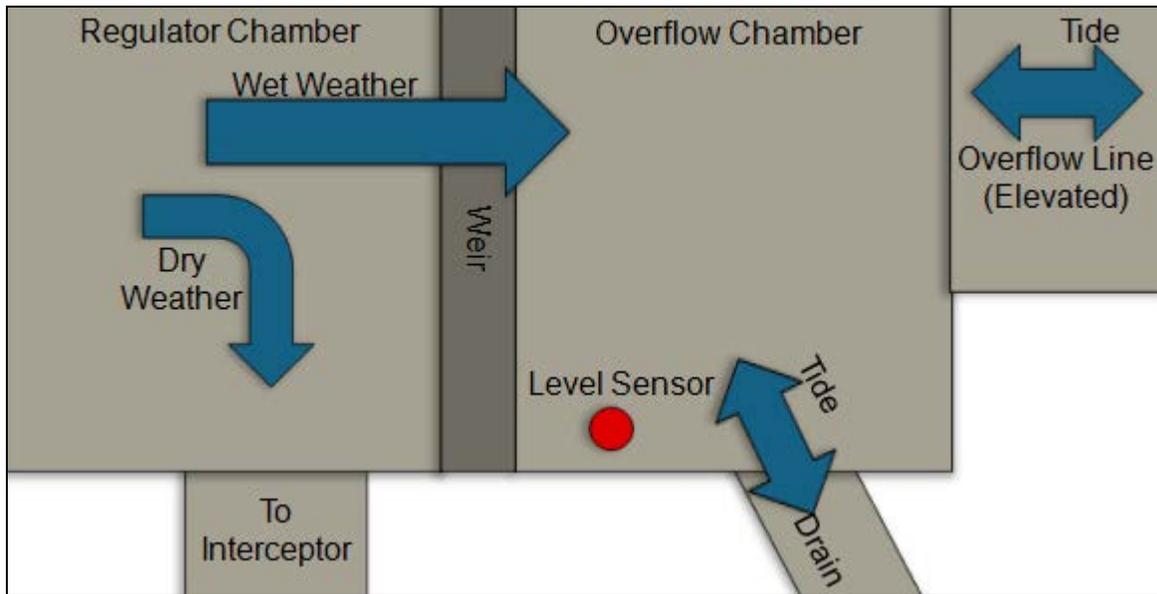


Figure 5. Configuration of Tide Monitoring Location

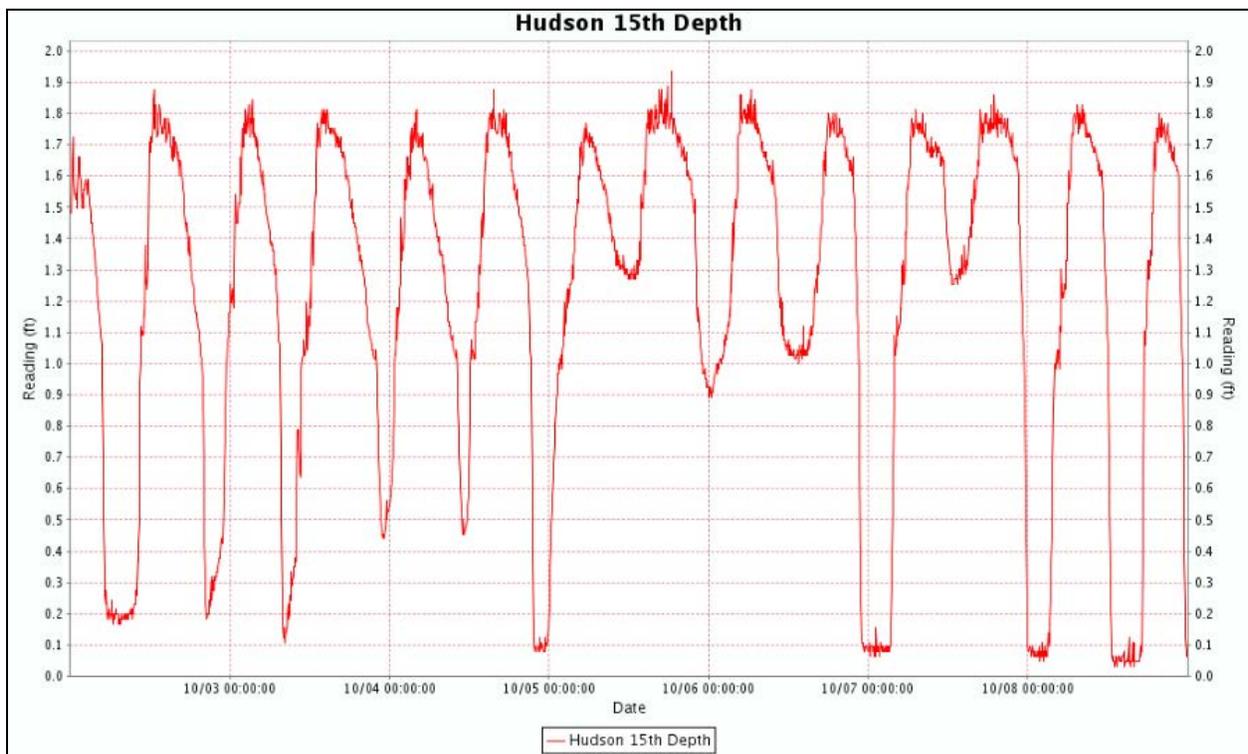


Figure 6. Depth at Tide Monitoring Location, Showing a Typical Tidal Pattern

## SYSTEM OBSERVATIONS DURING MEDIUM STORM EVENTS

### *Storm Event Descriptions*

The analysis of the monitoring data was done twice, using two different sets of storm events. The first analysis period focused on the storm events that occurred between March and May, 2011, typically known as the “Spring Rains”. It is these events that are typically used for the calibration of the hydraulic computer models. Table 2 gives a brief description of these storm events.

Table 2  
 Storm Events With Street Flooding

Date	Total Rainfall (in)	Duration (hours)
<b>March 6-7, 2011</b>	2.10”	19
<b>March 10-11, 2011</b>	1.98”	24
<b>April 12-13, 2011</b>	2.00”	21
<b>April 16-17, 2011</b>	1.78”	13
<b>May 17-19, 2011</b>	3.04”	28

As seen in Table 2, the storm events in this time period all have comparable characteristics. Not surprisingly, the collection system behaved similarly during each storm event. For the purposes of this report, results are shown from two representative storm events in this period. The March 6-7, 2011 storm event was selected because it had the highest peak rain intensity (similar to that of a 5 year design storm) of any storm event in this time period. The May 17-19, 2011 storm event was selected because it was the largest storm event in this time period and resulted in the most severe flooding. The figures shown in these report from these two storm events were selected because they best represented the general trends that were observed during all of the storm events.

### *Detected Flooding During Medium Storm Events*

During each of the storm events in this time period, the monitoring system detected flooding at the following locations:

- Marshall and First

- Jackson and Fifth
- Willow and Newark

All of the detected flooding occurred in the H1 drainage area, which contains most of the lowest lying areas of the City (see Figure 7).

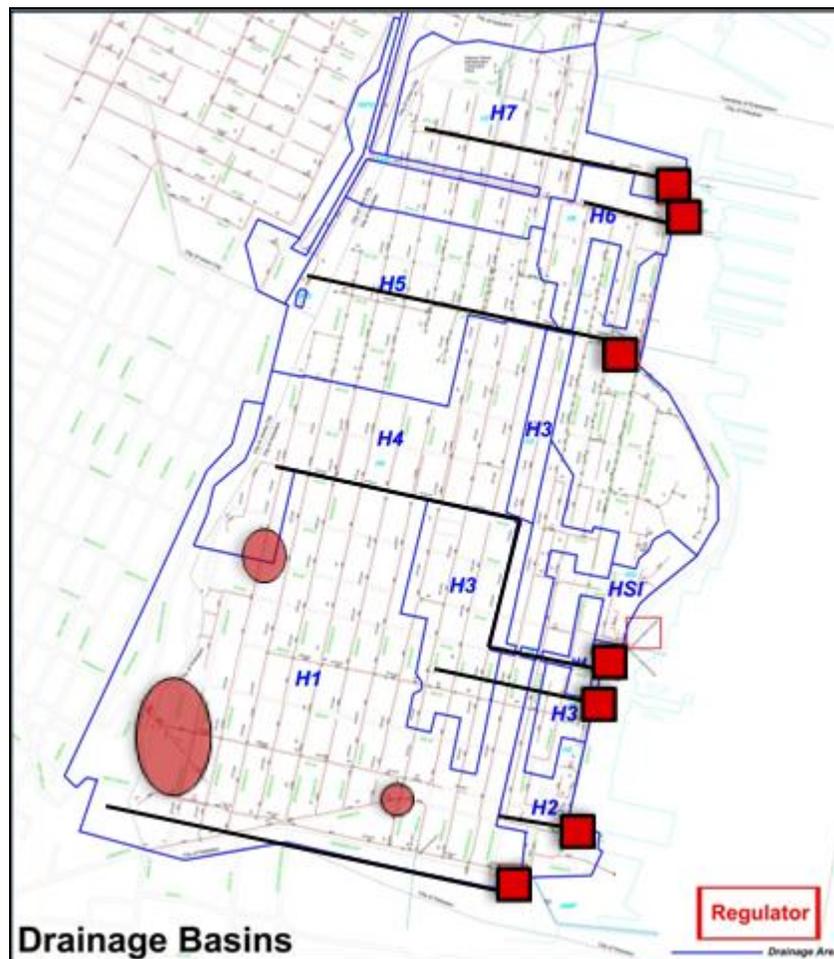


Figure 7. Typical Detected Flooding Locations During Medium Storm Events

#### *Interconnection Flows During Medium Storm Events*

The flows through the drainage area interconnections were also analyzed for these storm events. In areas where flows were not measured or where the flow meters did not record any measurable flow, the hydraulic head at the neighboring monitoring points were compared. If the two locations are hydraulically linked, the difference between the water elevations at these two locations should be relatively constant. This means that an increase in water elevation at one point will cause a corresponding increase in water

elevation at the other point. If this is not the case, then it can be determined that the two locations are not hydraulically linked.

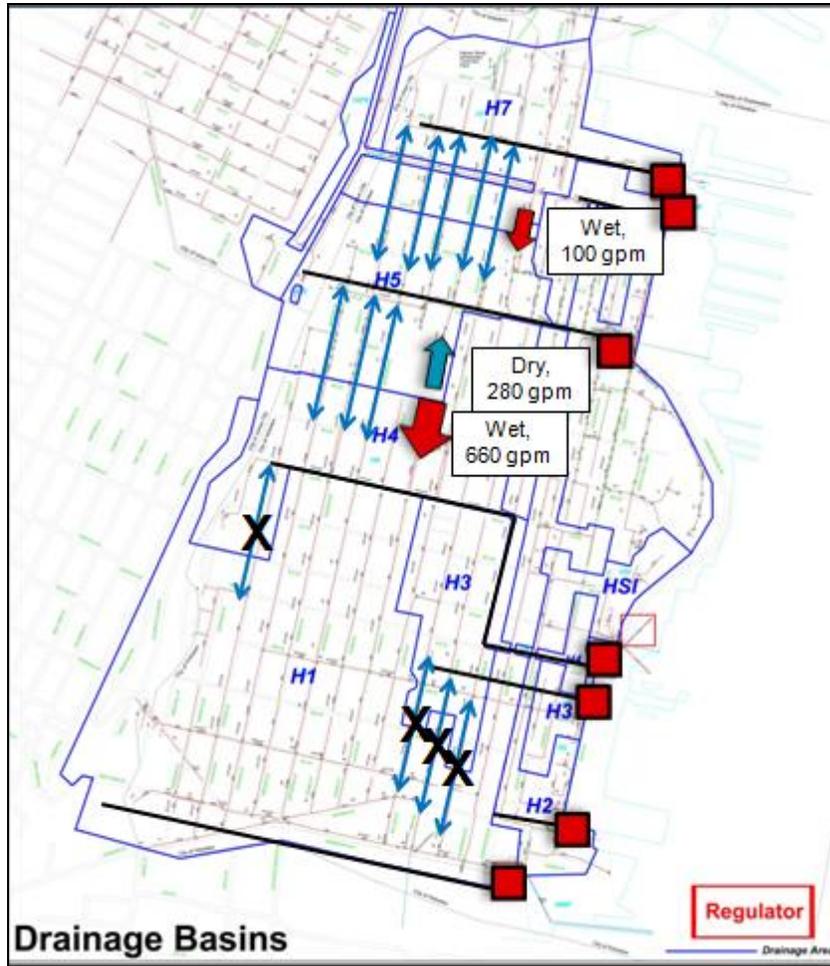


Figure 8. Flow Trends in Interconnections During Medium Storm Events  
(Numerical values are from the May 17-19, 2011 storm event)

Figure 8 shows the typical flow trends in the drainage pipe interconnections during medium storm events.

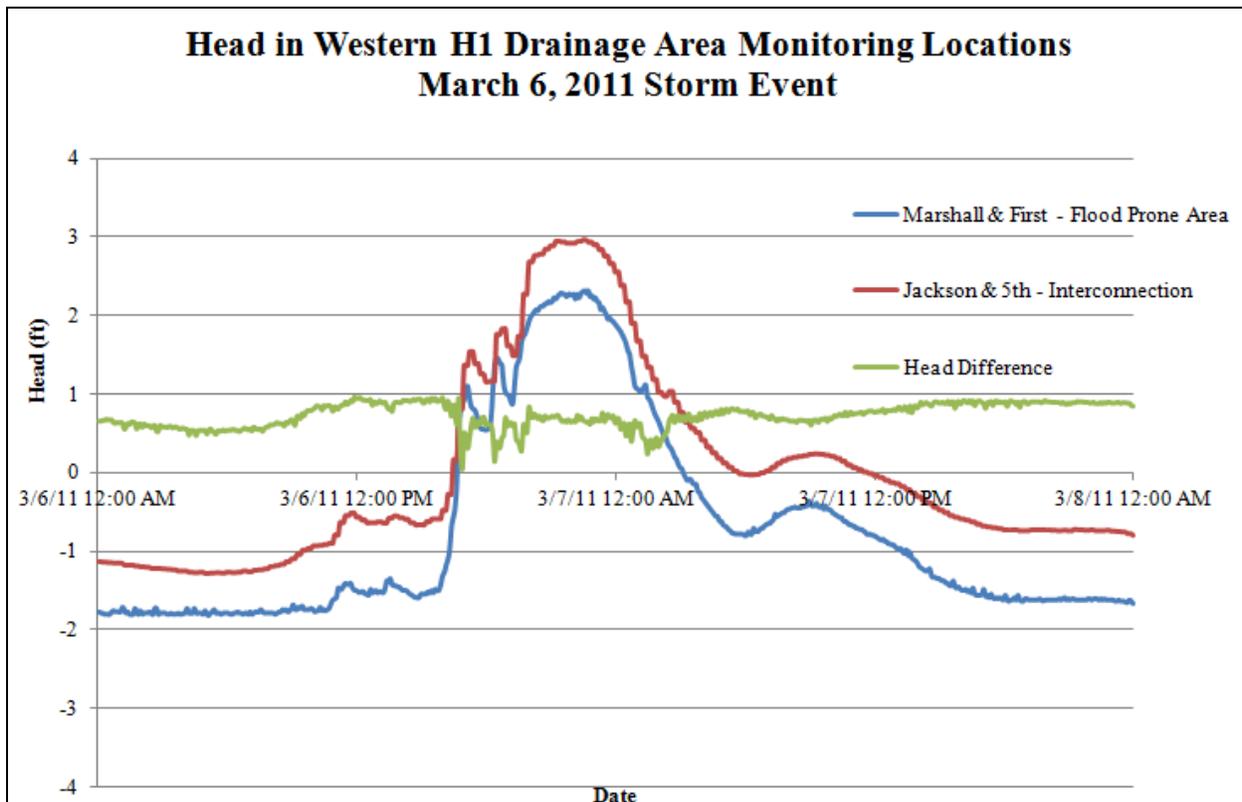


Figure 9. Head Difference in Vicinity of the H1/H4 Interconnection

The flow meter at the interconnection between the H1 and H4 drainage areas did not register any measureable flow (meaning flow with a velocity greater than 0.1 ft/s) during any of the storm events observed in this time period. However, the head difference between the Jackson and Fifth and the Marshall and First monitoring points is fairly constant<sup>1</sup> during the storm events, indicating that these locations are hydraulically connected. The large amount of sediment found in the Jackson and Fifth sewer line may have prevented measurable flow from going between these two locations. The Jackson and Fifth monitoring location was removed in June, 2011 for sewer cleaning, and it is possible that this cleaning will result in flow through this interconnection. At the time this report was written, the sewer cleaning work was still ongoing, and the flow meter had not been reinstalled.

<sup>1</sup> Because the monitoring points do not take measurements at exactly the same time, the graph may show a change in the head difference during periods of rapid change. This is not indicative of a hydraulic disconnect.

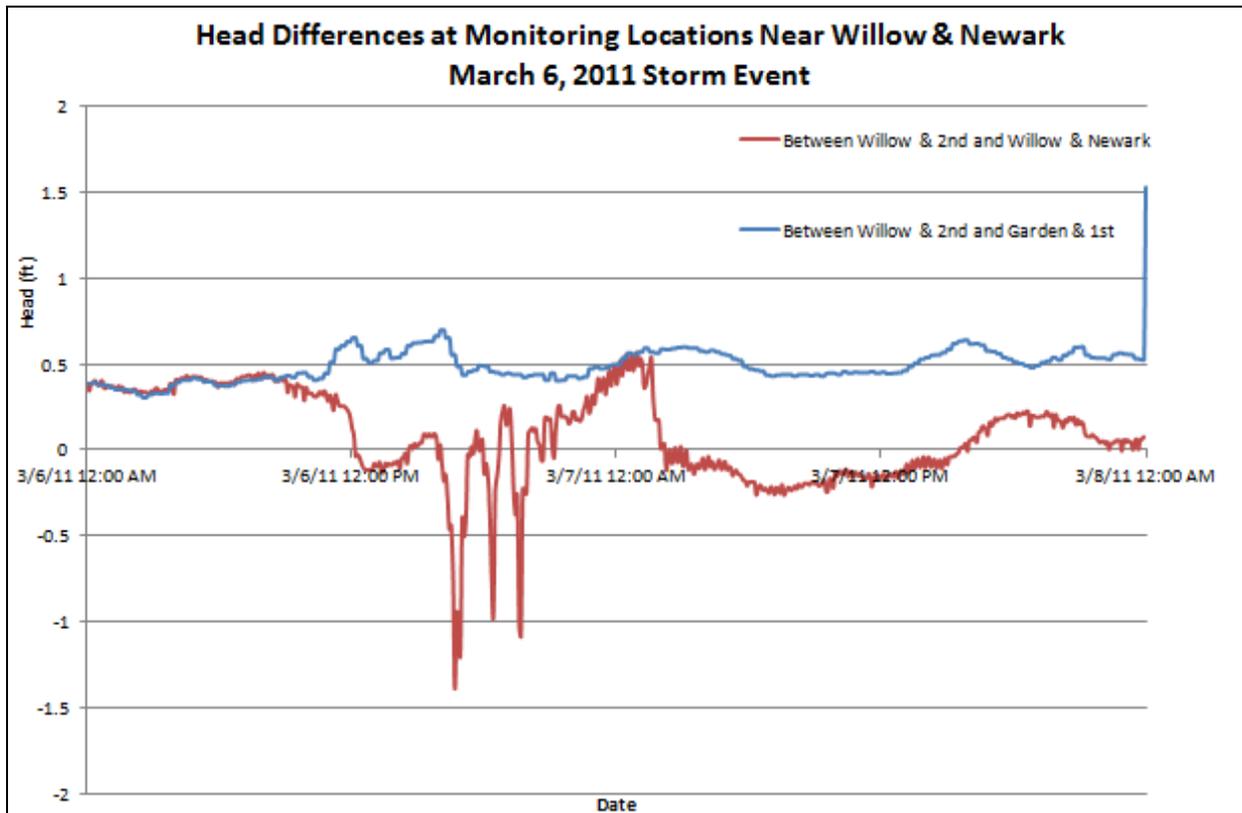


Figure 10. Typical Head Differences Between Monitoring Locations Around H1-H3 Interconnections During Medium Storm Events (Before June 17, 2011)

The two flow meters monitoring the H1/H3 interconnections also did not record any measureable flow during the spring storm events. When the hydraulic heads for the Willow and Newark, Willow and Second, and Garden and First monitoring locations were compared, the head difference between the Willow and Second and Garden and First monitoring locations were fairly constant during these storm events, indicating that these locations are hydraulically linked (see Figure 10). That was expected because these two locations are both at interconnection points and are linked together by the H3 trunk line. Conversely, the head difference between the Willow and Newark and Willow and Second monitoring locations was irregular and had a range of nearly two feet. This indicates that these two monitoring locations were not hydraulically linked during the spring storm events. It should be noted that the Willow and Second monitoring point began recording southward flow during storm events on June 17, 2011 and in ensuing events. The reason for this sudden change is unclear (perhaps the result of sewer cleaning or other maintenance), but after this date, the head difference becomes constant and flow could go between these areas.

During the analyzed medium storm events, no measureable flow from outside of the H1 drainage area aggravated the flooding in that area. The flooding was a result of only the rain that fell on the drainage area itself.

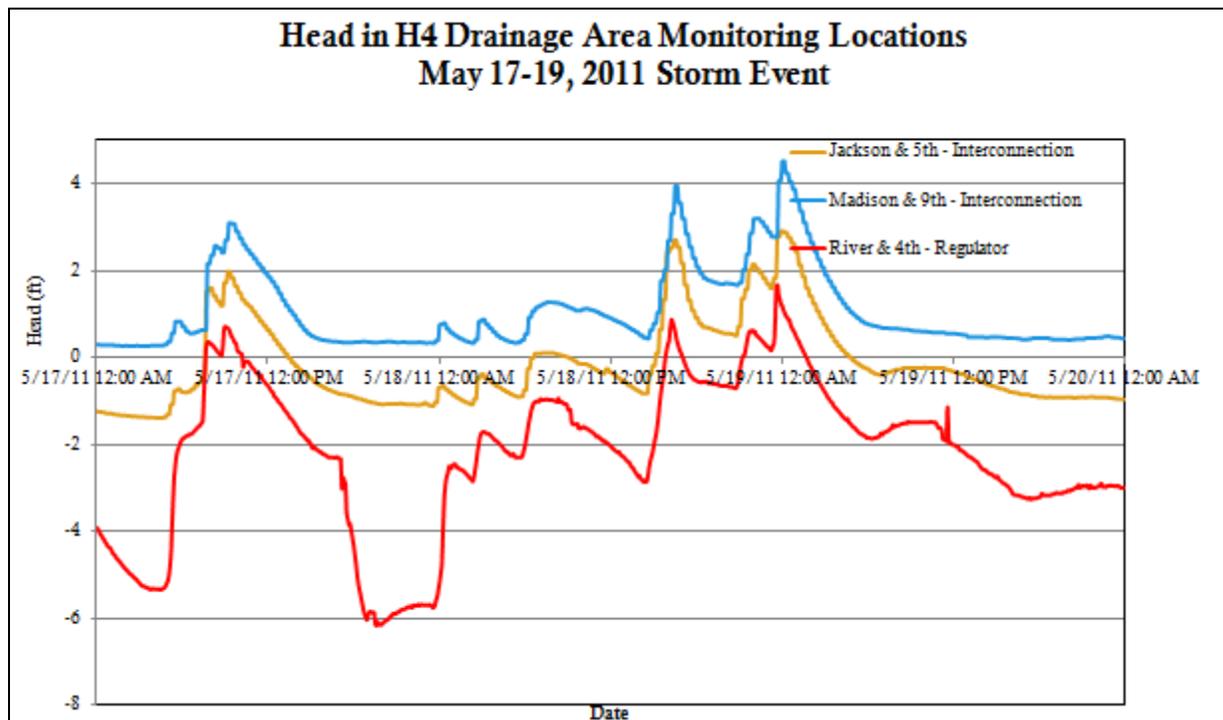


Figure 11. Typical Conditions Around H4/H5 Interconnections During Medium Storm Events

Flow in the H4/H5 interconnections typically moved north to the H5 trunk line during dry weather, but then switched and moved south to the H4 trunk line during wet weather. During the peak of the storm event, the southward flow was as much as twice the typical northward dry weather flow. Once the flow reached the H4 trunk line, it could either move west toward the H1/H4 interconnection (Jackson and Fifth) or east to the H4 regulator (River and Fourth). As seen in Figure 11, the hydraulic head at these three locations followed the same pattern during the peak of the storm events, indicating that they were all hydraulically linked. Since the H4 regulator had the lowest head, flows from the H1/H4 interconnection and the H4/H5 interconnection went toward the H4 regulator. If the water was not able to overflow, it would gradually build up in the H4 trunk line until the water elevation was higher than the tide elevation or flooding occurred. Since no flooding was observed in the H4 or H5 drainage areas, the storage in the trunk line and/or the regulator's ability to overflow were sufficient to prevent flooding in these drainage areas during medium storm events.

Flow in the H5/H7 interconnections was typically stagnant during dry weather, but a small amount of flow (up to 100 gpm) moved southward to the H5 trunk line during medium storm events. In a conference call with the NHSA in October, 2011, the NHSA stated that flooding occurs at Grand and Sixteenth in addition to the flooding locations that the City identified. Since this was not originally listed as a flood-prone area, no monitoring location was installed at this location. The southward flow into the H5

drainage area may have relieved or prevented flooding at this location, but its full impact could be determined at this time.

*Conditions at the Outfalls During Medium Storm Events*

Since the flooding in Hoboken is caused by the inability of some of the drainage areas to overflow, water elevations near the regulators/outfalls were analyzed. If the head in the trunk line was higher than the tide elevation, the drainage area was able to overflow. Conversely, if the tide elevation was higher, then water would be stored in the trunk line until the water elevation became higher than the tide elevation (at which point it would overflow) or the water broke the ground surface and caused flooding.

