

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON
REQUESTING PLANNING BOARD REVIEW OF 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 "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Municipal Council of the City of Hoboken (the "City Council") determined that the following property should be designated as an area in need of rehabilitation pursuant to the LRHL under N.J.S.A. 40A:12A-14(a):

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public right of way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public right of way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public right of way of Newark Street from and including the intersection with Willow Avenue (collectively, the "Property");
and

WHEREAS, a delineated area may be determined to be in need of rehabilitation if the City Council determines by resolution that a program of rehabilitation pursuant to the LRHL under N.J.S.A. 40A:12A-14(a) may be expected to prevent further deterioration and promote the overall development of the community when any one of the enumerated conditions set forth in the statute are met which includes N.J.S.A. 40A:12A-14(a)6 a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, the City has confirmed that the property within the delineated area meets the criteria of N.J.S.A. 40A:12A-14(a)6 wherein a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance;
and

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

WHEREAS, the City intends to designate the delineated area as an area in need of rehabilitation by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

Section 1. The aforementioned recitals are incorporated herein and made a part hereof as though fully set forth at length.

Section 2. The City Council hereby directs that the City Clerk transmit a copy of this resolution inclusive of Exhibit A to the City Planning Board for its review and providing its recommendation to the City Council within forty-five (45) days of the receipt of this resolution, under the LRHL pursuant to N.J.S.A. 40A:12A-14(a)

Section 3. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 4. This resolution shall take effect immediately.

Meeting Date: October 1, 2014

Department of Administration

Quentin Wiest, Business Administrator

Approved as to form:

Mellissa Longo, Corporation Counsel

839384_1

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

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

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public right of way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public right of way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public right of way of Newark Street from and including the intersection with Willow Avenue (collectively, the “Property”); and

WHEREAS, the LRHL pursuant to N.J.S.A 40A: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 shall first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the City Planning Board for its review; and

WHEREAS, on October 1, 2014 the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to the LRHL under, N.J.S.A 40A:12A-14(a); and

WHEREAS, the City Planning Board received and reviewed a report from the Planning Board Engineer confirming that a majority of the water and sewer infrastructure within the property is at least 50 years old and is in need of repair or substantial maintenance and that a program of rehabilitation under the

LRHL may be expected to prevent further deterioration and promote the overall development of the community. (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 the LRHL pursuant to N.J.S.A. 40A:12A-14(a)6; and

WHEREAS, the Planning Board reviewed the proposed resolution and recommends its adoption and the designation of the Property as an area in need of rehabilitation in accordance with the LRHL pursuant to N.J.S.A. 40A: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 and made a part hereof as though fully set forth at length.

Section 2. The City Council is in receipt and has considered the report of the Planning Board Engineer.

Section 3. The City Council hereby designates the Property as an area in need of rehabilitation pursuant to the LRHL under N.J.S.A. 40A:12A-14(a).

Section 4. The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review in accordance with the LRHL.

Section 5. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 6. This resolution shall take effect in accordance with the LRHL pursuant to N.J.S.A. 40A:12A-14(a).

Meeting Date: October 1, 2014

Department of Administration

Quentin Wiest, Business Administrator

Approved as to form:

Melissa Longo, Corporation Counsel

EXHIBIT A

ORDER ON MOTION

R. NEUMANN & CO.
VS
CITY OF HOBOKEN ET AL

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-002775-12T1
MOTION NO. M-000602-14
BEFORE PART B
JUDGE(S): JANE GRALL
WILLIAM E. NUGENT
ALLISON E. ACCURSO

MOTION FILED: 09/22/2014

BY: CITY OF HOBOKEN

ANSWER(S)
FILED:

SUBMITTED TO COURT: September 22, 2014

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS
22nd day of September, 2014, HEREBY ORDERED AS FOLLOWS:

MOTION BY RESPONDENT

MOTION TO DISMISS APPEAL

DENIED AND OTHER

SUPPLEMENTAL:

The opinion addresses issues of public importance.

FOR THE COURT:



JANE GRALL, P.J.A.D.

EXHIBIT B

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2775-12T1

R. NEUMANN & CO.,

Plaintiff-Appellant,

v.

CITY OF HOBOKEN, CITY COUNCIL OF
THE CITY OF HOBOKEN, DAWN ZIMMER,
MAYOR OF THE CITY OF HOBOKEN, and
PLANNING BOARD OF THE CITY OF HOBOKEN,

Defendants-Respondents.