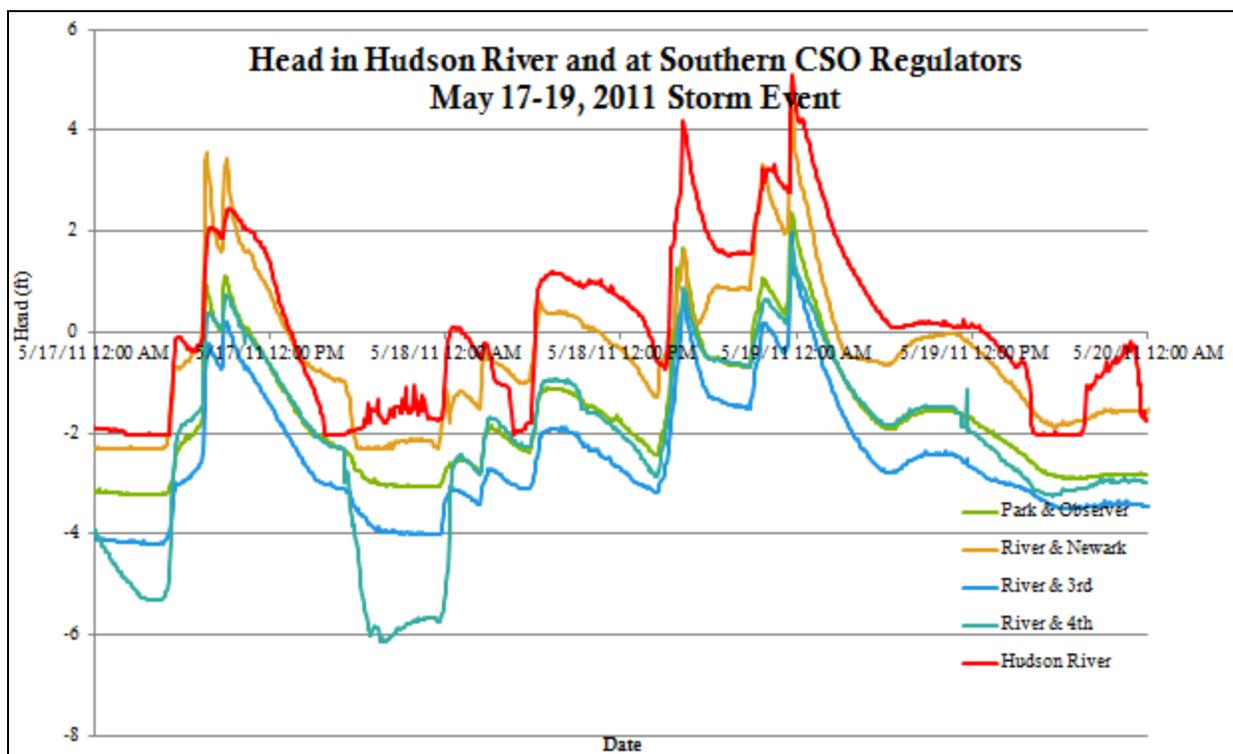


Figure 12. Typical Head Readings for the Southern Outfalls During Medium Storm Events, Compared Against the Tide Level in the Hudson River

The water elevations near the southern outfalls (i.e., H1, H2, H3, and H4) were typically below the tide elevation for the medium storm events (see Figure 12). Only the H2 outfall (at Newark and River) was able to overflow for short periods during these storm events. Because flooding was only observed in the H1 drainage area and no measurable flows from other drainage areas entered the H1 drainage area during these storm events, only the H1 drainage area needed an ejector pump to prevent flooding. All of the other southern drainage areas were able to store water in the trunk line until the end of high tide or until the WWTP could handle the flow. These drainage areas did not require an ejector pump to prevent flooding during these storm events.

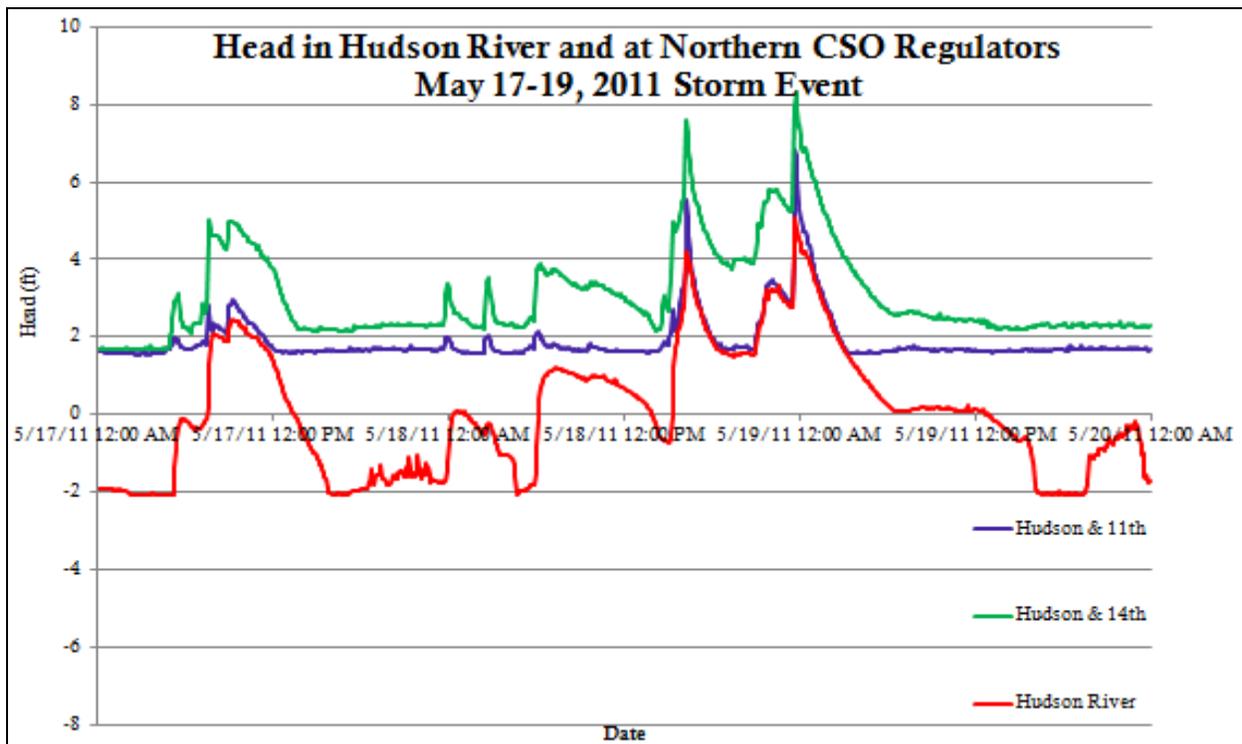


Figure 13. Typical Head Readings for the Northern Outfalls During Medium Storm Events, Compared Against the Tide Level in the Hudson River

At the northern regulators (i.e., H5, H6, and H7), the water elevation at the regulators/outfalls remained higher than the tide elevation. These regulators were able to overflow at all times during these storm events. No flooding was detected in these drainage areas during these storm events, but flooding may have occurred at Grand and Sixteenth. If flooding occurred at this location, an ejector pump may be required to prevent flooding in the H7 drainage area. If no flooding occurred, no ejector pump is required to prevent flooding in these drainage areas.

## SYSTEM OBSERVATIONS DURING LARGE STORM EVENTS

### *Storm Event Descriptions*

The second group of storm events that were analyzed occurred in August, 2011. These storm events were significantly larger than the storm events expected in a typical year. Descriptions of the storm events are listed in Table 3.

Table 3.

August, 2011 Storm Events

Date	Total Rainfall (in)	Duration (hours)	Notes
<b>August 9, 2011</b>	2.09"	2.5	Short, very intense storm event
<b>August 14-15, 2011</b>	5.81"	23	Larger than a 10 year storm event
<b>August 27-29, 2011</b>	6.87"	26	Tropical Storm Irene, 50 year storm event

In August, 2011, three large storm events occurred in Hoboken. Tropical Storm Irene can be regarded as one of the worst case scenarios for street flooding, since it was an unusually large storm event for the City. All figures in the following sections show data from this storm event, but the general trends were also seen in the two other storm events in this time period.

### *Detected Flooding During Large Storm Events*

During each of the storm events in this time period, the monitoring system detected flooding at the following locations (see Figure 14):

- Marshall and First
- Jackson and Fifth
- Willow and Newark
- Madison and 9<sup>th</sup>

Since the monitoring location at Jackson and Fifth was removed for sewer cleaning during this time period, the presence of flooding at this location was determined by using the head at Marshall and First to calculate the expected head at Jackson and Fifth. The monitoring point at Madison and Ninth was damaged during a road paving operation and was not operational during this time period. The presence of flooding at this location was determined by using the head at Jefferson and Thirteenth to calculate the expected head at Madison and Ninth. Each of these monitoring sites had previously been determined to be hydraulically linked.

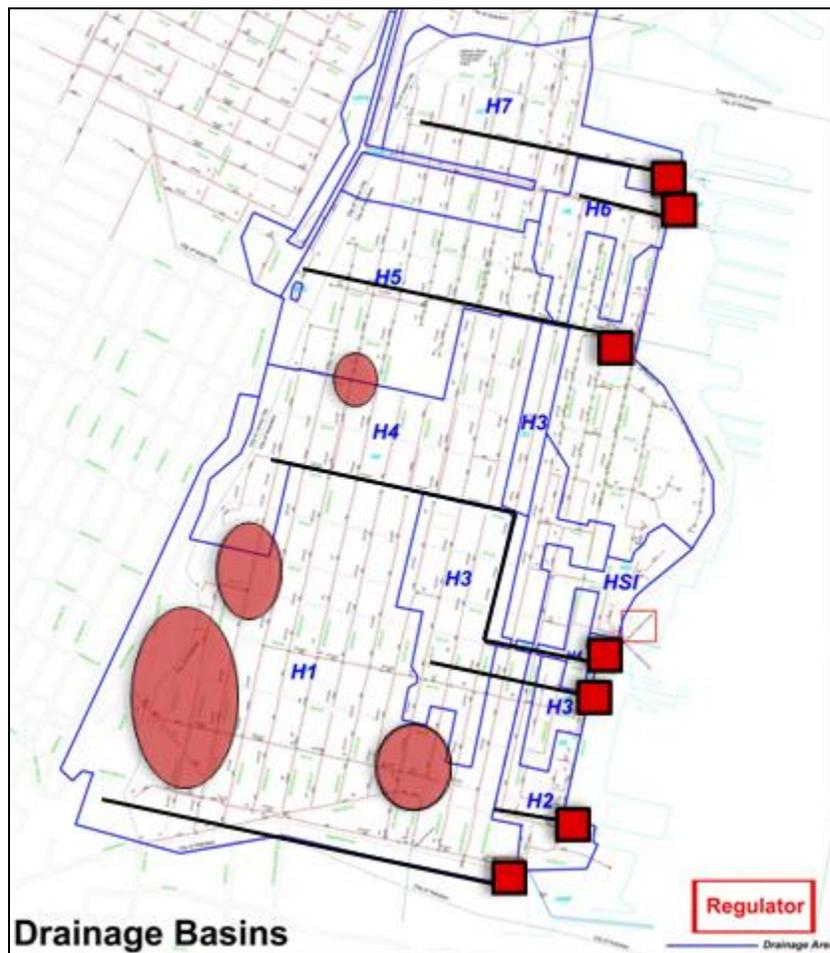


Figure 14. Typical Detected Flooding Locations During Large Storm Events

The presence of flooding at Grand and Sixteenth could not be confirmed or denied with the current monitoring system. Given the severity of the storm events, it can be assumed that flooding did occur at this site.

*Interconnection Flows During Large Storm Events*

The interconnection flow trends during the August, 2011 storm events are shown in Figure 15. For the aforementioned reasons, flow conditions in the H1/H4 interconnection and the H4/H5 interconnections could not be determined for these storm events.

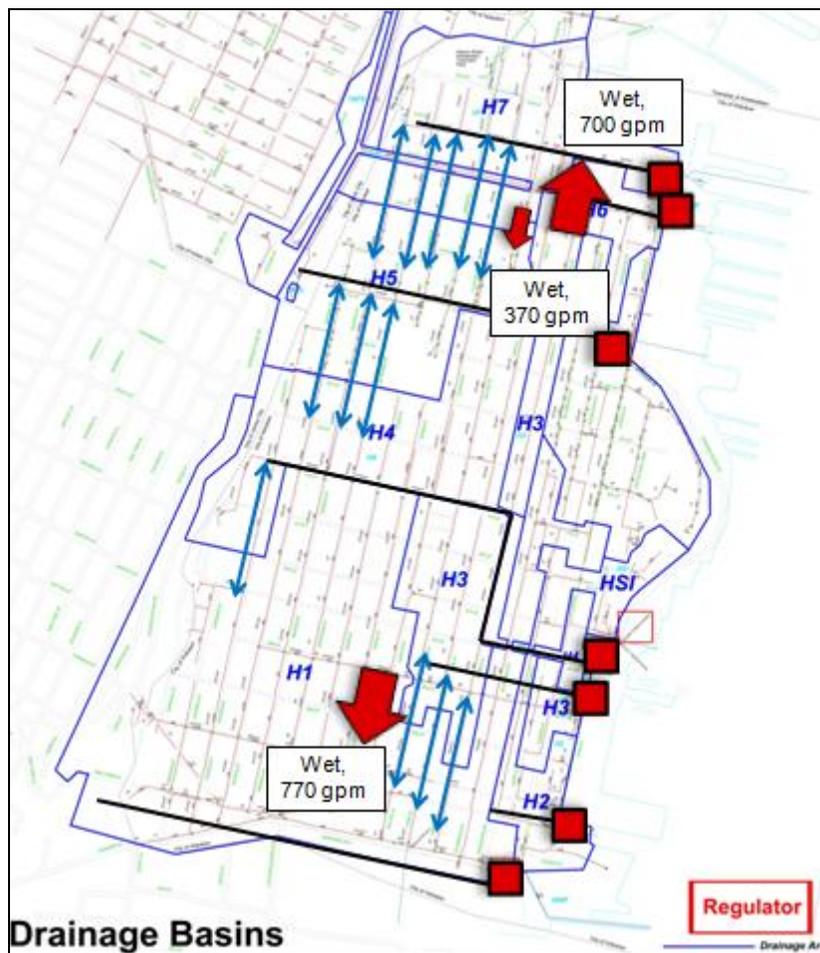


Figure 15. Flow Conditions in Interconnections During Large Storm Events  
 (Numerical values are from the August 27-29, 2011 storm event)

The H1/H3 interconnections sent significant flows southward (up to 770 gpm) during these storm events, but were typically stagnant during dry weather. This flow aggravated the flooding that occurred at Willow and Newark. Since the surface elevation in the H3 drainage area is significantly higher than that of the H1 drainage area (the H3 drainage area is almost entirely above the normal storm high tide elevation, while parts of the H1 drainage area are below mean sea level), the H3 drainage area does not need to send flow into the H1 drainage area in order to prevent flooding. These interconnections should be blocked.

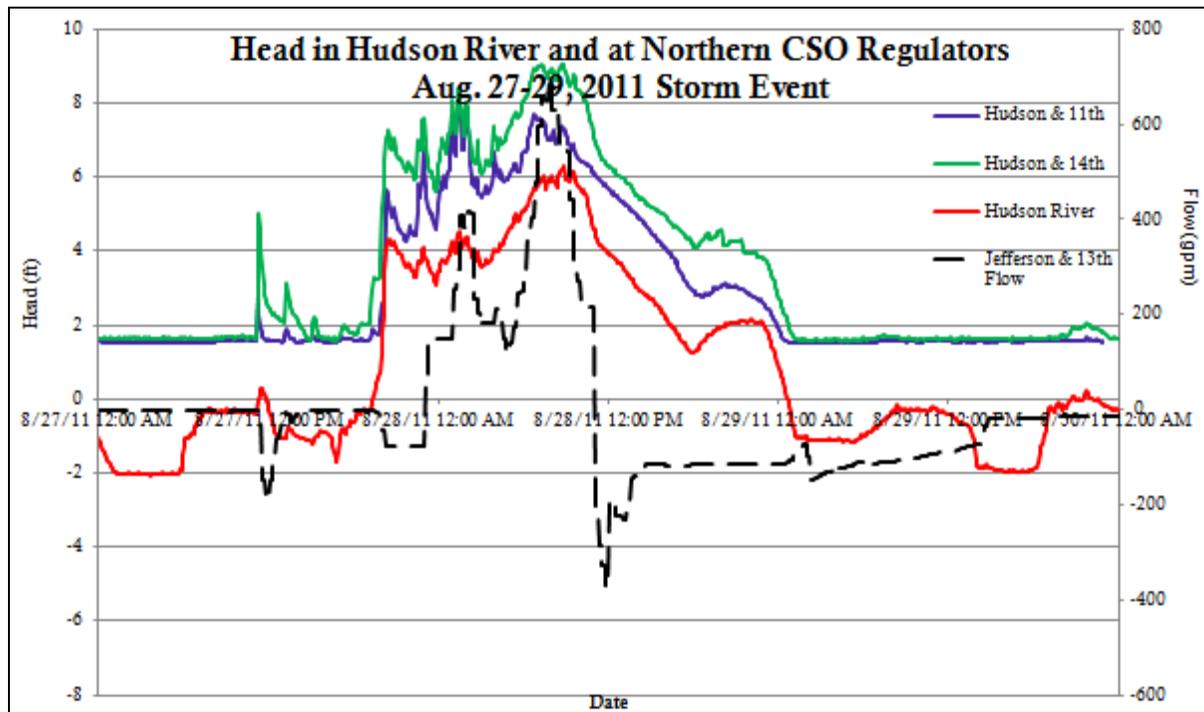


Figure 16. Typical Head Readings for the Northern Outfalls During Large Storm Events, Compared Against the Tide Level in the Hudson River, With H5-H7 Interconnection Flows Shown.

(Southern flow is negative and northern flow is positive)

Flow through the H5/H7 interconnections moved southward to the H5 trunk line during the less severe portions of the large storm events (see Figure 16), thereby relieving any potential flooding at Grand and Sixteenth. During the peaks of the storm events, the flow reversed and moved northward to the H7 trunk line. The northward flow rates peaked at 700 gpm per interconnection, aggravating any flooding that may have occurred at Grand and Sixteenth.

#### *Conditions at the Outfalls During Large Storm Events*

As in the medium storm events, the heads at the southern regulators remained below the tide elevation for the duration of the large storm events (see Figure 17). These sites could not overflow, resulting in flooding in several portions of these drainage areas.

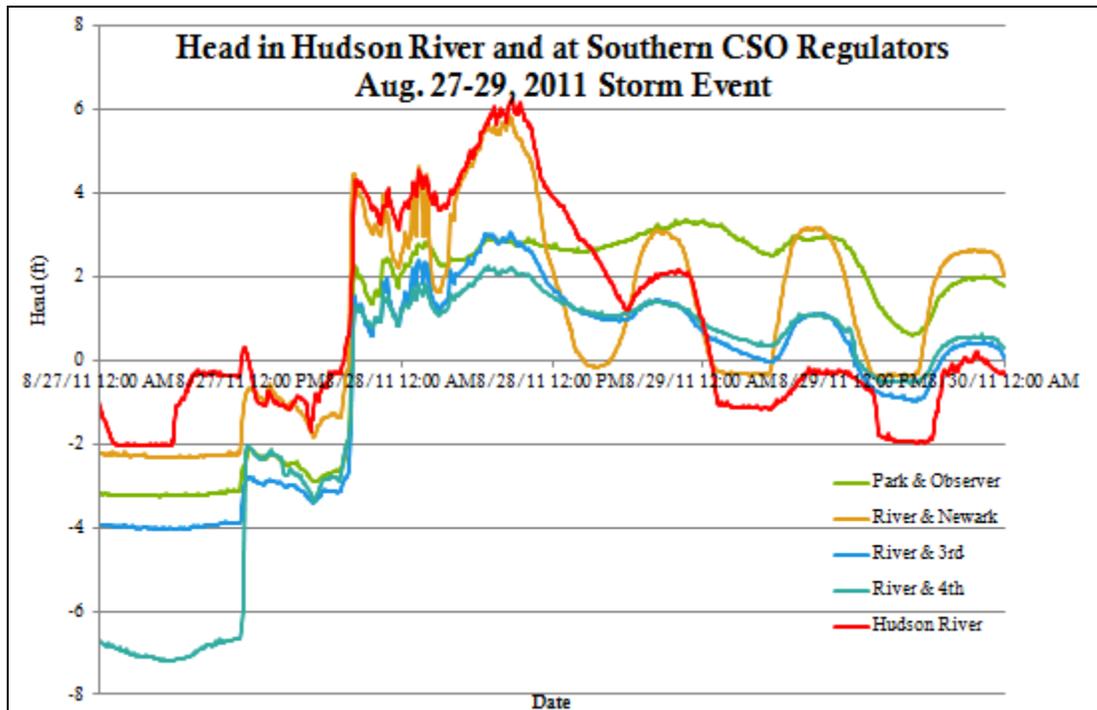


Figure 17. Typical Head Readings for the Southern Outfalls During Large Storm Events, Compared Against the Tide Level in the Hudson River

The extent of the flooding can be seen by comparing the head at the H1 regulator (at Park and Observer) and the H3 regulator (at River and Third) with the tide elevation (see Figure 18). When most of the water in a drainage area is contained in the sewer pipes, the head at the regulators will closely follow the tide elevation. During Tropical Storm Irene, the heads at the H1 and H3 regulators deviated significantly from the tide elevation during the peak of the storm event. This indicates that the H1 pipes could not hold any more water in order to keep trending the tide elevation. All of the rain that fell on the City while this deviation occurred could not enter the sewers, and therefore, worsened the flooding situation. This deviation for the H3 drainage area, which did not flood, indicates that all of the rain that fell on the City while this deviation occurred did not remain in the H3 pipes, but rather moved southward through the H1/H3 interconnections and increased the flooding in the H1 drainage area. The same trend was also observed for the H4 drainage area.

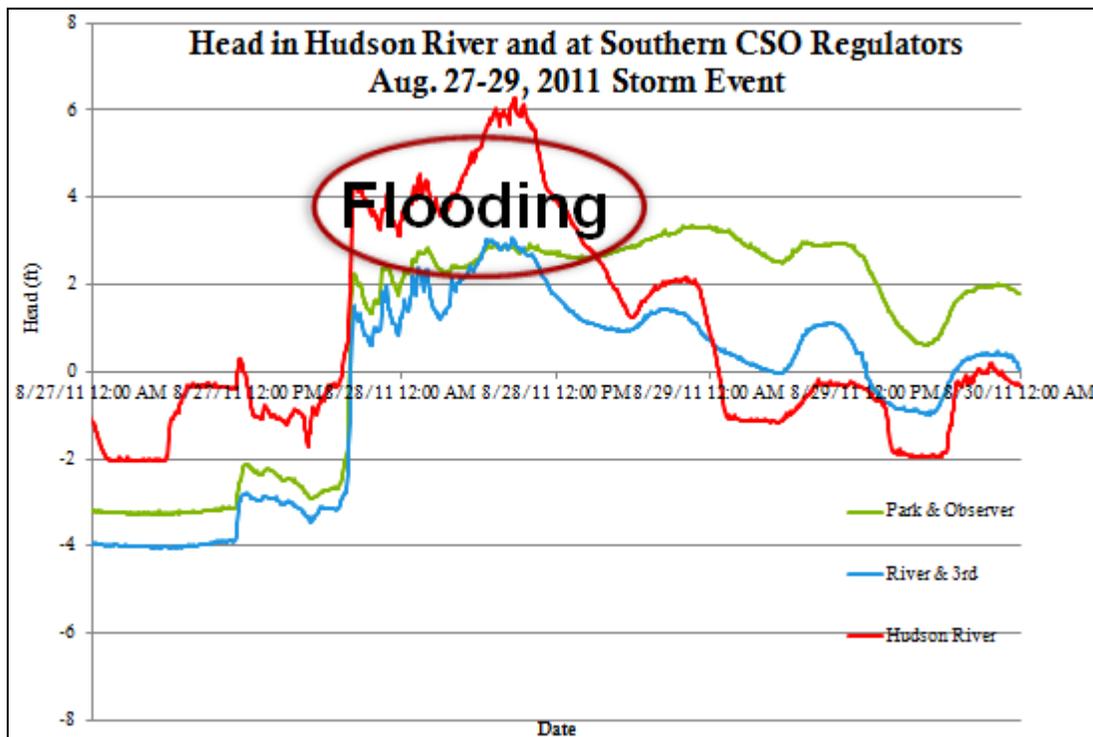


Figure 18. Typical Head Readings for Selected Southern Outfalls During Large Storm Events, Compared Against the Tide Level in the Hudson River

Conversely, the head at the northern regulators stayed above the tide elevation throughout all of the large storm events (see Figure 19). The H6 drainage area did not experience any flooding and was able to overflow during all of the observed events. Based on the observed storm events, this drainage area does not need the assistance of an ejector pump. The H5 drainage area was able to overflow during these storm events, as well. However, this drainage area also experienced flooding at its interconnection points, indicating that this drainage area was not able to overflow sufficient water to prevent flooding. This drainage area, however, was also capable of relieving its excess flows into the H4 and H7 drainage areas. This means that if the H4 and H7 drainage areas use ejector pumps, then any flooding issues in the H5 drainage area can be resolved using these pumps without building an additional ejector pump at the H5 regulator.

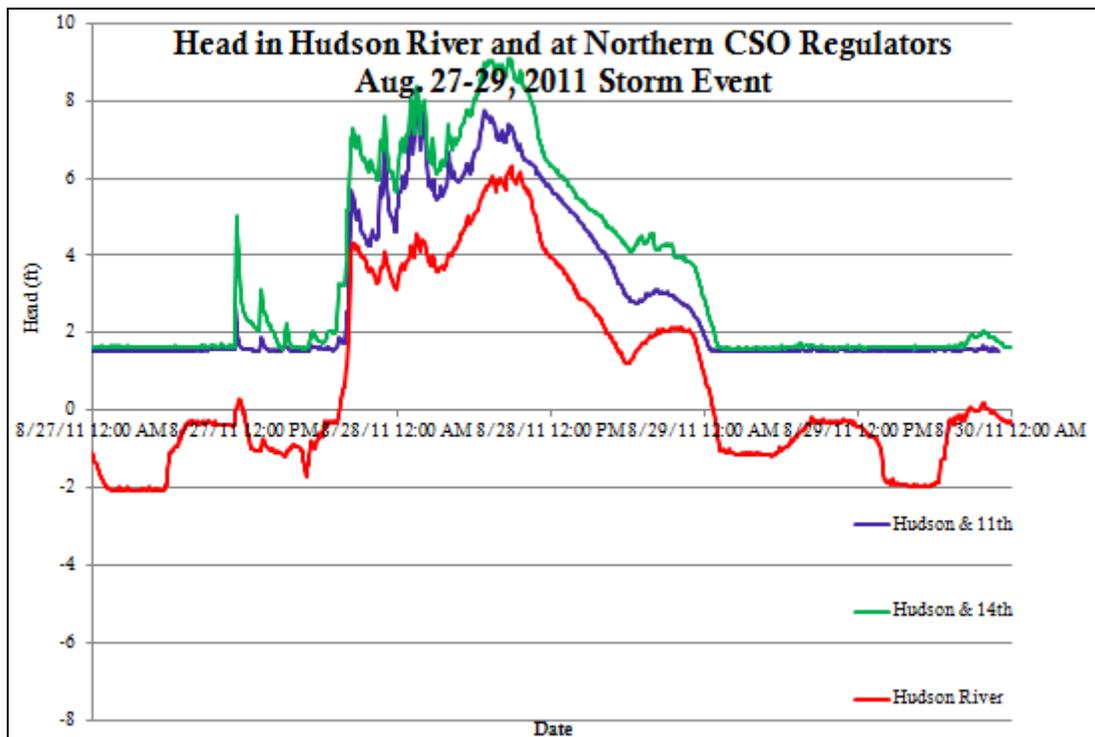


Figure 19. Typical Head Readings for the Northern Outfalls During Large Storm Events, Compared Against the Tide Level in the Hudson River

Since the Grand and Sixteenth area likely flooded during these large storm events and flows from the H5 drainage area entered into this area, the H7 drainage area will likely require an ejector pump in order to prevent flooding. Furthermore, the configuration of the regulator chamber may also allow water from the Hudson River into the H7 drainage area during storm high tide. A tide gate may be required at this location to prevent this inflow during large storm events.

## **EXPECTED FLOOD PREVENTION AFTER INSTALLATION OF OBSERVER EJECTOR PUMP**

The NHSA has completed the installation of the first ejector pump, located near the Observer Highway (H1) outfall. The pump station has a capacity of 50 MGD and is intended to pump excess water that would overflow during low tide into the Hudson River during high tide storm events. During small and medium storm events, all of the detected flooding was observed in the H1 drainage area. As part of this analysis, the expected impact of the pump was calculated.

For this analysis, the following assumptions were made:

- Due to the impervious nature of Hoboken, 90% of the rain immediately enters the sewer.
- The maximum flow from the H3 drainage area to the H1 drainage area is 1.44 MGD. No flow enters the H1 drainage area from the H4 drainage area.
- The pipes in the H1 drainage area are already full and have no additional capacity to store water before flooding occurs.

Using these assumptions, it was calculated that the maximum rain intensity that the pump station will be able to handle before flooding occurs is 0.30 in/hr, which is approximately equivalent to the peak intensity of a two month storm event.

However, the last assumption is typically not valid. The purpose of the pump station is to prevent the sewer pipes from filling up and surcharging by allowing the excess water to overflow. In actuality, the pipes should only be one half to two thirds full at the peak of the storm event. This means that collection system is able to store a certain amount of water that the pump is not able to handle before flooding begins.

To determine this storage volume, the amount of rain required to increase the depth from the dry weather level to the flooding level at Marshall and First (typically, the first site to flood) was determined for the Aug. 9, 2011 storm event, the Aug. 14, 2011 storm event, and the Aug. 27, 2011 storm event. The amount of rain required to increase the depth from dry weather to flooding ranged from 0.43" to 1.13". The smallest amount of rain required for this increase was selected for this analysis, since it represents the most conservative value and is the least likely to include rain runoff that was able to overflow by gravity. Assuming that 90% of the rain entered the sewers, it was calculated that the H1 drainage area had approximately 3.0 MG of storage available before flooding occurred.

By combining the pumping capacity of the ejector pump with the storage capacity in the H1 drainage area, the City of Hoboken will likely be able to withstand a six month storm event before flooding occurs.

By comparison, before the installation of the ejector pump, the H1 drainage area flooded during the April 16-17, 2011 storm event, which had a total rainfall of 1.78" over 13 hours. Four storm events that were this size or larger, each of which caused flooding, occurred between March 1, 2011 and April 30, 2011 (see Table 2).

## Conclusions

The City of Hoboken installed an extensive sewer monitoring system throughout its collection system in order to further understand the underlying hydraulics of its collection system and how this affects their flooding issue. The monitoring data from a variety of storm events was analyzed, and the following conclusions were made:

### *For Medium Storm Events*

- All of the detected flooding during these storm events occurred in the H1 drainage area, and it is expected that the presence of the Observer Highway ejector pump will prevent this type of flooding from happening in the future.
- In the analyzed medium storm events, no flows from other drainage areas entered the H1 drainage area. This may have been due to sediment buildup in the H1/H4 interconnection and blockages in the H1/H3 interconnections. This situation may change after the H1/H4 interconnection is cleaned.
- Flow did enter the H1 drainage area from the H3 drainage area in ensuing storm events. Given the relatively high elevation of the H3 drainage area, it was unlikely that this area would flood if these interconnections are completely closed off. Doing so would decrease the amount of flooding in the H1 drainage area.
- The southern regulators were unable to overflow during the medium storm events, but this only caused flooding in the H1 drainage area.
- The northern regulators were able to overflow during the medium storm events.
- If flooding occurred at Grand and Sixteenth during these storm events, an ejector pump may be necessary to prevent this flooding. This drainage area was able to relieve excess flows into the H5 drainage area during medium storm events, but it was unclear if this would prevent the possible flooding.

### *For Large Storm Events*

- Flooding was detected in the H1, H4, and H5 drainage areas during these large storm events. Flooding also likely occurred in the H7 drainage area.
- The southern regulators were unable to overflow during large storm events.
- The northern regulators were able to overflow during large storm events.

- Flows from the H3 drainage area into the H1 drainage area aggravated the H1 flooding problem without providing any benefit to the H3 drainage area.
- Flows out of the H5 drainage area aggravated flooding in the H7 and H4 drainage area.
- The H5 drainage area was able to relieve excess flows into the H4 and H7 drainage areas. If these areas had ejector pumps, then no additional pump would be required to prevent flooding in the H5 area.
- Flow conditions during large storm events in the H1/H4 interconnection and the H4/H5 interconnections could not be determined due to removed or damaged equipment.
- Ejector pumps are necessary to prevent flooding in the H1, H4, and H7 drainage areas.

#### *Other Conclusions*

- After the completion of the Observer Highway ejector pump, it is expected that H1 drainage area will likely be able to withstand a 6 month storm event before flooding occurs.
- The collection system has the ability to store several million gallons of water before flooding begins.

## Recommendations

The following actions are recommended as future steps:

- Re-analyze the hydraulics of the collection system after the Observer Highway ejector pump is fully operational in order to determine the effectiveness of this pump in preventing flooding. Perform this analysis after each future pump comes online.
- Add additional monitoring points at the following locations:
  - Grand and Sixteenth (for flooding detection)
  - Upstream of the H7 regulator (to detect any inflow from the Hudson River)
  - On the H4 trunkline (to determine if flow is going towards or away from the interconnections)
- Reinstall the flow meter at the H1/H4 interconnection and analyze data from additional storm events in order to determine the impact of the sewer cleaning.
- Install a rain gauge in Hoboken.
- Survey the manhole rim of every monitoring location in order to more accurately compare water elevations.

## **Additional Benefits of the Monitoring System**

The Hoboken sewer monitoring system is able to provide the following additional benefits to the City:

- Early flood warning system – the monitoring system is typically able to detect the potential for flooding at least two hours before flooding actually begins
- Provide data for further model calibration and improvement, especially with regards to the drainage area interconnections
- Aid with the system characterization portion of the City's future CSO Long Term Control Plan
- Determine the effectiveness of the ejector pumps for flood prevent through pre- and post-construction monitoring
- Coordinate the activation of the ejector pumps with conditions in the collection system so that the in-system storage is more effectively utilized before wastewater overflows. This will minimize the amount of wastewater discharged into the Hudson River without building any new infrastructure.

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

JUNE 20, 2012

<b><u>RAFFLES:</u></b>	<b><u>(\$20.00/DAY)</u></b>	<b><u>3 ITEMS</u></b>
HOBOKEN CATHOLIC 555 7 <sup>TH</sup> ST. HOBOKEN NJ 07030	\$20.00 RA1399	OFF-PREMISE 50/50 CASH RAFFLE
STS. PETER & PAUL CHURCH 404 HUDSON ST HOBOKEN NJ 07030	\$20.00 RA1400	ON-PREMISE 50/50 RAFFLE 10/13/12
ST. FRANCIS CHURCH 308 JEFFERSON ST HOBOKEN NJ 07030	\$20.00 RA1396	OFF-PREMISE 50/50 RAFFLE

<b><u>VENDORS</u></b>	<b><u>(\$100.00)</u></b>	<b><u>4 ITEMS</u></b>
SHARONE R. JOHNSON 300 MARSHALL DR #5 E HOBOKEN NJ 07030	VETERAN – NO FEE	
HAROLD MELTZER 4 WATERMAN LANE HILLSBOROUGH NJ 08844	VETERAN – NO FEE	
PATRICIA JACKSON 321 HARRISON ST #212 HOBOKEN NJ 07030	\$100.00	

# MISCELLANEOUS LICENSES

## **DRIVERS**

**(12 ITEMS @ \$75.00)**

<i>NAME</i>	<i>TAXI/LIMO</i>	<i>LICENSE#</i>
HAROLD SAUAREZ	LIMO	5202
MOHAMMAD ABDELQADER	LIMO	7755
GUIULFO COLLAN	TAXI	2179
LUIS SANCHEZ	LIMO	6638
NELSON PEREZ	LIMO	9932
ATTEIB MAHAMAT	LIMO	2510
HERMINO RODRIGUEZ	LIMO	9635
JHONNY TORRES	LIMO	2659
DANIAL TAPIA-LUGO	LIMO	6234
ANTONIO REYNOSO	TAXI	6708
RAMON TORRES-MERCEDES	LIMO	7823
JUAN L. GUANCE	LIMO	6252

**12 DRIVERS**

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 May 2012.

Receipts on Taxes

2012 Taxes Estimated 3rd Quarter....	49,934.62	
2012 Taxes 1&2 Quarters...	26,164,777.28	
N.G. Checks Minus....	15,265.99	
2012 Added Assessments...	77,541.12	
Total 2012 Taxes Collected		26,276,987.03

Receipts on Taxes

2011 Taxes 3&4 Quarters...	1,016.36	
Total 2011 Taxes Collected....		1,016.36

Miscellaneous Tax Receipts

Interest on Taxes...	24,027.88	
N.G. Check Minus...	40.98	
Dup. Bill Fee...	225.00	
Tax Serarch.....	20.00	
Bounced Check Fee...	100.00	
Total Miscellaneous Tax Receipts		24,331.90

Pilot Accts

Pilot Principal.....	685,799.15	
Total Collected on Pilot Accts.....		685,799.15

Total Taxes & Miscellaneous Tax Receipts.... **26,988,134.44**

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

Abatements

Abatement Principal.....	786,504.35	
Abatement Interest.....	80.11	
Abatement Totals.....	*****	<u><b>786,584.46</b></u>

Bounced Checks

	Amount
220/36	6,873.74
48/27/C005B	1,559.59
95/19/C004A	1,723.63
95/19/C0P-6	92.42
239/13.02	330.40
1/15/C003G	1,120.59
243/3/C002B	529.10
268.01/3/C002N	1,250.73
255/1/C0204	<u>1,826.77</u>
Total	15,306.97

Respectfully yours,

Sharon Curran, Tax Collector



5/22/2012	71,628.26	1,233.74	70,350.60	3.92					40.00			
5/23/2012	387,312.61	4,167.35	383,142.47	2.79								
5/24/2012	58,210.48	561.88	57,266.51	16.57	115.52	250.00						
5/25/2012	157,698.37	1,844.10	155,565.23		289.04							
5/29/2012	251,052.18	3,612.00	247,045.01	101.42	288.81	4.94					7,098.99	78.99
5/30/2012	209,304.51	2,275.00	206,695.33	83.19		250.99					152.31	1.12
5/31/2012	203,866.42	2,301.75	193,643.52	7,921.15								
	27,003,441.41	24,027.88	26,164,777.28	49,934.62	77,541.12	1,016.36	225.00	20.00	100.00	685,799.15	786,504.35	80.11
Bad Checks												
220/36	6,873.74											
48/27/C005B	1,559.59											
95/19/C004A	1,723.63											
95/19/C0P-6	92.42											
239/13.02	330.40											
1/15/C003G	1,120.59											
243/3/C002B	529.10											
268.01/3/C002N	1,250.73											
255/1/C0204	<u>1,826.77</u>											
	15,306.97											
NOTE: 5/1/2012 ABATEMENT AND CLOSING#1 BOTH IN DEPOSIT #1(1CHECK COMBINED BOTH PAYMENTS)												
NOTE: 5/1/2012 ABATEMENT AND CLOSING#3 BOTH IN DEPOSIT #1(1CHECK COMBINED BOTH PAYMENTS)												

Range: Block: First to Last  
 Lot:  
 Qual:  
 Range of Codes: First to Last  
 Range of Batch Ids: First to Last  
 Range of Spec Tax Codes: First to Last  
 Payment Type Includes: Tax: Y Sp Charges: Y Lien: Y Sp Assmnt: Y  
 Misc: Y  
 Payment Method Includes: Cash: Y Check: Y Credit: Y Range of Installment Due Dates: First to Last  
 Print Miscellaneous w/Block/Lot/Qual: N Print Only Miscellaneous w/Block/Lot/Qual: N

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2011	2012	2013		
001 TAX-Billing	12230	0.00	1,016.36	25,960,060.85	0.00	18,641.96	25,979,719.17
014 ADDED ASSESSMENT/OMI	68	0.00	0.00	77,541.12	0.00	66.81	77,607.93
082 IN LIEU OF TAXES	18	0.00	0.00	685,799.15	0.00	0.00	685,799.15
SUB SUBSEQUENT TAX	168	0.00	0.00	254,651.05	0.00	5,319.11	259,970.16
Tax Payments	12484	0.00	1,016.36	26,978,052.17	0.00	24,027.88	27,003,096.41
00L OUTSIDE REDEEM	34	38,342.11	0.00	0.00	0.00	2,122.60	40,464.71
FEE	10	550.00	0.00	0.00	0.00	0.00	550.00
Lien Payments	44	38,892.11	0.00	0.00	0.00	2,122.60	41,014.71
005 BOUNCED CHECK FEE	5	100.00	0.00	0.00	0.00	0.00	100.00
010 TAX SEARCHES	2	20.00	0.00	0.00	0.00	0.00	20.00
012 DUPLICATE BILLS	5	225.00	0.00	0.00	0.00	0.00	225.00
Misc Payments	12	345.00	0.00	0.00	0.00	0.00	345.00
NSF BOUNCED CHECK	10	0.00	0.00	15,265.99-	0.00	40.98-	15,306.97-
Tax NSF	10	0.00	0.00	15,265.99-	0.00	40.98-	15,306.97-
<b>Payments Total:</b>	<b>12540</b>	<b>39,237.11</b>	<b>1,016.36</b>	<b>26,978,052.17</b>	<b>0.00</b>	<b>26,150.48</b>	<b>27,044,456.12</b>
<b>NSF Reversals Total:</b>	<b>10</b>	<b>0.00</b>	<b>0.00</b>	<b>15,265.99-</b>	<b>0.00</b>	<b>40.98-</b>	<b>15,306.97-</b>
<b>Total:</b>	<b>12550</b>	<b>39,237.11</b>	<b>1,016.36</b>	<b>26,962,786.18</b>	<b>0.00</b>	<b>26,109.50</b>	<b>27,029,149.15</b>

Total Cash: 57,643.76

Total Check: 26,971,505.39

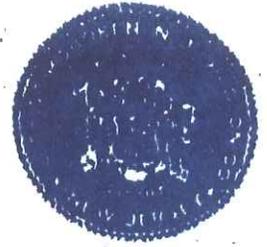
Total Credit: 0.00

<b>REDEMPTIONS FOR THE MONTH OF MAY 2012</b>							
DATE REDEEMED	BLOCK	LOT	QUAL.	CERTIFICATE #	ADDRESS	REDEMPTION AMOUNT	PREMIUM AMOUNT
5/1/2012	188	35		12-00081	116 BLOOMFIELD ST	403.53	1,000.00
5/3/2012	178	21		12-00072	230 GARDEN ST	1,095.37	1,000.00
5/4/2012	22	10	C02-B	12-00008	251-255 FIRST ST	2,800.07	7,500.00
5/8/2012	216	6.01		12-00101	509 WASHINGTON ST	166.42	5,000.00
5/8/2012	170	22	C0001	12-00065	836 PARK AVE	2,208.61	5,200.00
5/17/2012	216.01	37	C003B	12-00103	500 HUDSON ST	4,143.83	5,200.00
5/16/2012	86	1	C0408	12-00033	800-830 JACKSON ST	642.90	
5/21/2012	61	2		12-00023	403 ADAMS ST	7,443.82	20,100.00
5/22/2012	114	14		12-00050	409-415 FOURTEENTH ST	6,456.62	1,500.00
5/23/2012	249	22		11-00091	161 TWELFTH ST	15,653.54	10,500.00
						41,014.71	57,000.00



*Municipal Court of Hoboken  
City Hall*

100 Newark Street  
Hoboken, New Jersey 07030  
201 - 420-2120  
Fax 201 - 420-2138



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

ROSEANN GOHDE  
Court Director

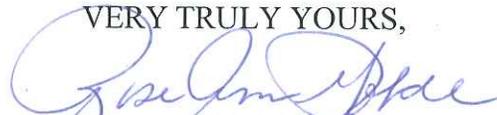
JUNE 4, 2012

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

DEAR MR. FARINA:

THE HOBOKEN MUNICIPAL COURT HAS ISSUED CHECK # 5524 IN THE TOTAL AMOUNT OF \$368,363.81 TO THE TREASURER OF THE CITY OF HOBOKEN. THIS CHECK REPRESENTS THE COLLECTIONS OF THE HOBOKEN MUNICIPAL COURT FOR THE MONTH OF MAY 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.

CITY OF HOBOKEN  
CLAIMS LISTING  
JUNE 20, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
ADM BUSINESS ADMINISTRATION	OPERATING	12-01792	QSCEND TECHNOLOGIES	MANAGEMENT SOFTWARE	\$ 1,500.00
		12-01852	SOFTMART	PRINTER FOR ROSEANN GOHDE	\$ 185.54
		12-01853	FIRST JERSEY MUNI. ASSISTANCE	ARCH LISTON INVOICE-TRANSITION	\$ 1,423.25
		CY-04312	NJLM	NJLM JobAd Annual Contracts	\$ 90.00
ADM FINANCE SUPERVISORS OFF	OPERATING	12-00373	HOBOKEN BOARD OF EDUCATION	SCHOOL TAXES PAYABLE	\$ 3,098,684.00
ADM LEGAL ADVERTISING	OPERATING	12-01229	STAR LEDGER	LEGAL ADS 1/12	\$ 170.52
		12-02109	NORTH JERSEY MEDIA GROUP	LEGAL ADS	\$ 511.94
		12-02110	JERSEY JOURNAL	LEGAL ADS	\$ 1,263.41
ADM MAYOR'S OFFICE	OPERATING	12-01801	METROPOLITAN COFFEE SERVICE	OFFICE SUPPLIES	\$ 119.90
ADM MUNICIPAL COURT	OPERATING	12-01535	STAPLES PRINT SOLUTIONS	UNIFORM TRAFFIC TICKET BOOKS	\$ 2,070.00
		12-01955	SUPREME SECURITY SYSTEMS INC	SERVICES RENDERED - MAY 2012	\$ 911.38
ADM PARKING UTILITY	OPERATING PARKING UTILITY	12-01140	CORNERSTONE RECORDS MGMT.	STORAGE - MARCH 2012	\$ 175.13
		12-00388	PURCHASE POWER/SUPERVISOR	POSTAGE BY PHONE - 2/12	\$ 112.00
		12-00391	UNION ALARMTRONIC INC.	MONITORING SERVICES-GARAGES	\$ 384.00
		12-01140	CORNERSTONE RECORDS MGMT.	STORAGE - MARCH 2012	\$ 113.30
		12-01442	GARDEN STATE HIGHWAY PROD.	SIGNAL & TRAFFIC EQUIPMENT	\$ 2,025.00
		12-01523	BUY WISE AUTO PARTS	PARTS FOR HPU VEHICLE #8	\$ 90.33
		12-01676	921 WELCO CGI GAS TECH LLC	CYLINDER RENTAL - MARCH 2012	\$ 30.65
		12-01696	W.B. MASON CO., INC.	OFFICE SUPPLIES - HPU	\$ 290.81
		12-01698	EMERSON INDUSTRIAL AUTOMATION	REPAIRS-916 GARDEN ST. GARAGE	\$ 1,235.00
		12-01705	FABER EQUIPMENT, INC.	916 GARDEN GARAGE PARTS	\$ 2,667.33
		12-01712	FIVEPM TECHNOLOGY, INC.	TRACKING SERVICES - MAY 2012	\$ 2,500.00
		12-01717	PURCHASE POWER/SUPERVISOR	POSTAGE BY PHONE - APRIL 2012	\$ 164.00
		12-01819	HOBOKEN LOCK & SUPPLY	NEW LOCKS - GARAGE G	\$ 225.00
		12-01822	STENCIL EASE	BIKE LANE STENCIL	\$ 155.00
		12-01825	SOFTMART	IT EQUIPMENT - HPU	\$ 179.26
		12-01827	CONCEPT PRINTING INC.	SUPPLIES-NO PARKING SIGNS	\$ 1,950.00
		12-01831	HOBOKEN LOCK & SUPPLY	PARTS/REPAIR - GARAGE B	\$ 155.00
		12-01883	ENTERPRISE CONSULTANTS	PHONE MAINTENANCE - APRIL 2012	\$ 112.50
		12-01886	W.B. MASON CO., INC.	COPY PAPER/OFFICE SUPPLIES	\$ 241.99
		12-01890	MATERA'S NURSERY	REPAIRS TO GENERATOR - HPU	\$ 242.70
12-01891	PREMIER TECHNOLOGY SOLUTIONS	IT SERVICES/HPU - APRIL 2012	\$ 4,550.00		
12-01902	AMANDA LORDY	SIGN REFUND	\$ 20.00		
12-01903	MATTHEW PAZARAS	TOW REFUND	\$ 150.00		
12-01904	JONATHAN MATICS	TOW REFUND	\$ 150.00		
12-01905	JONATHAN KOFFLER	TOW REFUND	\$ 150.00		
12-01943	HIGH TECH PROTECTIVE SVS.INC.	916 GARDEN ST. MONITORING	\$ 241.00		
12-01944	VERIZON	MAY PHONE/ALARM/COMPUTER	\$ 1,405.71		
12-01945	P.S.E.& G. COMPANY	APRIL UTILITIES/GARAGES	\$ 17,429.06		

CITY OF HOBOKEN  
CLAIMS LISTING  
JUNE 20, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
		12-01947	SBP INDUSTRIES	GENERATOR SERVICE-916 GARDEN	\$ 671.23
		12-01948	METROPOLITAN COFFEE SERVICE	WATER BOTTLES/SUPPLIES	\$ 119.80
		12-02024	HEIDI M. GUTIERREZ	BOOT REFUND	\$ 150.00
		12-02027	MARTIN E. ROBINS	CONSULTING SERVICES	\$ 1,800.68
		12-02030	RONALD LATZ	SIGNS REFUND	\$ 45.00
		12-02031	JENNIFER HECHT	SIGNS REFUND	\$ 30.00
		12-02080	JAMES TRICARICO	TUITION REIMBURSEMENT	\$ 949.00
		12-02087	PURCHASE POWER/SUPERVISOR	POSTAGE BY PHONE - MAY 2012	\$ 80.42
		12-02089	AT&T (LD)	HPU LD SERVICES - MAY 2012	\$ 6.85
<b>ADM PERSONNEL</b>	<b>OPERATING</b>	12-01965	OCA BENEFIT SERVICES	COBRA SERVICE FEES APRIL 2012	\$ 100.05
		12-02018	OCA BENEFIT SERVICES	125 PLAN ANNUAL FEE	\$ 500.00
<b>ADM SPECIAL COUNSEL</b>	<b>OPERATING</b>	12-01957	BENJAMIN CHOI, ESQ.	ALT MUN PROSECUTOR MAR, APRIL	\$ 600.00
<b>ADM TAX COLLECTOR</b>	<b>OPERATING</b>	12-01392	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 126.60
		12-02003	GINA RUSSOMANO	REFUND TAX OVERPAYMENTS	\$ 3,741.78
		12-02004	HOBOKEN SF, LLC	REFUND TAX OVERPAYMENT	\$ 3,418.39
		12-02005	WELLS FARGO HOME MORTGAGE	REFUND TAX OVERPAYMENT	\$ 272.06
		12-02006	SUNTRUST MORTGAGE	REFUND TAX OVERPAYMENT	\$ 3,862.00
		12-02008	MICHAEL A. VESPASIANO, ESQ.	STATE TAX COURT APPEALS	\$ 4,270.50
		12-02009	DAVENPORT & SPIOTTI	STATE TAX COURT APPEAL	\$ 2,725.51
	<b>TRUST</b>	12-01874	PAM INVESTORS	REDEMPTION	\$ 642.90
		12-01877	DIANE CLEMENTE	REDEMPTION	\$ 9,343.83
		12-01968	FNA JERSEY LIEN SVCS, LLC	REDEMPTION	\$ 27,543.82
		12-01981	JMAM PARTNERS	REDEMPTION	\$ 7,956.62
		12-01999	ALVERO ACQUISITION CORP	REDEMPTION	\$ 26,153.54
<b>ADM ZONING OFFICER</b>	<b>OPERATING</b>	12-00466	RUTGERS STATE UNIVERSITY OF NJ	Zoning Admin. & Enforcement	\$ 741.00
<b>ADM/CONSTRUCTION CODE</b>	<b>OPERATING</b>	12-01490	DREW & ROGERS, INC.	FORMS FOR ISSUANCE OF PERMITS	\$ 420.00
		12-01873	PATRUNO, MARIO	REIMB-UCC BUILDING SAFETY CONFERENCE	\$ 352.40
		12-01995	JOHN GERUATO	REIMB-UCC BUILDING SAFETY CONFERENCE	\$ 371.30
<b>ADM/CORPORATION COUNSEL</b>	<b>OPERATING</b>	12-01807	HOBOKEN MESSENGER SERVICE	RUSH SERVICE-SERVE SUBPOENA	\$ 155.00
		12-01836	THE PMA INSURANCE GROUP	INSURANCE FOR APRIL 2012	\$ 17,374.15
		12-02013	N.J. LAW JOURNAL	2012 NJ GOV. BOOKS	\$ 459.85
		12-02099	DIANE NIEVES	SUBPOENA FEE	\$ 2.00
		12-02100	DIANE NIEVES	SUBPOENA FEE	\$ 2.00
<b>ADM/ELECTIONS</b>	<b>OPERATING</b>	12-01927	ROYAL PRINTING	BALLOTS-PRIMARY JUNE 5, 2012	\$ 32,210.00
<b>CAPITAL ACCOUNT</b>	<b>CAPITAL</b>	12-00351	BOSWELL ENGINEERING	POLICE DEPT HVAC REHAB HO453	\$ 171.00
		12-00644	W.B. MASON CO., INC.	FURNITURE AND FILE CABINETS-TAX COLL.	\$ 10,944.98
<b>CD DIRECTOR'S OFFICE</b>	<b>FEDERAL</b>	12-00696	EIC ASSOCIATES, INC	WATERFRONT WALKWAY RECONST.	\$ 343,245.00
	<b>OPERATING</b>	12-01555	F. CLIFFORD GIBBONS, ESQ. LLC	PLANNING BD-AREA IN NEED REHAB	\$ 1,610.00
		12-01755	AMERICAN PLANNING ASSOCIATION	APA/AICP ANNUAL DUES	\$ 484.00