APPROVED FOR PUBLICATION

September 23, 2014

APPELLATE DIVISION

Argued December 4, 2013 - Decided September 23, 2014

Before Judges Grall, Nugent and Accurso.

On appeal from Superior Court of New Jersey,
Law Division, Hudson County, Docket No.
L-6146-11.

Peter D. Dickson argued the cause for
appellant (Potter and Dickson, attorneys; R.
William Potter and Mr. Dickson, on the
brief).

Ronald D. Cucchiaro argued the cause for
respondents (Weiner Lesniak, LLP, attorneys;
Mr. Cucchiaro, of counsel and on the brief;
Richard Brigliadoro, on the brief).

The opinion of the court was delivered by

GRALL, P.J.A.D.

This appeal concerns Resolution No. 1 of the City Council of the City of Hoboken (Council) adopted pursuant to the Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 to -49. With that resolution, the Council delineated an "area in need of rehabilitation" (AINreh), which "means any area determined to be in need of rehabilitation pursuant to [N.J.S.A. 40A:12A-14]." This AINreh includes public streets and private properties, some of which are owned by plaintiff R. Neumann & Co. (Neumann) and known as the "Neumann's Leathers" properties. The Council adopted the resolution on October 19, 2011.

In delineating this AINreh, the Council relied on N.J.S.A. 40A:12A-14(a)(2)-(3) (recodified as N.J.S.A. 40A:12A-14(a)(6) by L. 2013, c. 159 approved on Sept. 6, 2013). Those portions of N.J.S.A. 40A:12A-14 permit a governing body to delineate an AINreh if it determines that "a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance" and further determines that a "program of rehabilitation, as defined in [N.J.S.A. 40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community." Ibid. (emphasis added). As defined in N.J.S.A. 40A:12A-3, "'[r]ehabilitation' means an undertaking, by means of extensive repair, reconstruction or renovation of existing

structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment" (emphasis added). The rehabilitation must be undertaken "to eliminate substandard structural or housing conditions and arrest the deterioration of that area." Ibid.¹

N.J.S.A. 40A:12A-14 also prescribes procedures a governing body must follow prior to adopting a resolution delineating an AINreh, and the Council followed them. The Council submitted two draft resolutions to the City's Planning Board (Board) for its consideration and recommendations as required by N.J.S.A. 40A:12A-14 – one in April and one in June 2011 that expanded the

¹ The language emphasized is misquoted at page 46 of Neumann's brief in an argument supporting its claim that the trial court misapplied a provision of the LRHL. Neumann's quotation omits the words "rehabilitation or."

It is important to stress that the LRHL distinguishes between AINrehs and areas in need of redevelopment (AINreds). "'Redevelopment area' or 'area in need of redevelopment' means an area determined to be in need of redevelopment pursuant to [N.J.S.A. 40A:12A-5 and 40A:12A-6] or [previously] determined . . . to be a 'blighted area' pursuant to [L. 1949, c. 187, N.J.S.A. 40:55-21.1 et al.] repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution, [which is the Blighted Areas Clause]. . . ." N.J.S.A. 40A:12A-3. While rehabilitation may be undertaken in both areas, the LRHL grants a municipality authority to take or acquire property in an AINred but expressly precludes exercise of eminent domain based on delineation of an AINreh. See N.J.S.A. 40A:12A-15 (quoted in footnote 8); N.J.S.A. 40A:12A-8(c).

initial proposed area to include additional private properties and the public streets that delineate the boundaries of the area. The Council also directed the Board to conduct a public hearing on the proposed resolution after giving notice by publication and by mailing to the owners of record of properties with 200 feet of the proposed delineated area, steps not expressly required by N.J.S.A. 40A:12A-14.

On July 2, 2011, the Council passed a resolution extending the forty-five-day statutory deadline for the Planning Board to provide its recommendations, N.J.S.A. 40A:12A-14, and the Board conducted a hearing and approved the draft resolution without recommending any change on September 27, 2011.² The Council adopted Resolution No. 1 after accepting public comment at its regular meeting.

This AINreh is a flag-shaped area in part of the southwestern section of Hoboken that includes and is demarked by

² The record provided on appeal includes a transcript of the September 27, 2011 public hearing before the Board and the vote of its members on a motion. Just prior to the vote, the Board's attorney described the motion as follows: "[T]he Board will recommend, that the study area be declared . . . an area in need of rehabilitation based upon the findings of the Board and the reports provided the Board's Planner and the Board's Engineer which will be forwarded to the City Council . . . for their use and that we're making that finding pursuant to the [LRHL]." The record provided to us on appeal does not include a resolution or correspondence transmitting its vote or the referenced materials to the Council. But the Council's resolution indicates that the reports were received.

public streets. The flag's pole is Observer Highway from its intersection with Jefferson Street easterly to its intersection with Hudson Street. The triangular-shaped flag runs northerly from and includes the intersection of Observer Highway's intersection with Willow Avenue, and from that intersection north to and including its intersection with Newark Street and from that intersection along Newark Street in a southwesterly direction to and including its intersection with Observer Highway.

The private properties included in this AINreh are known as Block 2, Lots 12 through and including Lot 26, and Block 2.1, Lots 1 through and including Lot 10. The total area, including the streets, is about 11.5 acres in area, only 3.3 of which are private property.

The Neumann Leathers properties, which Neumann describes as older industrial buildings, include all of the designated Lots in Block 2 and Lots 1 through 4 plus Lots 9 and 10 in Block 2.1. It does not include some private properties at the southwestern tip of the triangle formed where Newark Street meets Observer Highway. Neumann refers to the excluded properties as a "hole" in the flag portion of the AINreh. According to defendants, the shape is attributable to the exclusion of newer buildings and prior designations of AINrehs and AINreds in the areas on the

far side of the bordering streets. According to Neumann, the shape is the consequence of the Council's true purpose - protection of the artists, artisans and musicians that rent space in Neumann's buildings and serve the City's interest in cultural activities and retention of old industrial buildings that have historical significance as reminders of the industry that built the City. Those interests and concerns about the sewer system are expressed in the City's 2004 Master Plan, its 2010 Reexamination Report and numerous press releases and public statements from the mayor.

Following the adoption of Resolution No. 1 on October 19, 2011, Neumann filed a complaint naming as defendants the City of Hoboken, the Council, the City's Mayor, Dawn Zimmer, and the Board. The complaint asserts three claims in lieu of prerogative writs, in which Neumann contends that Resolution No. 1 is not supported by adequate evidence, is motivated by a pretextual purpose and is inconsistent with the LRHL. Neumann's complaint also includes four counts seeking damages alleging interference with its rights to property, free speech and equal protection and asserting a "de facto taking" amounting to an inverse condemnation. No testimony was taken in the trial court, and the case was decided and the record developed before

the Planning Board and Council, as supplemented by the motions and motions for reconsideration in the trial court.

This appeal is from the trial court's order of January 11, 2013. With that order, the court denied Neumann's second motion to reconsider a July 2, 2012 judgment dismissing the prerogative writs claims with prejudice, and the court granted defendant's summary judgment on the claims for damages.³ Because Neumann presents no argument on appeal claiming error in the dismissal of its claims for damages, any related error is deemed abandoned. Muto v. Kemper Reinsurance Co., 189 N.J. Super. 417, 420-21 (App. Div. 1983).

On appeal, Neumann challenges the court's disposition of the prerogative writ claims on six grounds: the court applied the wrong standard of review; the water and sewer infrastructure is not on the Neumann's Leathers property; the City does not own the infrastructure and, therefore, a program of rehabilitation cannot be expected to prevent further deterioration or promote development of the community; the court misapplied Riggs v. Township of Long Beach, 109 N.J. 601 (1998), in denying relief based on pretextual motivation; the Legislature intended to permit delineation of an AINreh based on the age and condition

³ Following the denial of its second motion for reconsideration, Neumann filed a motion for leave to appeal, which this court denied on October 5, 2012.

of a majority of water and sewer infrastructure only if a majority of the housing stock is also at least fifty years old; and this AINreh violates the Blighted Areas Clause of the State Constitution, N.J. Const. art. VIII, § 3, ¶ 1.

I

Where, as here, there is a challenge to a determination of a municipal agency, "an appellate court is bound by the same scope of review" as the trial court. Charlie Brown of Chatham, Inc. v. Bd. of Adj. for Chatham Tp., 202 N.J. Super. 312, 321 (App. Div. 1985). Municipal action "bears with it a presumption of regularity." Forbes v. Bd. of Tr. of Tp. of S. Orange Vill., 312 N.J. Super. 519, 532 (App. Div.), certif. denied, 156 N.J. 411 (1998). Thus, "when reviewing a decision of a municipal agency the trial court must recognize that the Legislature has vested discretion in the municipal agency to make that decision." Charlie Brown, supra, 202 N.J. Super. at 321; see Booth v. Bd. of Adj., Rockaway Tp., 50 N.J. 302, 306 (1967). "[B]ecause of their peculiar knowledge of local conditions," they "must be allowed wide latitude in the exercise of their delegated discretion." Ibid. A panel of this court "need not determine if [it] would have concurred in the designation but

only if it is supported by substantial evidence." Forbes,
supra, 312 N.J. Super. at 532.⁴