CITY OF HOBOKEN  
CLAIMS LISTING  
JUNE 20, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
CD DIRECTOR'S OFFICE	OPERATING	12-02023	BRANDY FORBES	REIMBURSE PLANNING LICENSE	\$ 130.00
CD MLUL PB ESCROW ACCTS	ESCROWS	12-01513	PARKER McCAY, P.A.	ESCROW	\$ 858.45
		12-01820	EFB ASSOCIATES, LLC	DEVELOPER'S ESCROW	\$ 886.25
CD MLUL PLANNING BOARD	ESCROWS	12-01228	EFB ASSOCIATES, LLC	ESCROW	\$ 1,957.50
	OPERATING	12-00371	NEW JERSEY PLANNING OFFICIALS	TRAINING	\$ 90.00
		12-02111	NORTH JERSEY MEDIA GROUP	LEGAL ADS FOR PLANNING BD	\$ 220.10
CD MLUL ZBA ESCROW ACCTS	ESCROWS	12-00190	STATE FARM INSURANCE COMPANIES	RETURN DEVELOPERS ESCROW	\$ 276.00
		12-00343	VANDOR & VANDOR LTD.	PROFESSIONAL SERVICES	\$ 2,205.00
		12-01159	H2M GROUP	PROFESSIONAL SERVICES	\$ 1,044.97
		12-01453	ROGO'S OF HOBOKEN	RETURN DEVELOPERS ESCROW	\$ 4,868.27
		12-01501	THE GALVIN LAW FIRM	ESCROW	\$ 2,470.55
ES CENTRAL GARAGE	CAPITAL	12-00989	GOVCONNECTION, INC.	COMPUTERS/SOFTWARE C.G.	\$ 1,256.00
	OPERATING	12-01251	FOLEY INCORPORATED	PARTS PAY LOADER #187 C.G.	\$ 35.39
		12-01259	GRECCO & SON TRANSPORT LLC	PARTS CUSHMAN #'S 117/118 C.G.	\$ 1,025.00
		12-01589	KEYSTONE PLASTICS, INC.	GUTTER BROOMS SWEEPERS 103-04	\$ 2,466.72
		12-01838	GRASSEY EQUIPMENT CO.	HOSE/FITTINGS SWEEPER #103	\$ 828.02
		12-01982	BOSWELL ENGINEERING	BLDG DEMO.-609 1ST ST. - HO466	\$ 12,505.87
ES CLEAN COMMUNITIES	FEDERAL	12-01821	CLEAN ALL TECH. CORP.	SUPPLIES-GARBAGE BAGS	\$ 4,237.25
ES DIRECTOR'S OFFICE	OPERATING	12-01871	RUTGERS UNIVERSITY-NJAES	RECYCLING STUDIES	\$ 1,237.00
ES ENGINEERING SERVICES	CAPITAL	12-01974	BOSWELL ENGINEERING	RENOVATION POLICE HQ - HO467	\$ 55,752.25
		12-02001	BOSWELL ENGINEERING	CSO MONITORING SYSTEM - HO425	\$ 256.50
		12-02010	BOSWELL ENGINEERING	REHAB OF FIREHOUSE - HO468	\$ 25,685.72
	CDBG2818	12-02014	BOSWELL ENGINEERING	REHAB MULTI-SVC CTR -HO421/422	\$ 3,939.75
	FEDERAL	12-02000	BOSWELL ENGINEERING	ENG'G SVC ROAD PROG.-HO449/435	\$ 2,288.75
		12-02002	BOSWELL ENGINEERING	2012 DOT APPLICATIONS - HO462	\$ 17,412.75
		12-02022	BOSWELL ENGINEERING	2012 ROAD PROGRAM - HO472	\$ 6,781.50
	OPERATING	12-02011	BOSWELL ENGINEERING	2012 GENERAL ENG'G - HO469	\$ 23,196.50
ES PUBLIC PROPERTY	OPERATING	12-00524	HOBOKEN GLASS COMPANY	INSTALL SHOW CASE GLASS C.H.	\$ 1,080.00
		12-00830	STATE CHEMICAL MFG.	CLEANING SUPPLIES MSC	\$ 525.89
		12-00947	PALISADE LUMBER CO.	LUMBER MATERIAL FOR IT OFFICE	\$ 95.94
		12-01371	QUENCH USA, LLC	MONTHLY SERVICE-WATER UNITS	\$ 1,717.00
		12-01483	METROPOLITAN COFFEE SERVICE	COFFEE RENTAL DIRECTOR'S OFF.	\$ 30.00
		12-01840	FCA LIGHTING	SIGN & FAN BATHROOM C.G.	\$ 425.00
		12-01851	ENVIRONMENTAL CLIMATE CONTROL	HVAC WINTER TO SUMMER P.D.	\$ 768.32
ES ROADS	OPERATING	12-00104	EM NET, LLC	TRAFFIC CONTROL OCTOBER 2011	\$ 1,040.00
		12-01178	KEY-TECH	CORE TESTING - 2010 NJOT ROAD	\$ 3,170.00
		12-01744	TILCON NEW YORK	ASPHALT CITY STREETS 4/12	\$ 376.11
		12-01864	TILCON NEW YORK	ASPHALT CITY STREETS	\$ 173.88
ES SOLID WASTE	OPERATING	12-01401	HUDSON COUNTY IMPROVEMENT AUTH	TONNAGE/DART CHARGES 3/12	\$ 199,223.73

CITY OF HOBOKEN  
CLAIMS LISTING  
JUNE 20, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
ES SOLID WASTE	OPERATING	12-01758	CALI CARTING, INC.	SOLID WASTE/RECY. MAY 2012	\$ 128,333.33
HS BD OF HEALTH	OPERATING	12-01115	SYSTEM ONE ALARM SERVICES	CENTRAL STATION MONITORING	\$ 75.00
		12-02036	TARANTINO, NANCY	REIMBURSEMENT-REGISTRATION	\$ 65.00
	TRUST	12-02033	TREASURER, STATE OF NEW JERSEY	1ST QTR. MARRIAGE LICENSE RPT.	\$ 1,525.00
HS CULTURAL AFFAIRS	FEDERAL	12-01212	NORTH JERSEY MEDIA GROUP	AD - SPRING FESTIVAL	\$ 1,504.96
	TRUST	12-01169	WILLIAM A. STACKPOLE	SOUND ASSISTANCE- NJT Presscon	\$ 26.00
		12-01216	BANANA SOUND INC.	SOUND EQUIPMENT RENTAL	\$ 2,800.00
		12-01544	STEVE VEALEY	SOUND ASSISTANCE	\$ 39.00
		12-01551	ON SITE ENERGY CO INC.	DIESEL GENERATORS FOR FESTIVAL	\$ 378.00
		12-01653	WILLIAM A. STACKPOLE	SOUND SETUP AND ASSISTANCE	\$ 30.00
		12-01667	SUPERSONIC TRANSPORT INC	EQUIPMENT RENTAL FOR FESTIVAL	\$ 803.50
		12-01732	MANHATTAN NEON SIGN CORP.	BANNER-HOBOKEN GREEN TEAM	\$ 175.00
		12-01858	STEINLIGHT MEDIA, LLC	PERFORMANCE SPRING FESTIVAL	\$ 250.00
		12-01925	FALLO, GERALDINE	REIMBURSEMENT SPRING FESTIVAL	\$ 40.54
		12-01932	CHRISTIAN RIASCOS	SOUND ASSISTANCE SPRING FEST	\$ 210.00
		12-01975	TECHNI-SERVE INDUSTRIES, LLC	REPAIR TO MACKIE SPEAKER	\$ 115.00
		12-01775	SCOTT KATZ	REIMBURSEMENT	\$ 3,096.00
HS PARKS	CAPITAL	12-02047	TREASURER-STATE OF N.J.	SITE REMEDIATION ANNUAL FEE	\$ 900.00
	O M FUND	12-01209	MARINI BROTHERS CONSTRUCTION	REPAIR SINK HOLE	\$ 6,800.00
		12-01557	BOSWELL ENGINEERING	ENGINEERING SERVICES - H045	\$ 598.50
	OPERATING	12-01466	TIME SYSTEM INTERNATIONAL INC	MAINT. AGREEMENT - TIME CLOCK	\$ 280.00
		12-01735	Z'S IRON WORKS	WELD BROKEN RAILINGS	\$ 160.00
		12-01767	FCA LIGHTING	LIGHT BULBS FOR PARKS	\$ 168.00
		12-01860	HOBOKEN LOCK & SUPPLY	REKEY LOCK PLUS NEW KEY	\$ 14.00
		12-01899	HOBOKEN LOCK & SUPPLY	NEW LOCK - SINATRA PARK	\$ 130.00
HS RECREATION	O M FUND	12-01980	MAIK INC	REPAIRS TO IRRIGATION SYSTEM	\$ 1,620.00
	OPERATING	12-00601	STAN'S SPORT CENTER	INSTRUCTIONAL BB EQUIPMENT	\$ 1,249.00
		12-01574	STAN'S SPORT CENTER	SANDY KOUFAX UNIFORMS	\$ 1,448.00
		12-01575	STAN'S SPORT CENTER	MICKY MANTLE UNIFORMS	\$ 1,448.00
		12-01980	MAIK INC	REPAIRS TO IRRIGATION SYSTEM	\$ 1,820.00
		12-01993	STAN'S SPORT CENTER	MARTIN BASKETBALL TANK TOPS	\$ 744.00
		CY-04696	ANA MARTINEZ	FOOTBALL TO NORTH BERGEN	\$ 96.00
	TRUST REC FEES	12-00601	STAN'S SPORT CENTER	INSTRUCTIONAL BB EQUIPMENT	\$ 657.50
PS FIRE	OPERATING	12-00279	SAVE-A-LIFE	ANNUAL BLOOD BORNE PATH COURSE	\$ 1,575.00
		12-01634	TURNOUT FIRE & SAFETY, INC.	REPAIRS TO TURNOUT GEAR	\$ 12.00
PS FIRE SAFETY	OPERATING	12-01797	BEYER BROTHERS CORP.	Vehicle Repair	\$ 1,577.81
PS POLICE	OPERATING	12-00013	VERIZON WIRELESS SERVICES LLC	MTHLY LAPTOP WIRELESS SVC. PD	\$ 760.43
		12-01987	INSTITUTE FOR FORENSIC	2011 OVER COMMITMENTS	\$ 4,500.00
		12-01988	GOLD TYPE BUSINESS MACHINES	2011 OVER COMMITMENTS	\$ 5,250.00

CITY OF HOBOKEN  
CLAIMS LISTING  
JUNE 20, 2012

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
PS POLICE	OPERATING	CY-04474	P.O. JILL COSTELLO	TUITION REIMBURSEMENT	\$ 1,224.00
UNCLASSIFIED	OPERATING	CY-00014	PITNEY BOWES, INC.	CY2011 MAIL EQUIP LEASE	\$ 2,394.00
UNCLASSIFIED ELECTRICITY	OPERATING	12-02108	SOUTH JERSEY ENERGY	ELECTRIC UTILITY - MAY 2012	\$ 919.12
UNCLASSIFIED INSURANCE	OPERATING	12-00679	AGNES ACERRA	MEDICARE PART B REIMBURSEMENT	\$ 1,158.00
		12-00725	DOLORES M. MARZOCCA	MEDICARE PART B REIMBURSEMENT	\$ 1,158.00
		12-00752	SALVATORE F. ACERRA	MEDICARE PART B REIMBURSEMENT	\$ 1,158.00
		12-00799	JEANETTE WEBER	MEDICARE PART B REIMBURSEMENT	\$ 1,156.80
		12-00803	MARY ANN MURNANE	MEDICARE PART B REIMBURSEMENT	\$ 1,158.00
		12-00904	CLARA FEARON	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-00914	JAMES J GIANI	REIMBURSEMENT MEDICARE PART B	\$ 96.40
		12-00923	PATRICIA HJELM	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01047	EILEEN O'LEARY	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01050	ANNA BACH	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01051	PATRICIA AVAGLIANO	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01052	ANTONIA CARLO	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01074	GABRIEL FERRAIUOLO	REIMBURSEMENT MEDICARE PART B	\$ 1,326.00
		12-01300	AUDREY RADIGAN	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01308	PATRICK J O'BRIEN	REIMBURSEMENT MEDICARE PART B	\$ 1,326.00
		12-01568	SALVATORE DORSO	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01570	EDWARD BRIZZOLARA	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01752	MARTHA M. BARTONE	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01754	JANET K. FOUTS	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01811	ENID MURACA	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-01812	EDNA MOORE	REIMBURSEMENT MEDICARE PART B	\$ 1,158.00
		12-02019	VISION SERVICE PLAN, INC.	JUNE 2012 VISION SERVICES	\$ 10,954.49
		12-02065	MARY L. DESTEFANO-DECEASED	REIMBURSEMENT-MEDICARE PART B	\$ 270.00
UNCLASSIFIED POSTAGE	OPERATING	12-01693	PITNEY BOWES, INC.	MAIL EQUIPMENT LEASE	\$ 2,394.00
UNCLASSIFIED TELEPHONE	OPERATING	12-01866	ENTERPRISE CONSULTANTS	TELEPHONE MAINTENANCE CH	\$ 1,000.00
		12-00017	NEXTEL COMMUNICATIONS	CELLULAR/RADIO SERVICE 5/12	\$ 7,295.43
		12-00019	CABLEVISION LIGHTPATH	INTERNET SERVICE 5/12	\$ 2,796.86
UNCLASSIFIED/COPIERS	OPERATING	12-00023	RICOH AMERICAS	CY12 COPIER/LEASE/MAINT/SPLY	\$ 14,297.76
		12-01374	OCE IMAGISTICS	LEASE PAYMENT	\$ 2,172.00
UNCLASSIFIED/STATIONERY	OPERATING	12-00455	OFFICE DEPOT	SUPPLIES	\$ 84.40
		12-01515	W.B. MASON CO., INC.	OFFICE SUPPLIES	\$ 1,022.86
RESERVE FOR TARRAGON	CAPITAL	12-02007	THE HOBOKEN SHELTER	HOMELESS SHELTER DONATION	\$ 50,000.00
<b>Grand Total</b>					<b>\$ 4,321,956.58</b>

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:

10-May-12	TO	23-May-12	Paydate	5/30/2012	
<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (11)</u>	<u>O/T PAY (14)</u>	<u>OTHER PAY (11)</u>	<u>TOTAL PAY</u>
PERSONNEL	2-01-20-105	6,435.95	0.00	0.00	6,435.95
MAYOR'S OFFICE	2-01-20-110	9,882.70	0.00	0.00	9,882.70
CITY COUNCIL	2-01-20-111	8,445.45	0.00	0.00	8,445.45
BUS ADMINISTRATOR	2-01-20-112	15,541.63	0.00	0.00	15,541.63
ABC BOARD	2-01-20-113	0.00	0.00	153.75	153.75
PURCHASING	2-01-20-114	5,056.27	0.00	1,125.00	6,181.27
GRANTS MANAGEMENT	2-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	2-01-20-120	14,998.69	315.18	0.00	15,313.87
ELECTIONS	2-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	2-01-20-130	23,298.65	0.00	0.00	23,298.65
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	9,157.41	0.00	0.00	9,157.41
ASSESSOR'S OFFICE	2-01-20-150	10,350.49	0.00	0.00	10,350.49
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	2,221.13	744.75	0.00	2,965.88
INFORMATION TECHNOLOGY	2-01-20-147	0.00	0.00	0.00	0.00
ZONING OFFICER	2-01-21-186	4,779.12	0.00	0.00	4,779.12
HOUSING INSPECTION	2-01-21-187	5,609.85	370.17	0.00	5,980.02
CONSTRUCTION CODE	2-01-22-195	22,054.71	0.00	200.00	22,254.71
POLICE DIVISION	2-01-25-241	542,349.84	17,579.68	3,730.98	563,660.50
CROSSING GUARDS	2-01-25-241	12,841.99	0.00	0.00	12,841.99
EMERGENCY MANAGEMENT	2-01-25-252	8,705.83	0.00	96.15	8,801.98

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>TOTAL PAY</u>
FIRE DIVISION	2-01-25-266	468,057.84	34,018.71	6,687.24	508,763.79
STREETS AND ROADS	2-01-26-291-011	24,249.25	1,183.44	980.27	26,412.96
STREETS AND ROADS	2-01-26-291-015	0.00	0.00	0.00	0.00
ENV SRVCS DIR OFFICE	2-01-26-290	6,854.54	0.00	0.00	6,854.54
RECREATION SEASONAL EMP	2-0128370016	6,192.50	0.00	410.00	6,602.50
CENTRAL GARAGE	2-01-26-301	1,376.42	226.44	0.00	1,602.86
SANITATION	2-01-26-305	19,225.80	2,907.04	0.00	22,132.84
LICENSING DIVISION	2-31-55-501-101	3,813.09	0.00	269.24	4,082.33
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	20,342.27	0.00	0.00	20,342.27
CONSTITUENT SRCS	2-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	2-01-27-336	12,892.99	99.05	0.00	12,992.04
RENT STABILIZATION	2-01-27-347	9,597.57	0.00	0.00	9,597.57
TRANSPORTATION	2-01-27-348	0.00	0.00	0.00	0.00
RECREATION	2-01-28-370	11,360.44	0.00	0.00	11,360.44
PARKS	2-01-28-375	17,832.56	1,660.22	0.00	19,492.78
PUBLIC PROPERTY	2-01-28-377	26,560.22	583.07	0.00	27,143.29
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	38,784.21	0.00	0.00	38,784.21
PARKING UTILITY	2-31-55-501-101	102,537.67	11,326.60	1,085.00	114,949.27
MUN COURT OVERTIME	T-0340000-037	0.00	2,656.34	0.00	2,656.34
GRANT#	AL-11-10-04-161-NJDHTS	0.00	0.00	0.00	0.00
TRUST - CULTURAL AFFAIRS	T0340000004	920.67	0.00	0.00	920.67
GRANT#	G-02-44-701-393	0.00	0.00	0.00	0.00
GRANT#	G-02-41-200-PAL	0.00	0.00	0.00	0.00
TRUST - REC FEES ADULT PROG	T-03-40-000-108	690.00	0.00	810.00	1,500.00
FIRE EDUCATION	T-13-10-000-000	0.00	0.00	0.00	0.00
TRUST - PALTRUST - PAL	T-03-40-000-007	360.00	0.00	0.00	360.00
CULTURAL AFFAIRS	2-01-271-760-11	2,961.54	0.00	0.00	2,961.54
	+				

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>PAY</u>
<b>OTHER:</b>					
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	27,806.52	27,806.52
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	39,790.00	39,790.00
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
<b>GRAND TOTAL</b>		1,497,627.39	73,670.69	83,144.15	1,654,442.23
					1,654,442.23



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Introduced by: David Mello

Seconded by: Peter Cunningham

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

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON  
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN  
NEED OF REHABILITATION**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council of the City of Hoboken (the “**City Council**”) believes that the following property should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*:

The property commonly known as (all lots in each block inclusive) Blocks 3, 3.1, 3.2, 139.1, 4, 5, 6, 8.1, 9, 10, 11, 12, 14 and 23 on the tax map of the City and all adjacent public rights of way, as shown on the attached map entitled Attachment A (collectively, the “**Property**”); and

**WHEREAS**, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the planning board of the City of Hoboken (the “**Planning Board**”) for review; and

**WHEREAS**, on May 16, 2012, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

**WHEREAS**, the Planning Board received a report from the Planning Board professionals and consultants that within the Property the water and sewer lines are at least 50 years old or are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City (the “**Report**”); and

**WHEREAS**, based on the Report, the Planning Board found that the Property satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

**WHEREAS**, the Planning Board reviewed this resolution and recommended its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The City Council hereby designates the Property as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

**Section 3.** The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

**Section 4.** A copy of this resolution shall be available for public inspection at the offices of the City.

**Section 5.** This resolution shall take effect immediately.

**Meeting Date:** June 20, 2012

**Department of Business Administrator**

**Approved as to form:**

Quentin Wiest, Business Administrator

Mellissa Longo, Corporation Counsel



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

**DAWN ZIMMER**  
Mayor



**BRANDY FORBES**  
Director

***MEMORANDUM***

DATE: June 13, 2012

TO: Hoboken City Council

CC: Dawn Zimmer, Mayor  
Quentin Wiest, Business Administrator  
Stephen Marks, Assistant Business Administrator  
Mellissa Longo, Interim Corporation Counsel

FROM: Brandy Forbes, Community Development Director 

RE: Southwest Area in Need of Rehabilitation

At the May 16, 2012 City Council meeting a resolution (see attached) was adopted to rescind prior resolutions regarding a study of an area in need of redevelopment and directed the City Clerk to transmit to the Planning Board a copy of a resolution to designate the said area as an area in need of rehabilitation for the Planning Board to review and provide its recommendation to the City Council.

The Planning Board considered the City Council resolution that was forwarded to them at their regularly scheduled meeting on June 5, 2012, and adopted a Planning Board resolution (see attached) with recommendations to the City Council regarding the rehabilitation designation of the said properties in the southwest area of the City.

Before you for consideration at the June 20, 2012 City Council meeting is the resolution that was forwarded to the Planning Board that officially designates the southwest area, as described in the resolution and shown on the accompanying map, as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, N.J.S.A. 40:12A-14(a).

Sponsored by: David J. Mues  
Seconded by: Peter H. Long

COPY

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

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, RESCINDING PRIOR RESOLUTIONS AUTHORIZING PRELIMINARY INVESTIGATIONS INTO THE PROPOSED AREA IN NEED OF REDEVELOPMENT (SOUTHWEST AREA/PROPOSED "IT" ZONING DISTRICT) AND DIRECTING THE PLANNING BOARD TO REVIEW A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation; and

WHEREAS, pursuant to resolutions adopted on October 21, 2009 and October 20, 2010 (collectively, the "Prior Resolutions"), the municipal council of the City of Hoboken (the "City Council") authorized and directed that the Planning Board of the City of Hoboken (the "Planning Board") perform a preliminary investigation and make a recommendation as to whether the City Council should designate all or a portion of the property commonly known as (all lots in each block inclusive) Blocks 3, 3.1, 3.2, 139.1, 4, 5, 6, 8.1, 9, 10, 11, 12, 14 and 23 on the tax map of the City (the "Study Area") as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Planning Board retained Clarke Caton Hintz to conduct a preliminary investigation in order to determine whether the properties within the Study Area meet the statutory requirements for designation as an "area in need of redevelopment" pursuant to the Redevelopment Law (a "Redevelopment Designation"); and

WHEREAS, the scope of the study was expanded to also include a determination of whether the properties within the Study Area meet the statutory requirements for an "area in need of rehabilitation" pursuant to the Redevelopment Law (a "Rehabilitation Designation"); and

WHEREAS, on January 5, 2012, Clarke, Caton Hintz completed its "Preliminary Investigation for a Determination of Area in Need of Redevelopment and Area in Need of Rehabilitation Designations for the Southwest Area of the City of Hoboken" (the

“Redevelopment Study”) and transmitted same and subsequent corrections thereto to the Planning Board; and

**WHEREAS**, pursuant to the provisions of Section 6 of the Redevelopment Law, *N.J.S.A.* 40:12A-6, the Planning Board publicly noticed scheduled public hearings on the Redevelopment Study commencing on February 2, 2012 and is currently in the process of accepting public comments and questions with respect to the Redevelopment Study as part of the public hearing; and

**WHEREAS**, the City Council has determined that it does not want to continue with an investigation that may result in a Redevelopment Designation, as it does not intend to utilize the powers that are associated with redevelopment (e.g. condemnation or long term tax exemptions, also known as payments in lieu of taxes or “PILOTS”), provided that the City Council can retain the powers and authority afforded it to under the constitution and other laws, including condemnation for a public purpose; and

**WHEREAS**, the City Council believes that within the Study Area the water and sewer lines are at least 50 years old and are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City of Hoboken in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A.* 40:12A-14(a); and

**WHEREAS**, Section 14 of the Redevelopment Law, *N.J.S.A.* 40:12A-14(a), provides that prior to the adoption of a resolution designating the Study Area as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Study Area to the Planning Board for its review and recommendations; and

**WHEREAS**, the City Council seeks to rescind the Prior Resolutions and intends to designate the Study Area as an area in need of rehabilitation by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and direct the Planning Board to review the attached resolution pursuant to the requirements of Section 14 of the Redevelopment Law.

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Prior Resolutions are hereby rescinded and of no further force and effect and the Planning Board is directly to act accordingly.