The Supreme Court has recognized that "the extent to which the various elements that informed persons say enter into the blight decision-making process are present in any particular area is largely a matter of practical judgment, common sense and sound discretion." Lyons v. City of Camden, 52 N.J. 89, 98 (1968). In such circumstances, "courts realize that the Legislature has conferred on the local authorities the power to make the determination. If their decision is supported by

⁴ It is important to note that it is the governing body's, not the planning board's, determination that a court reviews. N.J.S.A. 40A:12A-14(a) vests the authority to delineate an AINreh in the governing body not the planning board. The role the Legislature has assigned to the planning board is advisory. The governing body must submit a resolution to the municipal planning board before adopting it, and give the planning board forty-five days to submit "its recommendations regarding the proposed resolution, including any modifications" it may recommend. Ibid. But upon receipt of the recommendations, or after forty-five days if none are received, the governing body "may adopt the resolution, with or without modification." Ibid. Thus, the Legislature has delegated the responsibility, power and discretion to delineate an AINreh in conformity with the statute to the governing body. To the extent the trial court concluded that the planning board's action was under review, the court erred. See Kane Prop., LLC v. City of Hoboken, 214 N.J. 199, 226-28 (2013) (concluding, in another context, that where the governing body makes the final decision on a land use matter – when the governing body has elected to entertain appeals from a zoning board's grant of a use variance as authorized by N.J.S.A. 40:55D-17 – the courts review the decision of the governing body not the zoning board).

substantial evidence, the fact that the question is debatable does not justify substitution of the judicial judgment for that of the local legislators." Ibid.; see also Gallenthin Realty Development, Inc. v. Borough of Paulsboro, 191 N.J. 344, 372 (2007).⁵

Some determinations about conditions that qualify an area as one in need of rehabilitation are similarly a matter of practical judgment and sound discretion. In fact, in Bryant v. City of Atlantic City, 309 N.J. Super. 596, 614-16 (App. Div. 1998), we rejected a challenge to a governing body's delineation of an AINreh under an earlier iteration of N.J.S.A. 40A:12A-14. In Bryant, the City adopted a resolution setting forth the statutory criteria on which it relied. 309 N.J. at 615-16. We concluded that "[t]he City sufficiently complied with the

⁵ Defendants have urged us to consider unpublished opinions of this court that suggest consideration of the adequacy of the support in the record is not required. In discussing arbitrary decision making by a State officer, the Supreme Court noted that parties "concede[d] that the arbitrary, capricious, or unreasonable standard applicable in the review of administrative agency decisions subsumes the need to find sufficient support in the record to sustain the decision," and the Court went on to state that the "point is beyond argument." In the Matter of Proposed Quest Academy Charter School of Montclair Founders Group, 216 N.J. 370, 386 (2013). To the extent the unpublished opinions of this court addressing delineations of AINrehs suggest otherwise, we would not follow them. Bryant v. City of Atlantic City, 309 N.J. Super. 596, 616 (App. Div. 1998) (noting that there was "more than sufficient evidence to support the City's" determination and discussing the evidence).

requirements of N.J.S.A. 40A:12A-14, which, by its plain language, requires only that the City determine by resolution that the conditions exist before an area can be designated as one in need of rehabilitation." Id. at 616. And, we noted our agreement with the trial court's "conclusion that there was more than sufficient evidence to support the City's conclusion in this respect." Ibid.

We cannot take the approach adopted in Bryant in this case, because it is not at all clear that the Council applied the statutory criteria and because aspects of the criteria upon which the Council relied are quite specific and leave little room for discretion. Governing bodies of municipalities are "creations of the State" and as such are "capable of exercising only those powers of government granted to them by the Legislature." Wagner v. Mayor & Mun. Council of City of Newark, 24 N.J. 467, 474 (1957). Thus, substantial evidence supporting municipal action prevents judicial interference, but only "so long as the power exists to do the act complained of." Kramer v. Bd. of Adj., Sea Girt, 45 N.J. 268, 296 (1965).

To the extent Resolution No. 1 addresses the basis for the delineation of the AINreh, it misstates the statutory standard upon which the Council relied. Resolution No. 1 includes "WHEREAS" clauses citing the Council's statutory authority to

determine whether certain areas are in need of rehabilitation, identifying the area "it believes" is in need of rehabilitation, and noting its obligation to refer the question to the Planning Board and its compliance on June 1, 2011. Following those recitals Resolution No. 1 states:

WHEREAS, the City Planning Board received a report from the Planning Board Engineer and the Planning Board Planner that within the Property the water and sewer lines are at least [fifty] 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[A]:12A-14(a); and

WHEREAS, the Planning Board reviewed this resolution and recommends 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[A]: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[A]: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 [sic] 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.

[(emphasis added).]

The statute, N.J.S.A. 40A:12A-14, as it was written prior to the adoption of L. 2013, c. 159, set forth the criteria for delineation of an AINreh related to water and sewer infrastructure as follows:

a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that . . . (2) more than half of the housing stock in the delineated area is at least [fifty] years old, or a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in [N.J.S.A. 40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community.

Resolution No. 1 indicates that the Council relied on a report from the Planning Board Engineer and the Planning Board

Planner "that within the Property the water and sewer lines are at least [fifty] years old or are in need of substantial maintenance." (emphasis added). But clause (2) provides, "or a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance." (emphasis added). The statute simply cannot be read to permit a determination based on either the age of the majority of the infrastructure or the infrastructure's being "in need of repair or substantial maintenance." If there were any doubt about whether the structure of clause (2), with its reference to the age of housing stock and infrastructure, permitted a reading of the "and" in clause (2) as an "or," there no longer is.

After this appeal was fully briefed but before it was argued, the Legislature amended the LRHL with Chapter 159 of the Laws of 2013. L. 2013, c. 159 (approved September 6, 2013). Defendants, as authorized by Rule 2:6-11(d), filed a letter bringing Chapter 159 to our attention in May 2014, and Neumann filed a response.⁶ In land use cases, "[a]n agency or reviewing court will apply the law in effect at the time of its decision rather than the law in effect when the issues were initially

⁶ Neither party requested an opportunity to brief the relevance of the revisions to Chapter 159.

presented," Maragliano v. Land Use Bd. of Tp. of Wantage, 403 N.J. Super. 80, 83 (App. Div. 2008), certif. denied, 197 N.J. 476 (2009); see also Manalapan Realty, L.P. v. Tp. of Manalapan, 140 N.J. 366, 378-79 (1995); Riggs v. Tp. of Long Beach, 101 N.J. 515, 521 (1986). Accordingly, we apply the law as it stands now.

As amended by section 4 of Chapter 159, the portion of clause (2) of subsection a. of N.J.S.A. 40A:12A-14 addressing aged housing stock is addressed in clause (2), but aged water and sewer infrastructure is addressed separately in clause (6) as follows: "a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance." (emphasis added). The amendment eliminates the need to ponder what the Legislature intended here. The statute is unambiguous and must be applied in accordance with the plain meaning of its terms, which is the best indicator of the Legislature's intention. Gallenthin, supra, 191 N.J. at 359, 365.

There is absolutely nothing in the Resolution indicating that the Council determined that the area it delineated is in need of rehabilitation in conformity with N.J.S.A. 40A:12A-14(a)(6), as it is written now, or with N.J.S.A. 40A:12A-14(a)(2)-(3), as those provisions were written prior to the

adoption of L. 2013, c. 159. In short, Resolution No. 1 must be vacated, because we cannot conclude the Council "determine[d] by resolution [that an] enumerated condition exists." Bryant, supra, 309 N.J. Super. at 615.

We are left with a significant doubt about whether Resolution No. 1 is arbitrary, capricious and unreasonable because it rests on the Council's disregard or misunderstanding of the statutory standard. And for that reason, we vacate Resolution No. 1.

We further conclude that it is appropriate to vacate Resolution No. 1 without prejudice to the Council reconsidering the question in light of the pertinent amendments to the LRHL the Legislature made by adopting L. 2013, c. 159. We reach that conclusion because our decision to vacate the Resolution is not based on the inadequacy of the evidence.

II

In the interest of avoiding unnecessary and costly proceedings in the event that the Council pursues delineation of this AINreh, we address Neumann's claims about the meaning of N.J.S.A. 40A:12A-14. None has sufficient merit to warrant extended discussion.