**Section 3.** The City Council hereby directs the City Clerk to transmit a copy of this resolution, inclusive of Exhibit A, to the Planning Board for review and providing its recommendation to the City Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A.* 40A:12A-14(a).

**Section 4.** A copy of this resolution shall be available for public inspection at the offices of the City.

**Section 5.** This resolution shall take effect immediately.

Meeting Date: May 16, 2012

Department of Business Administrator

Approved as to form:

Quentin West  
\_\_\_\_\_, Business Administrator

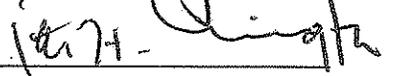
Melissa J. Long  
\_\_\_\_\_  
Interim Corporation Counsel  
5/17/12

EXHIBIT A

Introduced by:



Seconded by:



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

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON  
DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN  
NEED OF REHABILITATION**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council of the City of Hoboken (the “**City Council**”) believes that the following property should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*:

The property commonly known as (all lots in each block inclusive) Blocks 3, 3.1, 3.2, 139.1, 4, 5, 6, 8.1, 9, 10, 11, 12, 14 and 23 on the tax map of the City and all adjacent public rights of way, as shown on the attached map entitled Attachment A (collectively, the “**Property**”); and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the planning board of the City of Hoboken (the “**Planning Board**”) for review; and

WHEREAS, on May 16, 2012, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, the Planning Board received a report from the Planning Board professionals and consultants that within the Property the water and sewer lines are at least 50 years old or are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City (the “**Report**”); and

WHEREAS, based on the Report, the Planning Board found that the Property satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, the Planning Board reviewed this resolution and recommended its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A.* 40:12A-14(a).

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The City Council hereby designates the Property as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A.* 40:12A-14(a).

**Section 3.** The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

**Section 4.** A copy of this resolution shall be available for public inspection at the offices of the City.

**Section 5.** This resolution shall take effect immediately.

Meeting Date: May 16, 2012

Department of Business Administrator

Approved as to form:

Quentin Weist  
Business Administrator

Melissa J. [Signature]  
Corporation Counsel  
5/18/12



Adopted: June 5, 2012

**CITY OF HOBOKEN PLANNING BOARD****RESOLUTION NO. 2012-\_\_\_\_\_****RESOLUTION MEMORIALIZING RECOMMENDATIONS  
TO CITY COUNCIL REGARDING THE CITY'S  
"REHABILITATION" DETERMINATION PERTAINING  
TO CERTAIN PROPERTIES IN THE SOUTHWEST  
AREA OF THE CITY.**

**WHEREAS**, the Hoboken City Council adopted a Resolution on May 16, 2012 determining that certain properties in the Southwest area of the City are in need of "rehabilitation" pursuant to N.J.S.A. 40A:12A-14(a)(2) and (3) due to (i) the age of the water and sewer infrastructure, (ii) the need for repair and/or substantial maintenance of the infrastructure, and (iii) the benefits to be derived from a program of rehabilitation to prevent further deterioration which will promote overall development within the community; and

**WHEREAS**, City Council thereafter referred its rehabilitation determination to the Planning Board pursuant to N.J.S.A. 40A:12A-14(a) to solicit the Board's recommendations; and

**WHEREAS**, the Planning Board considered the referral at a duly noticed and convened meeting on June 5, 2012 and make the recommendations to City Council that are documented in Exhibit "A" hereto which are incorporated by reference herein as if set forth herein at length.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Hoboken that the recommendations on the attached Exhibit "A" be and hereby are the recommendations by the Planning Board to City Council regarding rehabilitation of certain properties in the Southwest area of the City.

**BE IT FURTHER RESOLVED** that the Planning Board Secretary be and is hereby directed to immediately file a copy of this Resolution with the Clerk of the City of Hoboken for distribution to City Council.

 ORIGINAL

**CERTIFICATION**

I, Annette Chaparro, 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 June 5<sup>th</sup>, 2012.



\_\_\_\_\_  
Annette Chaparro

VOTE ON RESOLUTION

Meeting Date:

 ORIGINAL

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

 ORIGINAL

**PLANNING BOARD RECOMMENDATIONS**

1. If the City Council designates the Southwest Area as an area in need of rehabilitation, it is recommended that any Rehabilitation Plan that is prepared for this area incorporate green/sustainable stormwater management technologies and low impact development strategies that will reduce or minimize the impacts upon existing and new development created as a result of the Plan on the existing and/or improved infrastructure in this area.
2. It is recommended that the Planning Board be consulted as a Rehabilitation Plan is being developed.
3. It is recommended that the fire station at the intersection of Newark Street and Observer Highway be preserved for adaptive re-use.
4. It is recommended that any Rehabilitation Plan that is developed encourage the adaptive re-use of existing buildings in the rehabilitation area.
5. It is recommended that any Rehabilitation Plan that is prepared address all of the recommendations and planning objectives in the 2004 Master Plan and 2010 Master Plan Reexamination.

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

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

**CITY OF HOBOKEN  
RESOLUTION NO.:**

**RESOLUTION AUTHORIZING AMENDMENT OF THE CONTRACT WITH REMINGTON  
AND VERNICK ENGINEERS FOR ENGINEERING AND DESIGN SERVICES RELATING TO  
1600 PARK AND HOBOKEN COVE**

**WHEREAS**, on December 15, 2010, the City of Hoboken awarded Remington and Vernick Engineers (“RVE”) a contract for General Engineering Services for 1600 Park and Hoboken Cove; and,

**WHEREAS**, subsequent to the contract award and, as a result of additional information and approvals by the Department of Environmental Protection, it was determined that 1600 Park and Hoboken Cove could be redesigned to significantly reduce the elevation of 1600 Park; and,

**WHEREAS**, on September 7, 2011, the City of Hoboken amended the contract with RVE to include enhanced landscape architecture conceptual designs for the parks and to address the site remediation work necessary to reduce the elevation of 1600 Park; and,

**WHEREAS**, the September 7, 2011 amendment also resolved that the services of Paul J. Kenny, Licensed Site Remediation Professional (“LSRP”) of RVE shall be utilized for the site remediation work associated with the 1600 Park project; and,

**WHEREAS**, in performing the research on the remediation work necessary, Paul J. Kenny, LSRP, as set forth in the RVE letter dated May 31, 2012, (copy attached) determined that additional environmental investigation is required to properly characterize the site; and,

**WHEREAS**, the RVE letter proposes to perform the necessary environmental investigation for an amount not to exceed Seventy-One Thousand Nine Hundred Dollars (\$71,900.00); and,

**WHEREAS**, said services require the City to **increase** the contract sum in the amount not to exceed Seventy-One Thousand Nine Hundred Dollars (\$71,900.00); and,

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

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

**WHEREAS**, funds are available for this purpose.

**I, George, DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$71,900.00 is available in the following appropriations C-04-60-706-310; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.**

Signed: \_\_\_\_\_, George DeStefano, CFO

**NOW THEREFORE, BE IT RESOLVED** (a majority of the whole Council concurring) that the professional service contract between the City of Hoboken and Remington and Vernick Engineers be ***amended*** as described in Remington and Vernick's May 31, 2012 proposal letter to the City, ***attached hereto***; and,

**BE IT FURTHER RESOLVED** that said amendment shall be for an increase in the not to exceed amount in the sum of **Seventy-One Thousand Nine Hundred Dollars (\$71,900.00)**; and,

**BE IT FURTHER RESOLVED** that the remainder of the original and previously amended contract terms shall continue unchanged; and,

**BE IT FURTHER RESOLVED** that 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: June 20, 2012**

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

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest, Business Administrator

\_\_\_\_\_  
Mellissa Longo, Corporation Counsel

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS  
Michael D. Vena, PE, PP, CME (deceased 2006)  
Edward J. Walberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY  
Bradley A. Blubaugh, BA, MPA

#### SENIOR ASSOCIATES

John J. Cantwell, PE, PP, CME  
Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Bibbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Faiola, PE, CME  
Christopher J. Fazio, PE, CME  
Kenneth C. Ressler, PE, CME  
Gregory J. Sullivan, PE, PP, CME  
Richard B. Czekanski, PE, CME, BCEE

#### Remington & Vernick Engineers

232 Kings Highway East  
Haddonfield, NJ 08033  
(856) 795-9595  
(856) 795-1882 (fax)

#### Remington, Vernick & Vena Engineers

9 Allen Street  
Toms River, NJ 08753  
(732) 286-9220  
(732) 505-8416 (fax)

3 Jocama Boulevard, Suite 300-400  
Old Bridge, NJ 08857  
(732) 955-8000  
(732) 591-2815 (fax)

#### Remington, Vernick & Walberg Engineers

845 North Main Street  
Pleasantville, NJ 08232  
(609) 645-7110  
(609) 645-7076 (fax)

4907 New Jersey Avenue  
Wildwood City, NJ 08260  
(609) 522-5150  
(609) 522-5313 (fax)

#### Remington, Vernick & Beach Engineers

922 Fayette Street  
Conshohocken, PA 19428  
(610) 940-1050  
(610) 940-1161 (fax)

5010 East Trindle Road, Suite 203  
Mechanicsburg, PA 17050  
(717) 766-1775  
(717) 766-0232 (fax)

U.S. Steel Tower  
600 Grant Street, Suite 1251  
Pittsburgh, PA 15219  
(412) 263-2200  
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

#### Remington, Vernick & Arango Engineers

The Presidential Center  
Lincoln Building, Suite 600  
101 Route 130  
Cinnaminson, NJ 08077  
(856) 303-1245  
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor  
Secaucus, NJ 07094  
(201) 624-2137  
(201) 624-2136 (fax)

May 31, 2012

City of Hoboken  
City Hall  
94 Washington Street  
Hoboken, NJ 07030

Attention: Mayor Dawn Zimmer

**Re: Proposal for Services-LSRP Services  
Weehawken Cove Park Site  
Hoboken, Hudson County  
M2012-195**

Dear Mayor Zimmer:

Remington, Vernick & Arango (RVA) is pleased to provide you with this proposal to perform environmental services for the above-referenced project. RVA was retained as the Licensed Site Remediation Professional (LSRP) of Record for this project. The LSRP is responsible for compliance with all applicable NJDEP regulations relative to the remediation of the known contamination at the site. To this end, we have obtained all of the available historical information (from the NJDEP), spoke with Stephen Kehayes, the NJDEP Case Manager, and representatives from both Birdsall and Excel Environmental relative to recent remedial and investigative work conducted at the site. Based on the information received and reviewed, additional investigation is required to properly characterize the site. To this end, we offer the following information relative to these unresolved issues and a scope of work to address them:

1. Former Underground Storage Tanks: Three (3) 8,000 gallon No. 6 fuel oil tanks were previously removed from the site. Significant soil contamination was encountered and excavated, however it appears that insufficient post excavation soil samples were collected to confirm that all of the contaminated soil was removed. Furthermore, free product was encountered in the vicinity of the tanks. Some remedial effort was previously performed, but it does not appear that any appropriate groundwater investigation was conducted to assure that the free product was completely removed or to determine whether the groundwater had been impacted. In addition, the tanks were reportedly located within a vault, however the vault, apparently, was not removed. Monitoring well MW-1 was installed, but the well is not properly located to evaluate the former tank field. The past reports concluded that there was a possible area of petroleum contamination migrating from the rail spur lot (Block 269.4, Lot 1); however there does not appear to have been any follow up to this concern.

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www.rve.com

Remington & Vernick Engineers proposes to perform additional soil and groundwater investigation in this area to assure that this area is properly investigated. We propose to perform soil borings in the former tank excavation to below the former excavation bottom. Select soil samples will be analyzed for Extractable Petroleum Hydrocarbons to confirm that all of the previously identified contamination has been removed. Additional soil borings will be advanced to the west/north of the former excavation in the area reported, in earlier reports, to have petroleum contamination from a source not related to the former tanks. The soil borings will be field screened for the presence of volatile organics and select samples analyzed for EPH and if elevated concentrations of EPH are detected also analyzed for Polynuclear Aromatic Hydrocarbons (PAH).

We also propose to install a monitoring well in the former tank field location. The well will be installed by an NJDEP Licensed Well driller. The well will be investigated for the presence of free product and will be sampled and analyzed for volatile organic compounds (VOC+10) and semi-volatile organic compounds (SVOC+10). The results of the testing will be used to determine the need for additional groundwater investigation (delineation) or remediation.

2. During the previous soil contamination removal for the fuel oil tanks, an area described as a paint storage area was encountered. This area was likewise remediated through contaminated soil removal. It is unclear whether adequate post remedial sampling was conducted to assure that all of the contaminated soil was removed. A monitoring well was installed to the north of the tank excavation and free product was encountered in this area. Some delineation effort was conducted to determine the limits of the free product. The free product was planned to be addressed during recent remedial efforts, however, it is unclear whether this was accomplished due to the presence of large concrete structures underground, i.e. footings, pilings, etc. **Note that there is significant uncertainty as to the locations of the monitoring wells relative to the areas of concern. Specifically, historic plans, well survey forms and current field locations of monitoring wells appear to be inconsistent. Therefore, it is unclear whether these wells provide the required information to evaluate the site.**

RVA proposes to confirm that the previously identified free product was removed. This will be accomplished through the performance of test pits and soil borings. If free product is encountered, we shall delineate the free product. We shall also confirm the well locations relative to the known areas of concern.

3. Previous consultants have proposed a Natural Attenuation Proposal (NAP) with a Classification Exception Area (CEA) for benzene and historic fill groundwater contamination. The limits of the historic fill contamination are appropriately defined as the property limits. However, the CEA for the benzene contamination appears to have been established based on insufficient information. There does not appear to be a sentinel well (i.e. well downstream of known contamination area) or a plume fringe well for this CEA, nor is the source well properly located (per item 1 above). In addition, a NAP requires eight (8) rounds of testing demonstrating a reduction of contaminant concentration (or at a minimum a steady state concentration of contamination) and all soil contamination (above the Impact to Groundwater Soil Screening Level-IGSSL), associated with the groundwater contamination must be removed. Based on the information provided, this has not been accomplished as there was soil detected (and not delineated) with contaminants (benzene) with concentrations above the IGSSL. Therefore, this soil contamination would be an ongoing source of the groundwater contamination.

RVA proposes to install the required monitoring wells to delineate and monitor the benzene groundwater contamination. In addition, we shall perform soil borings and lab testing to delineate the known benzene soil contamination.

4. Elevated concentrations of several metals were identified at the site. Some of these metals (copper and mercury) are not typically associated with Historic Fill and could be associated with historic paint usage at the site. However, the metals detected at the site were encountered in several areas of the site, therefore it may be concluded that the metals are associated with Historic Fill at the site. We assume this to be the case, though we recommend that additional testing be conducted for metals to confirm this is the case.

RVA proposes to perform soil borings throughout the historic paint usage area and collect samples to characterize the metals contamination and if necessary, delineate the metals contamination.

5. Historically, there were a number of smaller buildings located on the site (for storage purposes). Previous investigations of these structures identified historic fill type contamination in the soil and benzene contamination in the soil and groundwater. Previous consultants concluded that the benzene contamination was associated with the former USTs removed from the site. We do not concur that the available information supports this assertion. Specifically the contamination is relatively remote from the former UST area, intermediate testing indicates that benzene is not present in groundwater between the benzene supposedly associated with the tank field (MW-1) and these structures, the uses of these structures, the relative concentrations of contaminants, etc. Therefore, we recommend an investigation be conducted to determine the limits and impacts of the contamination previously encountered around these structures.

As stated above, soil borings and soil sampling and testing will be performed to delineate the benzene soil contamination with the goal of developing a remedial action to address this contamination.

6. A number of the existing monitoring wells are damaged and need to be replaced. RVA proposes to replace these wells if required for future groundwater investigation or monitoring. Existing damaged wells will be properly abandoned. The work will be performed by an NJDEP Licensed Well Driller.
7. Prepare a Remedial Action Permit-Groundwater including the contaminant analysis and calculations and preparation of a Classification Exception Area.
8. Prepare a Remedial Investigation Report in addition to the Remedial Action Workplan/Remedial Action Report that was previously authorized.
9. We understand that the City will explore a number of funding options including the NJDEP Spill Fund, use of existing NJDEP Hazardous Discharge Site Remediation Funds (HDSRF) for remedial action and applying for additional HDSRF grants for the site.

Therefore, in order to address the above described issues, we propose the following costs:

**Subcontractor Fees**

**1. Soil Investigation**

Test Pits

Excavator-two (2) days @ \$1,600/day	\$3,200.00
Mob/Demob Excavator	\$300.00

Drilling

Drill Rig-three (3) days @ \$1,400/day	\$4,200.00
Mob/Demob Drill Rig	\$300.00
Expendables (liners, tubes, etc.)	\$500.00
Temporary Well Points Assume 5 @ \$300/point	\$1,500.00

Soil Testing

Extractable Petroleum Hydrocarbons Assume 20 samples @ \$125/sample	\$2,500.00
Polynuclear Aromatic Hydrocarbons Assume 5 samples @ \$200/sample	\$1,000.00
Volatile Organic Compounds (VOC+10) Assume 24 samples @\$125/sample	\$3,000.00
Target Analyte Metals Assume 6 samples at \$150/sample	<u>\$900.00</u>

**Subtotal (Soil Investigation) \$17,400.00**

**2. Groundwater Investigation**

Well Installation

Drill Rig Mob/Demob	\$300.00
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Monitoring Wells

Assume five (5) wells @ \$2,000/well	\$10,000.00
Well Development	\$500.00
Well Permits five (5) @ \$200/well	\$1,000.00
Well Abandonment (for damaged wells) Assume two (2) at \$750/well	\$1,500.00

Well Sampling and Testing

Assume eight (8) rounds Sampling 8 rounds @ \$800/round	\$6,400.00
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Testing (Temporary Well Points)

Assume 5 wells plus field and trip blanks for benzene total of 7 samples @ \$100/sample	\$700.00
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Well Testing

Assume 10 wells plus field and trip blanks for VOA+10 (8 rounds) total of 96 samples @\$100/sample	<u>\$9,600.00*</u>
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**Subtotal (Groundwater Investigation) \$30,000.00**

**Subcontractor Total Costs**

Soil Investigation	\$17,400.00
Groundwater Investigation	<u>\$30,000.00</u>

<b>TOTAL</b>	<b>\$47,400.00</b>
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**Engineering – Remington, Vernick & Arango**

Field Work: Engineering Oversight	\$13,500.00
Well Survey (Locate Wells)	\$2,500.00
Prepare a Remedial Action Permit-Groundwater	\$2,000.00
Remedial Investigation Report	\$2,500.00
Funding Assistance (HDSRF, NJ Spill Act)	\$1,000.00
Project Management	<u>\$3,000.00</u>

<b>Subtotal Engineering</b>	<b>\$24,500.00</b>
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**Summary of Costs**

Subcontractor Services	\$47,400.00
Engineering Services	<u>\$24,500.00</u>

<b>TOTAL</b>	<b>\$71,900.00</b>
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\* This is the maximum anticipated groundwater testing cost. We assume that the testing requirements (number of wells tested, contaminants analyzed for) may be reduced based on the results of the testing to be performed.

The above scope of work excludes any remedial action oversight, if required during construction. Furthermore, our proposal excludes NJDEP fees. We assume that no receptor evaluation investigation or testing will be required (i.e. well testing, vapor intrusion, ecological receptors).

If you have any questions please feel free to contact Paul Kenny at (856) 795-9595, extension 1073.

Sincerely,

**REMINGTON, VERNICK & ARANGO ENGINEERS**

By 

Edward Vernick, P.E., C.M.E.  
President

cc: Brandy Forbes, Hoboken City

Jay Petrongolo

Karen Twisler  
Paul Kenny  
Richard Czekanski

Introduced by: Russo  
Seconded by: \_\_\_\_\_

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

**RESOLUTION HONORING FATHER MICHAEL GUGLIELMELLI OF  
HOBOKEN UPON HIS RETIREMENT FROM SERVICE TO HOBOKEN'S  
ST. FRANCIS CHURCH BY NAMING THE CORNER OF 3<sup>RD</sup> STREET AND  
JEFFERSON AS "FATHER MICHAEL GUGLIELMELLI WAY"**

**WHEREAS**, the Council of the City of Hoboken is proud to recognize individuals that have flourished and prospered within its boundaries, and particularly those individuals who have also found influential ways to give back to the community and its members; and,

**WHEREAS**, for the past 24 years, Father Michael Guglielmelli has served and protected the people of Hoboken as a pastor at Hoboken's St. Francis Church, and his dedication, compassion and service have impacted all members of the Hoboken community throughout his years of service; and

**WHEREAS**, the following are among his many contributions to the City and its residents over his years of service: Father Michael organized the first street festival in celebration of the Feast of St. Francis, he considered it his duty to feed the needy throughout his life of service, including through the everyday year round sandwich program at St. Francis and the St. Francis food pantry, he has assisted the homeless shelter and made it a tradition for St. Francis to provide the shelter's dinner once a month, organized an annual coat drive through St. Francis, he initiated and maintained addiction recovery services for members of the community, and he continuously finds ways to provide solace and compassion for the HIV/AIDS community.

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

1. The Council of the City of Hoboken does hereby recognize the naming of the corner of 3<sup>rd</sup> Street and Jefferson Street in Hoboken as "Father Michael Guglielmelli Way" in honor of Father Michael's years of service to St. Francis and the Hoboken community; and
2. The Council extends its sincere appreciation and recognition to Father Michael for his tireless dedication and outstanding contributions to the community of Hoboken, and also extends its best wishes for Father Michael upon his retirement.

**Meeting Date: June 20, 2012**

**Approved:**

\_\_\_\_\_  
**Business Administrator**

**Approved as to Form:**

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

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

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

**RESOLUTION TO EXTEND THE CONTRACT WITH THE LAW OFFICES OF PAUL CONDON FOR SERVICES AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN RELATING TO THE APPEAL OF ANDRIANI V. CITY OF HOBOKEN, APPELLATE DOCKET NO.: A-004484-10, FOR A ONE YEAR TERM WITH A NOT TO EXCEED AMOUNT OF \$7,000.00**

**WHEREAS**, the City previously appointed and contracted for the services of Paul Condon to serve as Special Legal Counsel relating to Andriani v. City of Hoboken; and,

**WHEREAS**, the above referenced litigation will require the skilled expertise of an experienced attorney to represent the City of Hoboken's interests; and,

**WHEREAS**, Paul Condon has been handling the case from inception, and has gained significant knowledge and legal strategy which will provide specialized knowledge to effectively represent all of the City's interests relating to the above referenced litigation; and,

**WHEREAS**, this special expertise and knowledge, as well as the emergent need for continued expert legal representation, provide a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

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

**WHEREAS**, Paul Condon 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 an emergent need for Paul Condon's continued service on the appeal of the matter, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$7,000.00 is available in the following appropriations 02-01-20-156-020 in the temporary 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 temporary CY2012 budget.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED**, (*a majority of the whole Council concurring*) that the contract with Paul Condon to represent the City as Special Legal Counsel in the appeal of the matter of Andriani v. City of Hoboken, Appellate Docket No.: A-004484-10, be heretofore awarded for a one year term, to commence upon execution of the contract, in a not to exceed amount of Seven Thousand Dollars (\$7,000.00) Dollars; an additional term of contract shall be added as follows: said firm shall, on a going forward basis, 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 Paul Condon; 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: June 20, 2012**

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Melissa Longo, Esq.  
Interim Corporation Counsel

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

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

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

**RESOLUTION TO AMEND AND EXTEND THE CONTRACT WITH  
EMNET, LLC FOR MAINTAINENCE OF PROPRIETARY HARDWARE  
FOR STORMWATER/WASTERWATER COMBINED SEWER-SYSTEM,  
EXCESS- FLOW ANALYSIS FOR A ONE YEAR TERM WITH A NOT  
TO EXCEED AMOUNT OF \$122,000.00**

**WHEREAS**, the City previously appointed and contracted for the installation and maintenance of hardware for data analysis for combined sewer-system, excess-flow analysis within the City of Hoboken by EmNet, LLC; and,

**WHEREAS**, the City wishes to extend the contract with EmNet, LLC for a one year period, to commence upon execution of the Agreement, with a not to exceed amount of One Hundred Twenty Two Thousand Dollars (\$122,000.00); and,

**WHEREAS**, EmNet, 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**, there is a continuing need for the maintenance and management of the propriety flow analysis hardware and data, which is therefore exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(dd) and (gg), and EmNet, LLC has significant and specialized knowledge and expertise of the City’s infrastructure and the hardware located therein, 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 \$122,000.00 is available in the following appropriations 2-01-31-461-000 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 the contract with EmNet, LLC for the installation and maintenance of the hardware for data analysis for combined sewer-system, excess-flow analysis within the City of Hoboken be hereby extended and amended for an additional one (1) year period, with a not to exceed amount of One Hundred Twenty Two Thousand Dollars (\$122,000.00); an additional amendment to the contract shall be added to eliminate the continuing need for installation but to increase and enhance the need for maintenance and management of the system and the data analysis pursuant to the proposal of EmNet, LLC dated May 18, 2012 (attached hereto) and such other terms and conditions which may be added to the amended 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 EmNet, 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 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: June 20, 2012**

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo  
Interim Corporation Counsel

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

SPONSORED: \_\_\_\_\_  
SECONDED: \_\_\_\_\_

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

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION  
BY RIDER FOR A MUNICIPAL "OPEN SPACE RECREATION AND FARMLAND AND  
HISTORIC PRESERVATION TRUST FUND" REQUIRED BY N.J.S.A. 40:12-15.2**

**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, N.J.S.A. 40:12-15.2** provides for receipt of Municipal Open Space Tax revenues 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 Municipal Open Space Tax pursuant to N.J.S.A. 40:12-15.2 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 Open Space Recreation and Farmland and Historic Preservation Trust Fund (N.J.S.A. 40:12-15.2)
2. The Clerk of the City of Hoboken, County of Hudson is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this 20<sup>th</sup> day of June 2012  
and certified as a true copy of an original.

---

**Municipal Clerk**

**Meeting Date: June 20, 2012**

Councilperson	Yea	Nay	Abstain	No Vote
<b>Theresa Castellano</b>				
<b>Peter Cunningham</b>				
<b>Jen Giattino</b>				
<b>Carol Marsh</b>				
<b>Elizabeth Mason</b>				

<b>David Mello</b>				
<b>Tim Occhipinti</b>				
<b>Michael Russo</b>				
<b>President Ravi Bhalla</b>				

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

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

**RESOLUTION TO APPROVE THE ATTACHED CONTRACT FOR USE OF THE UNION  
CITY MUNICIPAL POOL BY THE CITY OF HOBOKEN FOR THE 2012 SUMMER  
SEASON**

**WHEREAS**, the City has negotiated an agreement with the City of Union City for use of their municipal pool during the 2012 summer season, which is ***attached hereto***; and,

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

- A. This resolution approves the attached agreement between the City of Union City and the City of Hoboken, as ***attached hereto***;
- B. The Mayor or her agent is hereby authorized to enter into the attached Agreement, or a modified Agreement with substantially similar terms which does not have any substantive changes;
- C. This resolution shall take effect immediately upon passage.

Meeting date: June 20, 2012

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest,  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

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

**LICENSE AGREEMENT BETWEEN THE CITY OF UNION CITY AND  
THE CITY OF HOBOKEN**

**THIS AGREEMENT**, is made the \_\_\_\_ day of \_\_\_\_\_ 2012, by and between:

**THE CITY OF UNION CITY**, a municipal corporation of the State of New Jersey, having its principal office of business at 3715 Palisade Avenue, Union City, New Jersey, 07087 (hereinafter referred to as “GRANTOR”);

and

**THE CITY OF HOBOKEN**, a municipal corporation of the State of New Jersey, having its principal office at 94 Washington Street, Hoboken, New Jersey, 07030 (hereinafter referred to as “GRANTEE”).

**WITNESSETH :**

That in consideration of the compensation herein received and the terms, covenants, agreements and conditions herein contained, said parties hereto do hereby covenant, promise and agree to and with each other as follows:

**FIRST:** This Agreement (hereinafter “the License” or “the Agreement”) constitutes the complete and entire contract between the parties hereto and supersedes and replaces all prior oral statements and understandings however given.

**SECOND:** Said GRANTOR does hereby grant to the GRANTEE revocable non-exclusive use of the real property and the improvements located thereon known as the pool at the Firefighter’s Memorial Park, City of Union City, County of Hudson, State of New Jersey, (hereinafter, “the licensed premises” or “the premises”) to have and to hold, as restricted below, together with the hereditaments, appurtenances and easements thereunto belonging at the compensational and upon the terms and conditions herein stated, two (2) days, per week, Tuesday and Thursday from 10:00AM to 11:30AM, and one (1) evening per week, Wednesday from 6:00PM to 7:30 P.M., said license being effective from May 25, 2012 until September 4, 2012. Use of the pool during the Tuesday and Thursday time periods shall be limited to Hoboken adults only. The use of the pool during the Wednesday time frame shall be limited to Hoboken children and their guardians only. GRANTEE acknowledges that the pool may be used by other persons during the licensed time periods.

**THIRD:** The Parties do hereby agree that the terms and obligations herein constitute good and valuable consideration for said license. No additional monetary compensation is considered or obligated hereunder.

**FOURTH:** Any use of the licensed premises for purposes other than set forth herein shall constitute a default of the License and shall afford a basis for the termination of this License by the GRANTOR at its option.

**FIFTH:** It is understood by the parties hereto that the GRANTEE shall have a non-exclusive right to use the pool, locker room and lobby facilities of said licensed premises for the term stated.

**SIXTH:** Approval by the GRANTOR for any use of the pool, locker room and lobby facilities beyond the hours specified in the Fifth Paragraph must be obtained in writing as least one (1) week prior to the requested date.

**SEVENTH:** The GRANTOR agrees to supply all necessary furniture for the pool locker room and facilities as currently exists.

**EIGHTH:** It is expressly agreed between the parties hereto that all gas, electric, water and sewage charges incurred on the licensed premises shall be paid by the GRANTOR.

**NINTH:** Officials and designated personnel of the GRANTOR shall at all times during the term of this License have access to the licensed premises for the purpose of inspecting and monitoring for compliance with all provisions of this License and enforcing the same.

**TENTH:** The GRANTEE hereby assumes all risks or liabilities for injury to person, including death, and damage to the property alleged to have occurred through the GRANTEE's use of the premises on account of any condition created by or occurring out of the GRANTEE's use of the licensed premises, and shall indemnify and save harmless and defend the GRANTOR and elected or appointed officials and its employees from and against any and all losses and expenses including reasonable attorneys' fees, resulting from or in connection with claims, demands, actions, suits and judgments which may be made, instituted or recovered against the GRANTOR, its elected or appointed officers or employees on account of injuries to persons including death at any time or damage to property occurring or alleged to have occurred through the GRANTEE's use of the premises on account of any condition created by or occurring out of the GRANTEE's use of the licensed premises. GRANTEE shall have an affirmative obligation to defend any action brought against GRANTOR which arises or may arise under this License Agreement.

The liability and property damage insurance policy in behalf of the GRANTEE shall contain a statement providing coverage for the Agreement and a duplicate policy with a Certificate of Insurance providing for a thirty (30) day written notice to the GRANTOR cancellation, termination, or change of policy, together with a satisfactory hold harmless clause providing for comprehensive general liability coverage with combined bodily injury and property damage limits of not less than \$5 million dollars per occurrence, and an umbrella liability policy with limits of no less than \$10

million dollars, for personal injury and property damage, and further, the GRANTEE covenants and agrees that the GRANTOR shall be named as additional insured in both the aforementioned general liability and umbrella policies. GRANTEE is required to maintain insurance including third-party contractual liability insurance and pool operator's insurance during the term of this license.

The Certificate of Insurance shall be delivered to GRANTOR prior to the commencement of the License and shall contain the following clause: "The City of Hoboken covenants and agrees to save and hold harmless the City of Union City, its agents, servants and administrators from any and all liability arising out of the negligent use of the premises or property by the GRANTEE or its agents and/or invitees for the entire term of the license agreement between the parties."

**ELEVENTH:** The GRANTEE shall not assign, transfer or sublet this agreement, or any part thereof, without the prior written consent of the GRANTOR which GRANTOR may withhold in GRANTOR'S sole, absolute and unfettered discretion and should the GRANTEE assign, transfer or sublet this agreement, or any part thereof without the prior written consent of the GRANTOR, then, and in such event the GRANTOR may, at its option forthwith cancel this agreement.

**TWELVETH:** In case default shall be made in the payment of any compensation herein agreed to be paid, or in case default shall be made in the performance of any other covenant, condition or agreement herein contained on the part of GRANTEE, and any such default shall continue for thirty (30) days after notice thereof in writing by said GRANTOR, the GRANTOR at its option may declare this License terminated, and may re-enter upon the premises either without process of law, and remove all persons therefrom.

**THIRTEENTH:** All notices, requests or other communications hereunder or in connection herewith shall be given in writing as to GRANTOR, Commissioner Christopher Irizarry, 3715 Palisade Avenue, Union City, New Jersey, 07087; as to GRANTEE, Corporation Counsel and Director of Human Services, City of Hoboken, 94 Washington Street, Hoboken, N.J. 07030.

**FOURTEENTH:** The failure of the GRANTOR to insist upon strict performance of any of the covenants or conditions of this License or to exercise any option herein conferred in any one or more instances, shall not be construed as a waiver or relinquishment for the future of any such covenants, conditions or options, but the same shall be and remain in full force and effect. This Agreement shall be construed, governed by and interpreted in accordance with the laws of the State of New Jersey.

**FIFTEENTH:** If any part of this Agreement or the application thereof to any person or circumstance shall, for any reason be adjudged by a Court of competent jurisdiction to be invalid, such Judgment shall not affect, impair or invalidate the remainder of this Agreement which is hereby declared to be severable.

**SIXTEENTH:** Anything to the foregoing notwithstanding, the GRANTEE agrees to bring any problems associated with the use and occupancy of the licensed premises to the immediate attention of the GRANTOR and to provide prior written notice of any such problems to the GRANTOR to enable GRANTOR to investigate and make any necessary repairs to said premises.

**IN WITNESS WHEREOF,** the GRANTOR has caused this LICENSE to be executed by its Mayor and City Clerk, and the GRANTEE has caused this License to be executed by its duly authorized officers.

**Attest:**

**City of Union City**

\_\_\_\_\_  
**William Senande, City Clerk**

\_\_\_\_\_  
**Mayor Brian P. Stack**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Attest:**

**City of Hoboken**

\_\_\_\_\_  
**James Farina, RMC**

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

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

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

**RESOLUTION APPROVING AN SHARED SERVICE AGREEMENT WITH THE  
TOWN OF SEACAUCUS FOR THE USE OF ITS POOL BY THE RESIDENTS OF THE  
CITY OF HOBOKEN**

**WHEREAS**, *N.J.S.A. 40A:65-1 et seq.* authorizes any local governmental unit to enter into a contract with any other governmental unit for the providing of any service that any party to such agreement is empowered to render within its own jurisdiction; and,

**WHEREAS**, the Town of Secaucus has agreed to provide use of a swimming pool facility to the residents of the City of Hoboken upon payment by the residents for use of such facility; and,

**WHEREAS**, it is the desire of the Council of the City of Hoboken to authorize the execution of a Shared Service Agreement whereby the Town of Secaucus will provide use of its swimming pool facility to the residents of the City of Hoboken.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute a Shared Service Agreement whereby Secaucus will provide use of a swimming pool facility to the residents of Hoboken; and,

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized 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.  
This resolution shall take effect immediately upon passage.

**Meeting Date: June 20, 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				

Reviewed:

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Quentin Wiest  
Business Administrator

Approved as to Form:

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Melissa Longo, Esq.  
Interim Corporation Counsel

**SECAUCUS SWIM CENTER**

C/O Municipal Government Center  
1203 Paterson Plank Road  
Secaucus, NJ 07094

Hoboken

**2012 Application**

Please read registration information before completing this form

NAME OF APPLICANT (PRINT) \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**MEMBERSHIP PLANS AVAILABLE-SELECT ONE:**

	<u>MEMBERSHIPS</u>
(A) INDIVIDUAL MEMBERSHIP (under 21*)	\$299.00
(B) INDIVIDUAL MEMBERSHIP (over 21)	\$365.00
© HOUSEHOLD OF TWO	\$545.00
(D) FAMILY PLAN (same as Plan C with following charge for each child ages 2-21*)	\$90.00
(E) INDIVIDUAL SENIOR CITIZEN (ages 62 and over*)	\$210.00
(F) SENIOR CITIZEN HOUSEHOLD OF TWO (two persons ages 62 and over*)	\$299.00
After May 26th add the following late fee	\$15.00

**\*Birth Certificates required as proof of age for children ages 2-21**

**LIST NAME AND BIRTH DATE OF ALL MEMBERS AND SCHOOLS FOR ALL CHILDREN:**

Name	Birth Date	School
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

IN CASE OF EMERGENCY, PLEASE NOTIFY:

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

I have read, understand, and will abide by all Swim Center rules and regulations.

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE: \_\_\_\_\_

AMOUNT \_\_\_\_\_ CHECK # \_\_\_\_\_ PLAN \_\_\_\_\_ RECEIPT # \_\_\_\_\_

## PRICE LIST

**Effective as of MAY 2012**

MEMBERSHIP PLAN	INTER-LOCAL
	FULL MEMBERSHIP
PLAN A (UNDER 21)	\$299.00
PLAN B (OVER 21)	\$365.00
PLAN C (HOUSEHOLD OF TWO)	\$545.00
PLAN D 1 (HOUSEHOLD OF 2 PLUS 1 CHILD)	\$635.00
PLAN D 2 (HOUSEHOLD OF 2 PLUS 2 CHILDREN)	\$725.00
PLAN D 3 (HOUSEHOLD OF 2 PLUS 3 CHILDREN)	\$815.00
PLAN D 4 (HOUSEHOLD OF 2 PLUS 4 CHILDREN)	\$905.00
PLAN D 5 (HOUSEHOLD OF 2 PLUS 5 CHILDREN)	\$995.00
PLAN D 6 (HOUSEHOLD OF 2 PLUS 6 CHILDREN)	\$1,085.00
PLAN D 7 (HOUSEHOLD OF 2 PLUS 7 CHILDREN)	\$1,175.00
PLAN D 8 (HOUSEHOLD OF 2 PLUS 8 CHILDREN)	\$1,265.00
PLAN E (AGES 62 AND OVER)	\$210.00
PLAN F (TWO PERSONS AGES 62 AND OVER)	\$299.00

PLEASE NOTE: ANYONE ON SOCIAL SECURITY DISABILITY ALSO QUALIFY FOR PLAN E WITH PROPER PAPER WORK

LATE FEE AFTER MAY 26TH \$15.00 PER APPLICATION

# SECAUCUS SWIM CENTER • RULES & REGULATIONS 2012

## HOURS OF OPERATION:

Weekdays - 12:00 p.m. to 8:00 p.m.

Weekends & Holidays - 10:00 a.m. to 8:00 p.m.

The Swim Center will be open on weekends only from May 26th to June 17th (Including Monday, May 28, 2012), from 10:00 am - 6:00 pm. The Swim Center will be open full - time from June 18th through September 9th.

## GUEST PASSES:

<b>Secaucus Residents:</b>	\$10.00 per person on weekdays. \$12.00 per person on weekends and holidays.
<b>AFTER 4:00 PM</b>	\$5.00 per person on weekdays, weekends and holidays.

**ONLY SECAUCUS RESIDENTS AND RESIDENT MEMBERS  
WILL BE ALLOWED TO PURCHASE GUEST PASSES AT A  
REDUCED RATE AFTER 4 P.M**

<b>Non - Residents:</b>	\$12.00 per person on weekdays. \$14.00 per person on weekends and holidays.
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A bona fide member of the Secaucus Swim Center must accompany all non-resident guests. Rain checks will only be issued when we are forced to close the Swim Center for the remainder of the day. All guests are required to follow the rules of the Swim Center and members are responsible for the conduct of their guests. We reserve the right to refuse to sell passes to individuals whose actions impede the Swim Center's operation. Secaucus Municipal Swim Center may reserve the right not to sell passes on weekends.

**WE ASK THAT YOU PLEASE OBSERVE THE FOLLOWING RULES,  
FAILURE TO ABIDE BY SWIM CENTER RULES COULD LEAD TO  
SUSPENSION AND REVOCATION OF MEMBERSHIP  
WITHOUT REFUND.**

- You must present your membership card to be admitted to the Swim Center. There is a \$5.00 replacement fee for all lost membership cards.
- Transfer of membership card to others will result in suspension and/or revocation of membership.
- No refunds of membership
- All food consumption must take place under the pavilion.
- The consumption of alcoholic beverages is strictly forbidden at the Swim Center or in Schmidt's Woods (Secaucus Ordinances 47-21 and 97-17). Any intoxicated person will be removed from the Swim Center.
- No running or ball playing is permitted in the pool complex.

- Pets are not permitted in the pool complex.
- All bathers, including babies, must wear bathing suits in all pools. Cut down pants and trousers are prohibited.
- All non-toilet trained children must wear rubber pants in all pools.
- No large inflatable paraphernalia is allowed in the pools.
- No one may enter the pools wearing glasses not secured by a head strap.
- No fins or snorkels are permitted in main diving pools.
- Children under the age of 14 will not be permitted in the pool complex unless accompanied by a responsible adult member, **WHO MUST REMAIN WITH THE CHILD.**
- All members and guests are responsible for their valuables. The Swim Center will not hold any valuables nor be responsible for any lost or stolen items.
- No one may park in a handicapped zone without official documentation of disability.
- **NO GLASS BOTTLES PERMITTED IN THE POOL COMPLEX.**  
We have the right to inspect all coolers for glass bottles of any kind
- Lawn Chairs or Beach Towels are not permitted on the concrete around swimming pool areas.

The Swim Center Staff shall assume that each member and guest has complete knowledge of the above rules and regulations and, along with the Secaucus Police Department and other designated agents, shall have the authority to enforce these rules and to prohibit any other action which is deemed dangerous, improper, immoral, or in conflict with the best interest of the Swim Center and its membership.

**PLEASE NOTE THAT THE SWIM CENTER RESERVES THE RIGHT TO ALTER THE REGULAR HOURS OF OPERATION  
DUE TO MECHANICAL PROBLEMS OR INCLEMENT WEATHER.**



**David B. Drumeler, Esq.**  
Town Administrator

Municipal Government Center  
Secaucus, N.J. 07094-3287

Tel.: 201-330-2008

Fax: 201-330-8352

[www.secaucusnj.org](http://www.secaucusnj.org)

June 13, 2012

Peter Cunningham, Vice President  
and Members of the Hoboken Recreation Committee  
City of Hoboken  
94 Washington Street  
Hoboken, NJ 07030

RE: Inter-Local Agreement for Secaucus Swim Center Membership

Dear Mr. Cunningham:

Please accept this letter as approval for Hoboken residents to join the Secaucus Swim Center at the Town's inter-local rate.

Please be advised that the Secaucus Council anticipates ratification of this Agreement at the Mayor and Council meeting scheduled for Tuesday, June 26, 2012. Please be further advised that the Town will review this Agreement on a year-to-year basis.

Thank you for your time and attention on this matter. If you have any questions, please feel free to contact me directly.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Drumeler", written over a horizontal line.

David B. Drumeler, Esq.  
Town Administrator

DBD:md

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

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

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH  
\_\_\_\_\_ AS SPECIAL LEGAL COUNSEL-LAND USE AND  
ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO COMMENCE JULY 1, 2012 AND  
EXPIRE JUNE 30, 2013 FOR A TOTAL NOT TO EXCEED AMOUNT OF  
\$ \_\_\_\_\_**

**WHEREAS**, service to the City as Special Counsel – Land Use and Environmental Law 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-Land Use and Environmental Law in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which \_\_\_\_\_ responded to; and,

**WHEREAS**, the evaluation committee has determined that \_\_\_\_\_ offers the best option of all the proposal submitted, cost and other factors considered, and therefore advises a contract be entered into with \_\_\_\_\_; and,

**WHEREAS**, \_\_\_\_\_ 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 \$ \_\_\_\_\_ 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**, that a contract with \_\_\_\_\_ to represent the City as Special Legal Counsel-Land Use and Environmental Law be awarded, for a term to commence July 1, 2012 and expire June 30, 2013, for a total not to exceed amount of \_\_\_\_\_ (\$ \_\_\_\_\_ .00) Dollars; and

**BE IT FURTHER RESOLVED**, the contract shall include the following term: \_\_\_\_\_ 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**, new 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 written 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 Weiner Lesniak; 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: July 20, 2012**

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

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

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

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

**RESOLUTION TO APPROVE THE ATTACHED CONTRACT FOR ELECTRICAL  
GENERATION SERVICES TO THE CITY OF HOBOKEN BY SOUTH JERSEY ENERGY  
COMPANY**

**WHEREAS**, the City has negotiated an electric generation service agreement through the Essex Hudson Regional Cooperative Purchasing System, which is ***attached hereto***; and,

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

- A. This resolution approves the attached electric generation service contract between South Jersey Energy Company and the City of Hoboken, as ***attached hereto***;
- B. The Mayor or her agent is hereby authorized to enter into the attached Agreement, or a modified Agreement with substantially similar terms which does not have any substantive changes;
- C. This resolution shall take effect immediately upon passage.

Meeting date: June 20, 2012

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest,  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

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

**APPENDIX B**  
**(revised 4-27-12)**

**ELECTRIC GENERATION SERVICE AGREEMENT  
BETWEEN**

**[PARTICIPATING MEMBER OF THE ESSEX HUDSON REGIONAL COOPERATIVE  
PRICING SYSTEM (EHCPS)],**

---

**AND**

---

**DATED**

**\_\_\_\_\_, 2012**

**ELECTRIC GENERATION SERVICE AGREEMENT  
BETWEEN**

**ESSEX HUDSON REGIONAL COOPERATIVE PRICING SYSTEM ("EHCPCS") PARTICIPATING  
MEMBER**

---

**AND**

**RETAIL ELECTRIC POWER SUPPLIER \_\_\_\_\_ DATED \_\_\_\_\_, 2012**

This Power Purchase Agreement ("Contract") is made effective \_\_\_\_\_, 2012, by and between \_\_\_\_\_ ("**Supplier**") and \_\_\_\_\_ ("Customer") also referenced herein as "Party" or collectively as "Parties." This Contract incorporates all transaction-specific Confirmation Agreements, and the Request for Bids for Electric Supply Service ("Request for Bid" or "RFB") issued by the Essex Hudson Regional Cooperative Pricing System ("EHCPCS") on April \_\_, 2012.

**Definitions:**

"Administrative Fee" shall mean the per kilowatt-hour fee as provided for in the RFB, which shall be included in the Contract Price, collected by Supplier and remitted by Supplier to the EHCPCS energy agent in accordance with the RFB.

"Award Letter" means the letter issued by the County of Essex acting as Lead Agency of the EHCPCS, notifying Supplier of the bid award resulting from the RFB and memorializing the Contract Price as provided for in Supplier's Bid submitted to the EHCPCS.

"Block Energy Price" means a fixed price per kilowatt-hour for a defined block (in kilowatts or "kw") of electricity as defined in the RFB and the Confirmation Agreement. The Block Energy Price is only applicable to the extent that Customer is served under a Block and Index pricing product as defined in the RFB

"Confirmation Agreement" means the Award Letter which memorializes the Contract Price as provided for in Supplier's Bid submitted to the EHCPCS, and the list of Customer's accounts to be served under this Agreement, attached hereto as Appendix A,.

"Delivery Point" means a point where the PJM transmission grid meets the EDC delivery system.

"EDC" means the electric distribution company, otherwise referred to as the electric utility, in whose service territory Customer's accounts served under this Contract are located.

"FERC" means the Federal Energy Regulatory Commission.

"Fixed Adder" means a fixed per kWh charge assessed on each kWh delivered to and measured at the Customer meter, which shall reflect all non-energy costs to provide Electric Generation Service including the cost of capacity, transmission, ancillary services, RPS requirements, supplier margin, Administrative Fee and applicable taxes including State sales and use tax.

"Fixed Price" means a fixed price per kWh to cover all costs associated with providing Electric Generation Service, including energy, Line Losses, capacity, transmission, ancillary services, RPS requirements, Administrative Fee and applicable taxes including State sales and use tax.

"Index Energy Charge" means the hourly PJM Day-Ahead Locational Marginal Price (LMP), which is applied to hourly metered usage and grossed up for Line Losses and State sales and use Tax.

"Index Price" pricing product shall consist of two components, including the Fixed Adder and the Index Energy Charge.

“kWh” means a kilowatt-hour, which is a standard measurement of electric energy consumption or production.

“Line Losses” means distribution system line loss factor for the applicable rate class and/or voltage level as defined in the EDC tariff, adjusted to remove the mean hourly PJM marginal losses reflected in the applicable PJM Locational Marginal Price.

“LMP” means the Locational Marginal Price which is the spot market energy price established by PJM for the applicable transmission zone.

“NJBPU” means the New Jersey Board of Public Utilities.

“PJM” means the PJM Interconnection, which is a regional transmission organization or “RTO” that coordinates the movement of electricity in all or parts of thirteen states in the Mid-Atlantic and surrounding regions and the District of Columbia.

“Day-Ahead Locational Marginal Price” means the hourly day-ahead spot energy market price applicable in the PJM transmission zone for the applicable EDC.

“RPM” means the Reliability Pricing Model established and implemented by PJM to establish market prices for generation capacity.

“Renewable Portfolio Standards” or “RPS” means minimum percentages of various forms renewable energy required to be included in each Electric Power Supplier’s energy portfolio pursuant to New Jersey State law and NJBPU regulations.

“Transmission Costs” means the charge for Network Transmission Service and Transmission Cost Enhancement Charges, each as identified in the applicable OATT Tariff for the provision of transmission service by the PJM within the applicable EDC’s service territory, including any applicable surcharges, and net of any applicable credits.

1. **Nature of Transaction:** Customer and **Supplier** respectively agree to purchase and sell the full electric generation service requirements for the accounts listed, together with such ancillary services that may be shown on the Confirmation Agreements. **Supplier** will serve as agent for Customer in accordance with the policies and procedures of Customer's electric distribution company ("EDC") in order to provide supply coordination functions, including, but not limited to, nominating, scheduling and balancing. Customer will utilize **Supplier** as its sole electricity Supplier for all electrical requirements, net of any on-site, behind-the-meter renewable energy project generation, during the term of this Contract for the accounts listed on the Confirmation Agreement.

2. **Contract Term and Sales Period(s):** The effective term of this Contract shall commence with the June 2012 meter reading date for each account listed on the Confirmation Agreements, and shall continue until the \_\_\_ June 2013 (12-month Contract term) or \_\_\_ June 2014 (24-month Contract term) meter reading date (check one for selected term, hereinafter referred to as the “Sales Period”).

This Contract shall remain effective for the duration of any and all Sales Period(s) specified in the Confirmation Agreement(s). Moreover, if the initial term of this Contract is twelve (12) months, the term may be extended for a term of up to twenty-four (24) additional months or, if the initial term of this Contract is twenty-four (24) months, the term may be extended for a term of up to twelve (12) additional months, by the mutual, written consent of both parties, at a Contract Price to be agreed upon by the Parties, memorialized in a supplemental Confirmation Agreement and established in accordance with applicable law. Any such extension(s) shall be executed no less than twenty (20) days before the termination date. If no such extension is executed the Contract shall terminate at the end of its initial term and Supplier shall initiate a drop of accounts to be effective at the end of the initial term.

3. **Quantity:** **Supplier** shall tender for delivery to Customer, and Customer must accept for receipt from **Supplier**, the Customer's full power usage requirements, net of any on-site, behind-the-meter renewable energy project generation, for the accounts listed on the Confirmation Agreement(s).

4. **Contract Price:** For each kilowatt-hour (“kWh”) of power delivered to and measured at the Customer meter, Customer shall pay Supplier the Contract Price specified in Supplier’s Bid submitted in response to the Request for Bids and memorialized in the Confirmation Agreement attached hereto. The Contract Price includes all charges, fees and taxes that are imposed on the power prior to its delivery to Customer’s EDC, and shall also include the Administrative Fee. The Contract Price shall be either for a Fixed Price pricing product or an Index Price pricing product, as indicated in the Confirmation Agreement. Customer shall retain the right to convert the Index Price pricing product to a Fixed Price , at a price that is subject to the mutual written agreement of the parties, and that is otherwise in accordance with applicable law. Unless otherwise specified in the Confirmation Agreement, all taxes applicable to such power for which the taxable incident arises upon or after the Delivery Point, including but not limited to sales, use, transfer, gross receipts or energy taxes will also be included in the Contract Price.

5. **Adjustments to Contract Price:** An adjustment to the Contract Price shall be permitted under the following circumstances:

a) A legislated change in the current 7% State Sales and Use Tax (“SUT”), in which case the price adjustment shall reflect the difference between newly-enacted SUT rate and the 7% SUT rate in effect at the time Supplier submitted its Bid. ;

b) In the event of a change of greater than 25% in the aggregate monthly kWh usage of the Customer accounts receiving service under the Agreement, in which case Seller may adjust the price to reflect the incremental cost of purchasing energy in excess of the 125% bandwidth at market, or any incremental loss incurred by Supplier in re-selling unused energy below the 75% bandwidth at market. Notwithstanding the foregoing, there shall be no price adjustments permitted for aggregate usage reductions, even those that exceed 25%, associated with the operation of an on-site renewable energy project(s) by Customer.; or

c) A change in FERC-approved Transmission Costs implemented after the Effective Date of the Agreement. In such instance Supplier may adjust the Contract Price by a percentage amount up to the percentage change in Supplier’s direct total cost to provide Electric Generation Service to Customer directly caused by the change in FERC-approved Transmission Costs.

d) A change in law implemented after the date hereof that has a material impact on the cost to Electric Power Suppliers and Basic Generation Service suppliers of providing Electric Generation Service to retail customers in the applicable EDC transmission zone(s) in which Customer’s accounts are located. For this purpose a material impact shall be an increase in cost of no less than \$0.0001/kWh. In such instance Supplier may adjust the Contract Price by a percentage amount up to the percentage change in Supplier’s direct total cost to provide Electric Generation Service to Customer directly caused by the change in law.”

e) Supplier shall, upon request of Customer or its designated agent, provide reasonable documentation to support adjustments to the Contract Price implemented pursuant to this Section 5 of the Agreement.

6. **Title, Possession and Control:** Supplier shall deliver Customer's electricity requirements to a "Delivery Point". The Delivery Point shall be on the EDC transmission system and will be determined by **Supplier** at the time of scheduling. Title and risk of loss shall pass to Customer at the Delivery Point, and Customer shall be responsible for obtaining delivery service to its facility from the Delivery Point under the applicable New Jersey Board of Public Utilities-regulated tariffs of Customer’s EDC. Customer is responsible for all distribution and service charges imposed by Customer's EDC relative to the delivery of power to Customer's facility.

Customer shall be responsible for, and shall cooperate with **Supplier** in obtaining from its EDC metering and historical load information reasonably necessary to record values of consumed kW and kWh on a continuous basis necessary to allow for proper billing. Supplier shall not be responsible for any variation in the quality, including zero voltage, of the electric service provided by the EDC to Customer.

7. **Transportation Balancing and Overruns:** **Supplier** will be responsible for any and all charges or penalties imposed by Customer's EDC for failing to deliver Customer's power usage requirements to the Delivery Point on the EDC transmission system.

8. **Billing and Payment:** During the term of this Contract, **Supplier** shall bill Customer on a monthly basis based on the prior month's delivery of electricity. The monthly billing periods shall correspond to the meter read dates of Customer's EDC. All amounts due hereunder shall be paid within forty-five (45) days of the date of the invoice except, in the event that Customer is billed through the EDC's consolidated billing program,, payment is due in accordance with the EDC's rules. Seller may assess late fees on payments received after the due date, at a rate not to exceed 1% per month. If an amount due is not received from Customer when due, **Supplier** may issue written notice to Customer, and Customer shall have a five (5) business days cure period from date of receipt of such notice. Upon completion of the 5 business day cure period, if payment of overdue amounts is not made by Customer, **Supplier** may suspend deliveries, terminate this agreement, and liquidate any power purchased for delivery to Customer during future periods. Notwithstanding the foregoing deliveries shall not be curtailed and interest shall not be accrued, and the Agreement shall not be terminated, where Customer provides written evidence of a good faith billing dispute and pays the undisputed amount. Customer agrees to reimburse **Supplier** for all reasonable cost that **Supplier** incurs, including reasonable attorneys' fees, in any attempt to collect undisputed past due amounts from Customer.

9. **Credit:** If, at any time, Customer does not meet **Supplier's** commercially reasonable creditworthiness standards, **Supplier** may require Customer to provide credit assurance in a form and amount reasonably acceptable to **Supplier**, such as a letter of credit, third-party guarantee, deposit or prepayment.

10. **Force Majeure:** Neither Party shall be liable for failure of performance due to causes beyond its reasonable control (force majeure), such as: failure of transmission grid or EDC distribution facilities; acts of God; fire; civil disturbances; terrorist acts or threats; labor dispute; labor or material shortage; sabotage; action or restraint by court order or public or governmental authority (so long as the Claiming Party has not applied for or assisted in the application for such government action). A Party claiming inability to perform due to force majeure must provide the other Party with prompt notice stating the reason for its inability, and must make reasonable efforts to promptly resolve such inability to perform. Economic hardship, including, without limitation, **Supplier's** ability to sell power at a higher or more advantageous price than the Contract Price or Customer's ability to purchase power at a lower or more advantageous price than the Contract Price, shall not excuse a party's obligation to perform under this Contract. A Force Majeure does not excuse obligations to pay for Electric Generation Service that has been delivered to and consumed by Customer.

11. **Failure to Deliver/Accept - Exclusive Remedy:** If for an unexcused reason either Party fails to perform its obligation hereunder to tender for delivery (in the case of **Supplier**) or accept power tendered for delivery (in the case of Customer), the other Party's exclusive remedy shall be a) in the case of **Supplier** failure, the positive difference, if any, between the price Customer, acting in a commercially reasonable manner, paid for replacement supplies, including administrative fees, brokerage fees and other similar costs, and the Contract Price, multiplied by the quantity of power **Supplier** failed to deliver; or b) in the case of Customer's failure, the positive difference, if any, between the Contract Price and the price **Supplier**, acting in a commercially reasonable manner, obtained from a replacement market, multiplied by the quantity of power not accepted by Customer.

A Party shall act reasonably to minimize its damages, which shall include but not be limited to reasonable efforts to obtain replacement supplies or a replacement market, where applicable. In the event that such reasonable efforts are unsuccessful or only partly successful, the Party failing to perform shall be responsible for an amount calculated by multiplying the Contract Price times the quantity of power for which the other Party failed to obtain a replacement supply or replacement market, whichever applicable, in addition to any amounts calculated with respect to replacement supplies or replacement market(s). In calculating damages owed under this Section, **Supplier** shall net or aggregate, as appropriate: (i) any and all amounts owing between the parties under the Contract; (ii) any amount owed to Customer against any margin or other collateral provided by Customer and held by **Supplier** relating to the Contract; and (iii) any amount payable to Customer against any amount(s) payable by the Customer to **Supplier** under any other agreement or arrangement between the parties, so that all such amounts are netted or aggregated to a single liquidated amount payable by one party to the other.

LIMITATION OF DAMAGES: IN NO INSTANCE AND FOR NO PURPOSE SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY SPECIAL, CONSEQUENTIAL, OR INCIDENTAL DAMAGES, REGARDLESS OF WHETHER A CLAIM IS MADE OR REMEDY IS SOUGHT IN CONTRACT, TORT, OR OTHERWISE.

12. **Bankruptcy:** The Parties specifically agree that this Contract and all Transactions pursuant hereto are "Forward Contracts" as such term is defined in the United States Bankruptcy Code, 11 U.S.C., Section 101(25). If either Party becomes subject to Bankruptcy Code proceedings, it is understood and agreed that the other Party shall be entitled to exercise its right to liquidate this Contract as a "Forward Contract Merchant" under Section 556 of the U.S. Bankruptcy Code.

13. **Notices:** Notice(s) required hereunder shall be deemed properly made if telecopied delivered personally or sent by regular or certified mail to the following addresses or facsimile.

**Customer Representative:** \_\_\_\_\_

**Supplier Representative:** \_\_\_\_\_

14. **Miscellaneous:** This Contract shall be construed in accordance with the laws of the State of New Jersey, without recourse to provisions governing choice of law. Any action brought in law or equity with respect to this Contract shall only be filed in the Superior Court of New Jersey, regardless of federal question, citizenship or amount in controversy. Venue shall be laid in the county of the Customer. Prior to the institution of such action, the parties shall agree to the Alternate Dispute Resolution procedure of mediation under the auspices of the American Arbitration Association, or such other agency upon which the parties may agree. No assignment of this Contract, in whole or in part, will be made without the prior written consent of the non-assigning party, which consent will not be unreasonably withheld or delayed; provided, however, that (i) Supplier may, without the consent of Customer, transfer, sell, pledge, encumber or assign this Contract or the accounts, revenues or proceeds hereof in connection with any financing or other financial arrangements, and (ii) either party may, upon notice to the other, transfer or assign this Contract to an affiliate, which affiliate's creditworthiness is comparable to or higher than that of such party, or transfer or assign this Contract to any person or entity succeeding to all or substantially all of the assets of such party.

EACH PARTY HEREBY DISCLAIMS ANY AND ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER. SELLER HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE ELECTRICITY, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

EACH PARTY HERETO KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO A TRIAL BY JURY IN RESPECT OF ANY ACTION OR OTHER LEGAL PROCEEDING ARISING OUT OF OR RELATING HERETO.

AGREED AND ACCEPTED

AGREED AND ACCEPTED

**CUSTOMER:** \_\_\_\_\_

**SUPPLIER:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**EHRPCS Bid Results by Member**  
*12 Month Fixed*  
**HUDSON COUNTY PARTICIPANTS**

Member	Annual Energy Usage	6/1/2012 - 5/31/2013 Tariff Cost	6/1/2012 - 5/31/2013 Tariff \$/kwh	Current Contract Cost	Current Cost \$/kwh	Blended Bid Cost \$/kwh	Blended Low Bid Cost	Savings vs Tariff \$	%	Savings over previous year \$	%
Member	KWH	BGS	UNIT	Prior Cost	Prior Rate	Low Bid	Low Bid Cost	Savings BGS	%	Savings Previous	%
Bayonne	7,663,811	\$673,952	\$0.0879	\$718,865	\$0.0938	\$0.06733	\$516,036	\$157,916	23%	\$202,829	28%
Bayonne Housing Authority	12,345,519	\$1,115,856	\$0.0904	\$1,184,639	\$0.0960	\$0.07791	\$961,896	\$153,961	14%	\$222,743	19%
Bayonne Municipal Utility Authority	2,170,447	\$261,624	\$0.1205	\$279,938	\$0.1290	\$0.07784	\$168,938	\$92,686	35%	\$111,000	40%
Guttenberg	701,769	\$63,677	\$0.0907	\$57,008	\$0.0812	\$0.06391	\$44,852	\$18,825	30%	\$12,156	21%
Harrison	919,767	\$101,492	\$0.1103	\$86,274	\$0.0938	\$0.07922	\$72,864	\$28,628	28%	\$13,410	16%
Harrison Housing Authority	1,513,223	\$157,850	\$0.1043	\$158,900	\$0.1116	\$0.07922	\$119,878	\$37,973	24%	\$49,022	29%
HCLA	1,046,497	\$95,669	\$0.0914	\$98,161	\$0.0938	\$0.07922	\$82,903	\$12,765	13%	\$15,258	16%
Hoboken	4,070,140	\$330,345	\$0.0812	\$321,681	\$0.0790	\$0.06125	\$249,314	\$81,031	25%	\$72,368	22%
Hudson County	46,820,699	\$3,609,056	\$0.0771	\$4,264,846	\$0.0911	\$0.06839	\$3,201,933	\$407,133	11%	\$1,062,912	25%
Jersey City	23,153,517	\$1,771,198	\$0.0765	\$1,789,015	\$0.0773	\$0.05806	\$1,344,270	\$426,928	24%	\$444,745	25%
Kearny	1,938,544	\$230,951	\$0.1191	\$181,835	\$0.0938	\$0.07922	\$153,571	\$77,379	34%	\$28,264	16%
Kearny Municipal Utility Authority	704,723	\$74,675	\$0.1060	\$79,902	\$0.1134	\$0.07878	\$55,518	\$19,157	26%	\$24,384	31%
North Bergen	221,249	\$28,816	\$0.1302	\$20,753	\$0.0938	\$0.07922	\$17,527	\$11,289	39%	\$3,226	16%
North Bergen Housing Authority	4,403,595	\$392,987	\$0.0892	\$420,496	\$0.0955	\$0.07922	\$348,853	\$44,134	11%	\$71,643	17%
Secaucus	3,943,982	\$377,173	\$0.0956	\$403,575	\$0.1023	\$0.06944	\$273,875	\$103,298	27%	\$129,700	32%
Union City	7,020,958	\$550,181	\$0.0784	\$543,180	\$0.0774	\$0.05920	\$415,630	\$134,551	24%	\$127,550	23%
Union City Housing Authority	1,274,201	\$132,085	\$0.1037	\$141,331	\$0.1109	\$0.07915	\$100,859	\$31,226	24%	\$40,472	29%
Weehawken	1,696,911	\$155,693	\$0.0918	\$132,261	\$0.0779	\$0.05982	\$101,502	\$54,191	35%	\$30,758	23%
Weehawken Housing Authority	731,779	\$73,053	\$0.0998	\$78,167	\$0.1068	\$0.07922	\$57,972	\$15,082	21%	\$20,196	26%
West New York	4,256,536	\$345,631	\$0.0812	\$331,085	\$0.0778	\$0.05961	\$253,736	\$91,895	27%	\$77,299	23%
West New York Housing Authority	5,218,660	\$493,591	\$0.0946	\$528,142	\$0.1012	\$0.07889	\$411,677	\$81,914	17%	\$116,465	22%

GRAND TOTALS: 131,816,527 \$11,035,565 \$0.0837 \$13,021,564 \$0.0988 \$0.06792 \$8,953,604 \$2,250,806 17% \$3,123,197 24%

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

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

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

**APPOINTING ROBERT PHILLIPS AS BOARD MEMBER TO THE  
HOBOKEN ALCOHOL BEVERAGE CONTROL BOARD FOR A  
THREE YEAR TERM TO EXPIRE ON JUNE 30, 2015**

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

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

**WHEREAS**, the current term of Commissioner Robert Phillips expires on June 30, 2012, and the Mayor wishes to reappoint Robert Phillips for a new three (3) year term which will begin July 1, 2012 and expires on June 30, 2015; and

**WHEREAS**, the Governing Body agrees with the Mayor's reappointment of Robert Phillips as Alcohol Beverage Board Commissioner.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby consents to and authorizes the reappointment of Robert Phillips as a Hoboken Alcohol Beverage Control Board Member, for the term beginning July 1, 2012 and expiring June 30, 2015, pursuant to §9-2 of the Code of the City of Hoboken and N.J.S.A. 33:1-5; and

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

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

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

**Dated: June 20, 2012**

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

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

**THIS RESOLUTION REJECTS ALL RFP PROPOSALS FOR THE PROVISIONS OF COAH PLANNER FOR THE CITY, AND AUTHORIZES THE RFP TO BE REPUBLISHED**

**WHEREAS**, proposals were received on Wednesday, May 30, 2012 for the services of COAH Planner pursuant to the City's Fair and Open RFP; and,

**WHEREAS**, since the original submission date, the City has become aware of specific statewide deadlines for Planners which inhibited the City from obtaining a wide range of responses to its RFP; and,

**WHEREAS**, as a result, the Director of Community Affairs, therefore, recommends that the City Council of the City of Hoboken reject all current submissions to allow the City to republish the RFP in an attempt to obtain more proposals.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Hoboken hereby rejects all proposals submitted for the provision of COAH Planner under the May 30<sup>th</sup> RFP; and,

**BE IT FURTHER RESOLVED** that the City Council requests the Administration republish the RFP in accordance with the Fair and Open Process.

Meeting of: June 20, 2012

**REVIEWED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

SPONSORED: \_\_\_\_\_  
SECONDED: \_\_\_\_\_

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

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS  
FOR TAX REVALUATION SERVICES FOR THE CITY OF HOBOKEN FOR A ONE YEAR  
PERIOD**

**WHEREAS**, the City of Hoboken needs to secure a revaluation firm for the City to assist in the City's mandated revaluation process; and

**WHEREAS**, the cost of these services will exceed the City's bid threshold; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process, for procurement of specialized goods and services where the price exceeds the bid threshold, and the services would otherwise be exempt, to satisfy the Fair and Open Process requirements; and

**WHEREAS**, the City's requested services meet the criteria of Local Public Contracts Law N.J.S.A. 40A:11-4.1(i) and N.J.S.A. 40A:11-5 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for tax revaluation services for the City, pursuant to the local public contracts law.

**Reviewed:**

**Approved as to Form:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

**Meeting Date: June 20, 2012**

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

SPONSORED: \_\_\_\_\_  
SECONDED: \_\_\_\_\_

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

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS  
FOR FINANCIAL ADVISORY SERVICES FOR THE CITY OF HOBOKEN FOR A ONE YEAR  
PERIOD**

**WHEREAS**, the City of Hoboken needs to secure a financial advisory firm for the City; and

**WHEREAS**, the cost of these services will likely exceed the City's bid threshold; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process, for procurement of specialized goods and services where the price exceeds the bid threshold, and the services would otherwise be exempt, to satisfy the Fair and Open Process requirements; and

**WHEREAS**, the City's requested services meet the criteria of Local Public Contracts Law N.J.S.A. 40A:11-4.1(i) and N.J.S.A. 40A:11-5 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for financial advisory services for the City, pursuant to the local public contracts law.

**Reviewed:**

**Approved as to Form:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

**Meeting Date: June 20, 2012**

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

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

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

RESOLUTION NO.: \_\_\_\_\_

**RESOLUTION ADOPTING NEW RULES OF PROCEDURE FOR  
THE CITY COUNCIL OF THE CITY OF HOBOKEN**

**WHEREAS**, the City Council of the City of Hoboken is granted the exclusive authority to adopt rules of procedure for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

**WHEREAS**, the City Council wishes to adopt the following rules of procedure for its internal governance,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN**, that the following rules of procedure are hereby adopted for the government of this City Council and the prior rules of procedure repealed.

**RULE I**

Regular Meetings: The Council shall hold regular meetings in accordance with an annual schedule to be adopted at the Council’s re-organizational meeting. Generally, meetings shall be held on the first and third Wednesdays of each month at 7:00 P.M., subject to summer schedules, holidays, and conflicting City events. Council meetings shall ordinarily be held in the Council Chambers at Hoboken City Hall, except that the Council President or a majority of Council members may, in writing, call a meeting to be held in any other suitable public place within the City of Hoboken that is accessible to the public and in accordance with state statutes. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of all regular meetings. Robert’s Rules of Order shall be followed at regular meetings to the extent that they do not conflict with these Rules of Procedure. The Council may also establish that it will hold regular caucus or workshop sessions, provided, however, that any such sessions comply with the Open Public Meetings Act.

## RULE II

Special and Emergency Meetings: The Mayor may call a special or emergency meeting of the Council by notice to the Council President and the Clerk. In the notice the Mayor shall designate the purpose of the special or emergency meeting, and no other business may be considered. A special or emergency meeting may be held in any suitable place within the City of Hoboken that is accessible to the public. A special or emergency meeting may also be called by the written request of a majority of Council members to the Council President, the Clerk and the Mayor. The written request shall designate the purpose of the special or emergency meeting, and no other business shall be considered. Whenever an emergency meeting is called, the Clerk shall immediately notify, by the most expedient means possible, all Council members, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors of the date, time, location, and agenda of the meeting to the extent known. Only those matters permitted by law may be considered at an emergency meeting. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of special and emergency meetings. Robert's Rules of Order shall be followed at special and emergency meetings to the extent that they do not conflict with these rules of procedure.

## RULE III

Agenda: All reports, communications, resolutions, ordinances, contract documents, or other matters to be submitted to the Council, whether by Council members or the Administration shall be delivered to the City Clerk by 4:00 P.M. on the Thursday preceding each regular Wednesday Council meeting (the "Submission Deadline.") The City Clerk shall immediately date and time-stamp each original submission. Thereafter, the City Clerk shall prepare a typewritten meeting agenda, according to the order of business set forth in these Rules of Procedure. The City Clerk shall provide the agenda to each member of the Council, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors as far in advance of the meeting as time for preparation will permit. Normally, delivery of the agenda shall be effectuated by forwarding via electronic mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. Any

Council Member who wishes to obtain a hard copy of the agenda shall advise the Clerk in writing, and, in such circumstances, delivery of the agenda shall be effectuated by forwarding the documents via regular mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. When necessary in exceptional circumstances, the Clerk may effectuate delivery of the agenda via hand delivery. Regular meetings held on a day other than Wednesday shall also follow the time frames set forth in this rule to the extent possible.

Urgent Matters:

After the Submission Deadline, no matters shall be presented to the Council except those of an urgent nature. A matter shall be considered urgent in nature if the Council's failure to consider the matter at the next regularly scheduled meeting of the Council would have an adverse consequence upon the City, or any agency or employee thereof.

If urgent matters are submitted after the Submission Deadline by the Administration, facts must be presented in writing establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent in writing by the Mayor before presentation to the Council. If urgent matters are submitted by Council members after the Submission Deadline, facts must be presented in writing by the Council member establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent either by the President or by a vote of the majority of the council present at the meeting.

Public Access to Documents:

Copies of the agenda and all supporting documents shall be promptly placed on the City's website, [www.hobokennj.org](http://www.hobokennj.org), in compliance with the Chapter 25 of the Code of the City of Hoboken, "Electronic Accessibility of Public Information," and shall be made available to the public through the Clerk's office as soon as practicable. Agendas for special and emergency meetings shall be prepared and distributed in compliance with this Rule to the extent practicable under the circumstances.

The provisions of the Open Public Meetings Act shall govern the conduct, agenda, and procedures for all meetings. As described above, the Council may consider and act upon urgent matters at a regular meeting even if the matter was not listed on the

agenda. All ordinances and resolutions, however, must be introduced in written or typewritten form, and copies provided to each member of the City Council, the City Clerk as soon as practicable, and reviewed by the Corporation Counsel. The Mayor, Council President or a majority of the Council present at the meeting must have determined that the matter is of an urgent nature in accordance with this Rule before the City Council may take any action on any such ordinance or resolution. The City Clerk shall assist in providing sufficient written copies during any meeting as necessary to comply with this Rule.

#### **RULE IV**

The Presiding Officer - Election and Duties: The presiding officer of the Council shall be the President, who shall be elected at the re-organizational meeting and shall hold office for a period of one (1) year. At the re-organizational meeting the Vice President of the Council shall also be elected and shall hold office for a period of one (1) year. In the President's absence, the Vice President of the Council shall preside over the Council. In the absence of both the President and Vice President, a presiding officer shall be elected by a majority of the Council members present.

The President shall assume the chair of the presiding officer immediately after his or her election, and shall thereafter determine the seating arrangements for the remainder of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The President may vote on all questions, and his or her name will be called last.

#### **RULE V**

Minutes: Minutes of all meetings of the City Council, including closed sessions, shall be taken by the City Clerk in the format and manner required by law. These minutes shall promptly be presented to the Council in resolution form and approved by a majority vote of the City Council. Written communications from the Mayor or any member of the

Council, upon request, shall be placed in the minutes without the necessity for a vote, however, no other written communications shall be placed in the minutes unless approved by motion.

#### **RULE VI**

Call to Order: The President shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the President, the Vice President shall call the Council to order. Upon the arrival of the President, the Vice President shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

#### **RULE VII**

Roll Call: Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll of the members, and the names of those present shall be entered on the minutes.

#### **RULE VIII**

Quorum: A majority of the whole number of members of the Council shall constitute a quorum, but no ordinance shall be adopted by the Council without the affirmative vote of the majority of the full membership of the Council, unless a supermajority is required for adoption of a particular ordinance, in which case the vote shall be that required by law.

#### **RULE IX**

Order of Business: All meetings of the Council shall be open to the public promptly at the hour set for each meeting, the members of the Council shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposed in the following order:

1. Reading of Open Public Meetings Act notice

2. Flag salute
3. Roll call
4. Ordinances – 2<sup>nd</sup> Reading
5. Public Portion
6. Reports, petitions and communications from the Mayor
7. Miscellaneous Licenses
8. Claims
9. Payroll
10. Resolutions
11. Ordinances – 1<sup>st</sup> Reading
12. New business
13. Adjournment

In accordance with the Open Public Meetings Act, the Council by resolution may go into closed executive session at any time during the meeting for the purposes provided by law.

The presiding officer, at his or her discretion, shall retain the authority to deviate from the regular order of business as necessary for the efficient conduct of the meeting, subject to override by majority vote of the Council.

## **RULE X**

### **Rules of Debate:**

- (a) **Rights of Presiding Officer.** The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Council member due to his or her status as presiding officer.
- (b) **Getting the Floor.** Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine statements to the question under debate, avoiding all personal references and indecorous language.

- (c) Interruption. Upon being recognized by the chair, a member shall not be interrupted when speaking except to call a point of order or as otherwise provided herein. A point of order may only be called to bring to the attention of the presiding officer a violation of these Rules. If a member, while speaking, is interrupted by a point of order, the member shall cease speaking until the presiding officer determines the point of order. A point of order shall be decided by the presiding officer upon consultation with the Corporation Counsel where necessary. A point of order is not subject to debate, and may not be reconsidered.
- (d) Privilege of Opening or Closing Debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of opening the debate at his/her discretion, and the Council President shall have the privilege of closing the debate at his/her discretion.
- (e) Discussion During Vote. Upon any roll call there shall be no discussion or explanation given by any member voting, and the member shall vote aye, nay, present or abstain, unless the member shall first receive special permission from the Council to explain the member's vote or to refrain from casting the member's vote. No motions or amendments may be offered after the Council President has called a vote.
- (f) Limiting Debate Period. The presiding officer shall retain the power to limit the length of debate on any agenda item, including claims and payroll, provided, however, that Council members shall be allowed a minimum of five (5) minutes each to speak on any particular question under debate.

## **RULE XI**

Method of Voting: The vote upon every motion, resolution or ordinance shall be taken by roll call and the results of the vote shall be entered upon the minutes. In addition to voting yea or nay, a Council member may abstain or vote "present," which has the effect of an abstention. A Council member may not give statements, raise questions, or provide any other commentary other than casting a vote in accordance with this rule. Where a Council member violates this rule, disrupts the flow of a roll call, or otherwise fails to

cast a vote in accordance with this rule within a reasonable period of time after being called to vote, the Council President shall have the discretion to direct the Clerk continue the roll call to the next Council member.

The roll call shall be taken in alphabetical order of the members present except that the presiding officer shall vote last. Two or more resolutions may be placed on a consent agenda, and approved by a single roll call vote of the Council, provided that no member of the Council nor any member of the public wishes to be heard on any resolution listed on the consent agenda.

## **RULE XII**

Manner in Which the Public May Address the Council – Speaker’s List: Any member of the public desiring to address the Council shall sign either the list of speakers who wish to speak on a particular agenda item, and/or shall sign the list of speakers wishing to address the Council during the Public Portion period. The two lists referred to in this rule shall be prepared by the City Clerk and placed in a convenient place in the City Council Chambers for the convenience of those individuals desiring to speak. Copies of the agenda will be placed nearby. When called upon from the speakers list or to testify as part of a public hearing and be sworn in unless otherwise informed, a member of the public shall approach the rail and microphone, speak clearly, identify themselves by name; first and last spelling if requested. They shall then state whether they are a Hoboken resident, Hoboken business owner, or other interested party wanting to be heard.

## **RULE XIII**

Manner in Which the Public May Address the Council - Time Limits:

- (a) A speaker may speak for no more than five (5) minutes on any single resolution.
- (b) A speaker may speak for no more than five (5) minutes on any single ordinance for 2<sup>nd</sup> reading.
- (c) A speaker may address the City Council on any subject relevant to the affairs and interests of the City of Hoboken during the Public Portion on the agenda.

Any speaker addressing the Council during this period will be limited to five (5) minutes unless the presiding officer, in his or her discretion, decides that more time should be allotted to the speaker;

- (d) In the interest to attending to other business of the City in a timely manner, the presiding officer shall have the right to adjourn the Public Portion after one (1) hour, subject to an override by a majority of Council Members. In the event the Public Portion is adjourned under these circumstances, it shall resume on the agenda after the completion of votes of ordinances on 1<sup>st</sup> reading, and before New Business;
- (e) The City Clerk or Deputy City Clerk will monitor each speaker's time and inform the presiding officer when the speaker has used up the allotted time, at which time the speaker addressing the Council will immediately yield the floor. Whenever possible, the speaker shall be given a warning one minute prior to the expiration of his or her time.
- (f) If the speaker addressing the Council questions the Council concerning City matters, such questions will not be addressed until after the duration of the speaker's time, unless the Council President at his/her discretion, or upon the request of a Council member, requests an opportunity to address the question posed by the speaker. Only in such event, the time taken in answering the speaker's question will not count against the speaker's time. Upon the conclusion of the speaker's time, a Council member may comment on the subject under discussion upon being recognized by the presiding officer.
- (f) The rules governing the time allotted to the persons addressing the City Council may be relaxed at the discretion of the presiding officer or by a majority vote of the Council members present.

#### **RULE XIV**

**Manner in Which the Mayor May Participate in Meetings:** If the Mayor wishes to participate in any meeting of the City Council, he/she shall, if practicable, notify the President of said intention advance of the meeting. After the Roll Call, if the Mayor so requests, he/she shall be granted ten (10) minutes to address the Council with respect to

any matter relevant to the affairs and business of the City. In addition, prior to the Council debate on each agenda item, the President shall ask the Mayor if he/she wishes to speak with respect to that agenda item. If he/she chooses to do so, the Mayor shall be entitled to address the Council on that agenda item for five (5) minutes.

### **RULE XV**

#### **Decorum:**

- (a) **By Council Members.** While the Council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer except as otherwise herein provided.
- (b) **Members of the Public.** Any person making impertinent or slanderous remarks or who shall become disruptive while addressing the Council or while present in the Council Chambers shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

### **RULE XVI**

**Enforcement of Decorum:** The Chief of Police, or such member or members of the Police Department as the Chief may designate, shall be the Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all appropriate orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at any Council meeting.

### **RULE XVII**

**Persons Authorized to be within the Council rail:** No persons, except Council members, the City Clerk and/or Deputy City Clerk, and authorized City officers, shall be permitted within the rail in front of the Council Chamber without the express permission of the Presiding Officer.

## RULE XVIII

Committee of the Whole and Subcommittees: The Committee of the Whole shall consist of the full nine members of the Council. All standing subcommittees shall consist of at least three Council members. The Council President shall appoint all subcommittee members unless otherwise ordered by the Council. The following standing subcommittees are hereby established:

1. Revenue and Finance
2. Community Development
3. Parking and Transportation
4. Health and Human Services
5. Environmental Services
6. Public Safety.

The Council retains the right to establish additional, special subcommittees as required for the efficient operation of the Council. The Council President shall appoint all subcommittee members and the chair of each subcommittee, and shall serve as an ex-officio member of each subcommittee. The Council President shall have the right in his or her sole discretion to remove a member from any subcommittee, including special subcommittees, except that a majority of the whole membership of the Council may override the President's decision to remove a member from any regular or special subcommittee.

The Committee of the Whole is chaired by the Council President, who has sole authority to call a meeting of the Committee, which shall be noticed for purposes of the Open Public Meetings Act as a special meeting. However, no formal action shall be taken at any meeting of the Committee of the Whole.

Matters may be referred to subcommittees either by the presiding officer or by a vote of the majority of the Council present at the meeting.

Nothing hereinabove stated shall be construed so as to invest the membership of said subcommittees with any of the executive or administrative powers of the several City Departments, which are now vested in the Mayor and the Directors of the several City Departments, pursuant to the provisions of Chapter 210, Laws of 1950, and the amendments and supplements thereto.

### **RULE XIX**

Reports of Subcommittees: It shall be the duty of each subcommittee chair, or another subcommittee member selected by the subcommittee chair, at each City Council meeting, to provide a report of the subcommittee's activities, if any, since the last meeting at which such a report was given. The report, which may be oral or in writing, shall include a statement of how many meetings were held, who attended, a brief description of the matters that were discussed, and such recommendations to the Council relating to the matters considered by the subcommittee that have been decided upon by the members of the subcommittee. If the recommendations are not supported by all members of the subcommittee, the dissenting member shall be provided an opportunity to present his or her views after the subcommittee chair has completed presenting the report.

### **RULE XX**

Claims against the City: No account or other demand against the City shall be allowed until it has been considered and reported to the Council. In the event Council Members wish to receive additional information, have questions or require clarification regarding any claim, they shall, to the extent practicable, make a written request for same to the Business Administrator or his/her designee in writing, detailing the additional information, question or clarification requested with as much specificity as possible, no later than the close of business the day prior to the Meeting at which the claim is scheduled to be considered.

### **RULE XXI**

Ordinances, Resolutions, Motions and Contract Documents:

- (a) Preparation of Ordinances. All ordinances shall be prepared by the Corporation Counsel's office, and thereafter approved as to form and legality by the Hoboken Corporation Counsel. The Corporation Counsel's office shall, in a timely manner, provide all necessary legal guidance and assistance to any member of the Council seeking to introduce an ordinance.
- (b) Sponsorship of Ordinances and Time for Submission to City Council. Each ordinance must be sponsored by at least one member of the City Council,

whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to formal introduction and first reading.

(c) Resolutions. All resolutions must be sponsored by a member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to introduction.

(d) Other Matters and Subjects. Other matters and subjects must be read at the regular Council Meeting prior to the introduction of Resolutions and Ordinances.

**RULE XXII**

Reports and Resolutions to be filed with City Clerk: All reports and resolutions shall be filed with the City Clerk and entered on the minutes.

**RULE XXIII**

Adjournment: A motion to adjourn shall always be in order and decided without debate.

**RULE XXIV**

Certification of Passage of Ordinance over Mayor's veto:

Whenever an ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the City Clerk shall append to such ordinances a certification in substantially the following form:

*"I hereby certify that the above ordinance was passed by the Council of the city of Hoboken on the \_\_\_\_\_ day of \_\_\_\_\_ was vetoed by the Mayor of the City, and was passed over the said veto on the \_\_\_\_\_ day of \_\_\_\_\_.*

**DATED:**

*City Clerk*

## **RULE XXV**

### Attendance by and Interaction with City Officials:

The City Clerk or the Deputy City Clerk, the Corporation Council or his/her designee and the Business Administrator or his/her designee shall be required to attend all meetings of the City Council unless excused by the Council President. Subject to the limitations set forth by law and below, the President may ask the Mayor or his/her designee to consider a request that other Directors and/or City employees attend Council meetings to the extent the President believes such attendance would be helpful to assist the Council in its legislative responsibilities with respect to the matters on the meeting agenda. As expressly provided in N.J.S.A 40:69A-37.1, the Council shall deal with employees of the department of administration and other administrative departments solely through the mayor or his/her designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the Mayor or his/her designee, except as otherwise provided by law. The Council may, in accordance with applicable law, conduct inquiries into any act or problem of the administration of the municipality. Any Council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the mayor. The council may, by a majority vote of the whole number of its members, require the Mayor or his/her designee to appear before the council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to ensure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his/her designee to study any matter and to report to the Council thereon. As it is the expressed intent of the Mayor-Council plan of government to confer on the Council general legislative powers, the Council may exercise such investigative powers as are germane to the exercise of its legislative powers, but shall retain for the Mayor full control over the municipal administration and over the administration of municipal services.

**RULE XXVI**

Amendment of Rules of Procedure: No amendment to these Rules of Procedure shall be adopted unless it receives a vote of the majority of the full membership of the City Council. Any such amendment shall not take effect until the second regular meeting following adoption of the amendment.

Approved as to form:

\_\_\_\_\_  
Melissa Longo, Esq.  
Corporation Counsel

**Date of Adoption:**       , 2012

- (c) Resolutions. All resolutions must be sponsored by a member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to introduction.
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**DATED:**

*City Clerk*

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Approved as to form:

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Melissa Longo, Esq.  
Corporation Counsel

**Date of Adoption:**       , 2012

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

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

**RESOLUTION TO AUTHORIZE SERVICE CONTRACT WITH NEW JERSEY SYMPHONY  
ORCHESTRA FOR A TOTAL NOT TO EXCEED AMOUNT OF FORTY FIVE THOUSAND  
(\$45,000.00) DOLLARS**

**WHEREAS**, the City requests the artistic services of the New Jersey Symphony Orchestra, which is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(k), under the terms and conditions of the attached NJSO Agreement; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$45,000.00 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**, that the attached Agreement with New Jersey Symphony Orchestra is authorized by the City Council; 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: July 20, 2012**

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Quentin Wiest  
Business Administrator

\_\_\_\_\_  
Mellissa Longo, Esq.  
Interim Corporation Counsel

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



## AGREEMENT

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The AGREEMENT, made this 22<sup>nd</sup> day of March 2012, by and between the **New Jersey Symphony Orchestra** (“NJSO”) and **City of Hoboken** (“PRESENTER”);

WITNESSES, that it is agreed as follows:

Article I NJSO will perform an outdoor pops concert on Thursday, June 28, 2012 at 7:30pm at Pier A in Hoboken, New Jersey. NJSO will provide all necessary musicians and the conductor for the performance. NJSO will furnish its Mobile Sound Stage and Sound Tower, generator to power stage and sound, all necessary technical personnel to operate the Sound Stage, the IATSE stage and road crews, music rental and royalty payments, rental of special equipment and percussion equipment where necessary, and rental of truck(s) to transport such equipment.

Article II PRESENTER will provide the following: the use of Pier A for this performance, with access to NJSO personnel to the site at least eight (8) hours prior to the event for NJSO to deliver and set up its equipment and two (2) hours following the conclusion of the event to load out its equipment; security personnel and any other necessary attaches; any and all work or personnel required for the preparation, use and clean-up of the concert site; outdoor restrooms for the Orchestra and concert audience; restricted parking for the Orchestra & staff; provide and set up folding chairs for VIPs attending the concert (if PRESENTER wants a VIP seating area); and any other items or personnel reasonably required for the professional presentation of this event, except for those specifically noted in Article I as being provided by NJSO.

PRESENTER will also hold ready and available Hoboken High School auditorium for use as a rain site for this concert in the event of inclement weather.

Article III In consideration for the services of the NJSO listed herein, PRESENTER agrees to pay NJSO a fee of \$45,000.00. A deposit of \$10,000 is due on or before April 20 along with the fully executed contract. The balance of \$35,000 is due before

7:00pm on Thursday, June 28, 2012. Payments should be made by check payable to the "New Jersey Symphony Orchestra".

Article IV NJSO will not perform under conditions of direct sunlight on any portion of the stage, rain or lightning, or when the temperature on stage exceeds 90°F. NJSO, in consultation with PRESENTER, will determine by not later than 9:00 am on June 28, 2012 whether they want the performance to be held at the outdoor site or at the indoor rain site.

In the event the inclement weather conditions noted above should occur after the deadline of 9:00 am (after NJSO and PRESENTER commit to holding the performance outdoors), NJSO agrees to hold its personnel at the outdoor site so that the performance may begin or continue after such conditions may pass. Under no circumstances, however, will the NJSO perform beyond two-and-one-half hours after the scheduled beginning of the performance (i.e. NJSO will not perform later than 10:00 pm). If, after having decided to hold this event outdoors, inclement weather should interrupt all or part of NJSO's performance, PRESENTER will be responsible for the full amount noted in Article III above. NJSO will have the sole authority to determine if the weather permits it to begin or continue its performance out of doors, in consultation with PRESENTER.

Article V PRESENTER shall not make, nor shall it allow others to make, any audio or video recordings, broadcasts or transmissions of this event in any manner, without the express written consent of the NJSO.

Article VI All efforts deemed necessary to successfully promote this performance will be the sole responsibility of PRESENTER. PRESENTER will clearly and prominently credit NJSO in any and all promotional materials and concert programs produced in connection with these performances as the "New Jersey Symphony Orchestra". The NJSO will supply program information, including a biography of the NJSO and list of its members, and a biography and photograph of the conductor, if so requested by PRESENTER, for inclusion in the concert program.

Article VII In the event that the performance or any of the covenants of this AGREEMENT on the part of NJSO or PRESENTER shall be prevented by act of God, physical disability, the acts or regulations of public authorities or labor unions, labor difficulties, strike, war, epidemic, interruption or delay of transportation service, or any cause beyond the reasonable control of such party, excluding inclement weather which is governed by Article IV above, the performance may be re-scheduled at a mutually agreeable date. In the event the performance is cancelled, full payment shall still be due to NJSO as outlined in Article III.

Article VIII This AGREEMENT will be construed, governed, and interpreted pursuant to the laws of the State of New Jersey. This AGREEMENT represents the full and final understanding between the parties and neither party shall be bound by any terms or understanding other than those contained herein.

IN WITNESS WHEREOF the parties hereto have executed this AGREEMENT the day and year first above set forth.

**City of Hoboken**

**New Jersey Symphony Orchestra**

\_\_\_\_\_  
By: Dawn Zimmer, Mayor

\_\_\_\_\_  
By: André Gremillet, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

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

**THIS RESOLUTION REJECTS ALL BID PROPOSALS FOR THE PROVISIONS OF SUMMER FOOD SERVICE FOR THE CITY OF HOBOKEN IN THE SPECIFICATIONS IN BID NUMBER 12-06.**

**WHEREAS**, proposals were received for the provisions of summer food service for the City of Hoboken, as specified in Bid Number 12-06; and,

**WHEREAS**, one (1) proposal was received from the following bidder:

NU-WAY CONCESSIONAIRES  
339 BERGEN AVENUE  
KEARNY, NJ 07032

**WHEREAS**, the proposal far exceeded the City's cost estimate and the appropriated and available funds for the project; and,

**WHEREAS**, the bid was not properly advertised in accordance with the Local Public Contracts Law; and,

**WHEREAS**, as a result, the Office of Corporation Counsel recommends that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 12-06, pursuant to N.J.S.A. 40A:11-13.2(a) and (b).

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision under Bid No. 12-06, pursuant to N.J.S.A. 40A:11-13.2(a) and (b); and,

**BE IT FURTHER RESOLVED** that the City Council authorizes the Administration to take any and all steps necessary to properly contract for summer food service in accordance with the law and the requirements of the underlying grant; and,

**BE IT FURTHER RESOLVED**, that, to ensure the program may begin on its scheduled date of July 5, 2012, the City Council hereby delegates the Mayor and Business Administrator with the authority to award a contract with the lowest responsive proposal for services so long as the final contract amount does not exceed Twenty One Thousand Two Hundred Eighty Nine Dollars and Nineteen Cents (\$21,289.19).

**Date: June 20, 2012**

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

**REVIEWED:**

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Quentin Wiest  
Business Administrator

**APPROVED AS TO FORM:**

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Melissa Longo, Esq.  
Interim Corporation Counsel

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

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

**THIS RESOLUTION APPOINTS \_\_\_\_\_ TO THE HOBOKEN HOUSING AUTHORITY FOR THE REMAINDER OF A CURRENTLY VACANT (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 20\_\_**

**WHEREAS**, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

**WHEREAS**, the code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Housing Authority; and

**WHEREAS**, New Jersey law gives authority to the City Council to appoint (5) five members serving on the Housing Authority; and

**WHEREAS**, there is currently a vacant City Council appointed position on the Hoboken Housing Authority Board, which term expires on May 3, 20\_\_;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints \_\_\_\_\_, of \_\_\_\_\_, **Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the remainder of the five (5) year term, which expires on May 3, 20\_\_.

**Meeting of: June 20, 2012**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Mellissa L. Longo, Esq.,**  
**Interim Corporation Counsel**

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

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

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

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS**

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 4,090.50**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
PHH Mortgage Mortgage Service Center 95 Methodist Hill Dr. Ste 400 Rochester, NY 14623	109/1.01/C0413	1200 Grand St	1 <sup>st</sup> half 2012	\$4,090.50 Abatement

Meeting: June 20, 2012

Approved as to Form:

\_\_\_\_\_  
CORPORATION COUNSEL

\_\_\_\_\_  
Sharon Curran

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

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$246,271.25 REVISED**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
McKirby & Riskin, P.A. 136 South Street P.O. Box 2379 Morristown, NJ 07962-2379	15/12	609-615 First St	2011	\$4,621.00
Venino & Venino 8000 Kennedy Boulevard North Bergen, NJ 07047	212.01/3	104 Hudson St	2010	\$3,588.75 REVISED
Venino & Venino 8000 Kennedy Boulevard North Bergen, NJ 07047	212.01/3	104 Hudson St	2011	\$8,086.75
Marcus, Brody, Ford & 5 Becker Farm Road Roseland, NJ 07068	230/6.01	2-10 Hudson Pl	2009	\$59,479.25
Marcus, Brody, Ford & 5 Becker Farm Road Roseland, NJ 07068	230/6.01	2-10 Hudson Pl	2010	\$69,988.75
Marcus, Brody, Ford & 5 Becker Farm Road Roseland, NJ 07068	230/6.01	2-10 Hudson Pl	2011	\$100,506.75

**Meeting: June 20, 2012**

**Approved as to Form:**

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**CORPORATION COUNSEL**

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**SHARON CURRAN**

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

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

**City of Hoboken**

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

**RESOLVED, that filed minutes for the Hoboken City Council regular meetings of May 2, 2012 and May 16, 2012 have been reviewed and approved as to legal form and content.**

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

**Meeting Date:**

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

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

CITY OF HOBOKEN  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND ARTICLE V "LIMITED SIDEWALK CAFES" OF CHAPTER 168 ENTITLED "STREETS AND SIDEWALKS"**

**WHEREAS**, the City currently allows limited sidewalk cafes on a seasonal basis; and,

**WHEREAS**, the Council finds that the limited seasonal operation of sidewalk cafes does not fully account for weather conditions which may be acceptable for outdoor eating outside of the limited seasonal period allowed by law; and,

**WHEREAS**, the City Council wishes to provide the business owners the opportunity to determine their own schedule, not limited by season, for conducting sidewalk café business; 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 HOBOKEN CODE CHAPTER 168, ARTICLE V:**

§ 168-51 Permitted hours of operation.

Operation of ~~open~~ limited sidewalk cafes shall be permitted year round, on any day of the year. ~~from April 1 through November 30, inclusive.~~ The hours of operation shall be from 8:00 a.m. to 11:00 p.m. for food service only; alcoholic beverages shall be served from 11:00 a.m. to 11:00 p.m. only.

§ 168-52 Licenses.

A.

The City shall grant a revocable license renewable each year, on January 1<sup>st</sup>. ~~for seasonal~~ operation at a fee of \$300 per ~~year~~ season for limited sidewalk cafes seating 16 or fewer patrons and an ~~seasonal~~ operation fee of \$400 per year for limited sidewalk cafes seating over 16 patrons. The City Clerk shall issue such license upon the adherence to all conditions set forth in this article and all applicable City and state laws and regulations.

B.

The City of Hoboken, through its duly authorized agent, reserves the right to revoke the license of any limited sidewalk cafe licensee who, upon the expiration of 10 days after receipt of notice from the City of Hoboken or its agents of a violation of state law or any of the requirements set forth in this chapter, fails to cure the violation.

C.

The City of Hoboken expressly reserves the right to require the removal of all limited sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained.

**SECTION TWO: 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 THREE: SEVERABILITY**

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

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**

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

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

**Date of Introduction: June 20, 2012**

Introduction:

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

Final Reading:

<b>Councilperson</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>No Vote</b>
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				

David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

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

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.

**NIGHTCLUB of DISCOTHÈQUE** -- 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 -- 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, and dancing is not permitted.

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

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

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

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

#### **§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 not be permitted in front of bars, nightclubs, or retail food establishments as defined herein.

#### **§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. Smoking shall not be permitted within a sidewalk café.
- K. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.
- L. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.
- M. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.
- N. Food service shall be available during all times in which the sidewalk café is open for business.

- O. Restaurants which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.
- P. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.
- Q. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.
- R. The number of patrons served in the sidewalk café shall be limited to the maximum number indicated on the sidewalk café license. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper.
- S. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.
- T. Class II restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

**§168-504. 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 April 1 and ending on March 31 of the following year; except that no cafés shall be operated on the first Saturday in March, or when temperatures fall below 50° Fahrenheit, or when there is snow obstructing any part of the public right-of-way.
- 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 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, with no proration for a partial year, at \$5.00/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 ten (10) days of said citation.
- D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.
- E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the Planning Board or Zoning Board of Adjustment. Such request for hearing shall be in writing and delivered to the Planning Board, attn. Board Secretary, 94 Washington Street, Hoboken, New Jersey, 07030.
- F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

### **SECTION THREE: AMENDMENTS**

The following section of Chapter 196, entitled "Zoning" 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.

###### NIGHTCLUB or DISCOTHEQUE

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, and dancing is not permitted.

### RESTAURANT, CLASS II

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

### 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**

~~(e) 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 FOUR: REPEAL OF INCONSISTENT PROVISIONS**

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

## **SECTION FIVE: SEVERABILITY**

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

## **SECTION SIX: EFFECTIVE DATE**

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

**SECTION SEVEN: CODIFICATION**

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

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

Date of Introduction: \_\_\_\_\_

Approved as to Legal Form:

\_\_\_\_\_  
Melissa Longo, Corporation Counsel

<b>RECORD OF COUNCIL VOTE ON 1<sup>ST</sup> READING</b>				
<b>Councilperson</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>No Vote</b>
Councilwoman Castellano				
Councilman Cunningham				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Bhalla				

<b>RECORD OF COUNCIL VOTE ON 2<sup>ND</sup> READING</b>				
<b>Councilperson</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>No Vote</b>

Councilwoman Castellano				
Councilman Cunningham				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Bhalla				

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

CITY OF HOBOKEN  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 68 ENTITLED  
"ALCOHOLIC BEVERAGES" TO CHANGE AND UPDATE THE  
HOURS OF OPERATION OF LICENSED ESTABLISHMENTS  
UNDER SECTION 68-4**

**WHEREAS**, the hours of operation of establishments serving and/or selling liquor within the City of Hoboken, found at Hoboken General Code Section 68-4, was recently revised; and,

**WHEREAS**, the Council finds that the revisions relating to hours of operations on Thursday nights/Friday mornings created unintended inconsistencies; and,

**WHEREAS**, the City Council wishes to more closely align the City's Thursday night / Friday morning hours of operation for licensed establishments with the rules enforced by the City prior to the most recent revision; 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 HOBOKEN CODE SECTION 68-4**

A. No licensee shall serve, deliver or allow, permit or refer the sale, service or delivery of any alcoholic beverages or allow or permit the consumption of any alcoholic beverage on the licensed premises on:

(1) New Year's Day, when it is a Sunday, between the hours of 5:00 a.m. and 11:00 a.m., and on New Year's Day, when it is when it is any day other than a Sunday, between the hours of 5:00 a.m. and 6:00 a.m..

(2) Any day for which Hoboken City Hall is designated, in writing, as closed due to a Holiday, between the hours of 3:00 a.m. and 6:00 a.m.,

(3) Any other Sunday, between the hours of 3:00 a.m. and 11:00 a.m.,

(4) Any other Saturday, between the hours of 3:00 a.m. and 6:00 a.m.;

~~(5) Any other Friday, between the hours of 3:00 a.m. and 6:00 a.m.; and,~~

~~(6)~~ (5) Any other Monday, Tuesday, Wednesday, ~~or Thursday~~ or Friday between the hours of 2:00 a.m. and 6:00 a.m.

B. No licensee of an establishment that chooses to serve alcoholic beverages shall permit patrons to enter the premises after 2:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday. The provisions of this subsection shall not apply to those licensees that choose not to serve alcoholic beverages after 2:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday. Those licensees that choose to make this election must notify the City Clerk by August 1 of each year of their election. This election shall be effective for a one year period.

C. A licensee of an establishment that chooses to serve alcoholic beverages shall impose a closing time of 3:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday and 2:00 a.m. in the morning on all other days. The provisions of this subsection shall not apply to those licensees that choose not to serve alcoholic beverages after 2:00 a.m. in the morning on Friday, Saturday and/or Sunday. Those licensees that choose to make this election must notify the City Clerk by August 1 of each year of their election. This election shall be effective for a one year period.

**SECTION TWO: 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 THREE: SEVERABILITY**

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

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**

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

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

**Date of Introduction: June 20, 2012**

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

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

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

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-or-**

Approved by the Mayor  
On the \_\_ day of \_\_\_\_, 2011

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