The LRHL authorizes municipal governing bodies to undertake clearance, replanning, development and redevelopment, directly

or through a redevelopment agency, housing authority or redevelopment entity. N.J.S.A. 40A:12A-3, 40A:12A-4, 40A:12A-11, 40A:12A-21. In adopting the LRHL, the Legislature determined that in some communities in this State there have been and still are

conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.

[N.J.S.A. 40A:12A-2(a).]

The Legislature adopted the LRHL with the intention to "arrest and reverse" such conditions and to "promote the advancement of community interests through programs of redevelopment, rehabilitation and incentives to the expansion and improvement of commercial, industrial and civic facilities." N.J.S.A. 40A:12A-2(b)-(d). Moreover, as the Preamble to Chapter 159 of the Laws of 2013, phrased as "WHEREAS" clauses, makes clear, the Legislature has determined that "[m]unicipalities should be encouraged to engage in economic development initiatives by promoting and facilitating such efforts to create local economic stimulus and job creation through the tools and

incentives available under the" LRHL and, to that end, "should be provided the opportunity to pursue such programs without the use of eminent domain." L. 2013, c. 159 (reprinted as a note following N.J.S.A. 40A:12A-5 in the New Jersey Statutes Annotated).

Contrary to Neumann's argument, the delineation of an AINreh does not convey authority to exercise eminent domain.⁷ Upon delineation of an AINred, but not upon delineation of an AINReh, the area is "deemed to be a 'blighted area' for the purposes of Article VIII, Section III, paragraph 1" of the State Constitution. N.J.S.A. 40A:12A-14; compare N.J.S.A. 40A:12A-6(c) and N.J.S.A. 40A:12A-8 with N.J.S.A. 40A:12A-14 and N.J.S.A. 40A:12A-15.⁸

⁷ Sections 2, 3 and 5 of Chapter 159 of the Laws of 2013, amending N.J.S.A. 40A:12A-5, -6, -8 and -15, limit the power of condemnation in AINreds delineated after the effective date of Chapter 159 to instances in which the governing body has given notice that redevelopment determination will authorize the municipality to use the power of eminent domain – that is, a "Condemnation Redevelopment Area," N.J.S.A. 40A:12A-6 (as amended by L. 2013, c. 159, § 2).

⁸ In this respect, N.J.S.A. 40A:12A-15 provides:

With respect to a redevelopment project in an area in need of rehabilitation, the municipality or redevelopment entity, upon the adoption of a redevelopment plan for the area, may perform any of the actions set forth in [N.J.S.A. 40A:12A-8], except that with respect to such a project the

(continued)

Moreover, the delineation of an AINreh has no immediate effect. In order to exercise the powers granted in N.J.S.A. 40A:12A-8, other than the power of eminent domain that is not granted with respect to an AINreh, the governing body must adopt a "redevelopment plan" in conformity with N.J.S.A. 40A:12A-7. See N.J.S.A. 40A:12A-15 (providing that a municipality or redevelopment entity "may proceed with clearance, replanning, conservation, development, redevelopment and rehabilitation of an area in need of rehabilitation" but only "[i]n accordance with the provisions of a redevelopment plan adopted pursuant to [N.J.S.A. 40A:12A-7]"). While a "redevelopment plan" may address an AINred, or an AINreh or both, N.J.S.A. 40A:12A-3, that does not mean that a redevelopment plan may provide for the taking or acquisition of property within an AINreh.

(continued)

municipality shall not have the power to take or acquire private property by condemnation in furtherance of a redevelopment plan, unless: a. the area is within (1) an area determined to be in **need of redevelopment prior to the effective date of [L. 2013, c. 159]**, or (2) a **Condemnation Redevelopment Area** and the municipality has **complied with the notice requirements under [N.J.S.A. 40A:12A-6(b)(5)(e)]**; or b. exercise of that power is authorized under any other law of this State.

(emphasis added; changes adopted in L. 2013, c. 159, § 5 shown in bold).

If there was any reasonable basis for concern about the threat of a municipality's obtaining authorization to effectuate an acquisition or taking as a consequence of a governing body's delineation of AINreh, since the adoption of Chapter 159 there no longer is. To the extent that Neumann argues otherwise, it misunderstands the law. Given that the Council has not, and with this decision may not implement Resolution No. 1, there is no reason to discuss the Blighted Areas Clause.

Neumann also claims that N.J.S.A. 40A:12A-14, as written prior to the adoption of L. 2013, c. 159, applied to old water and sewer infrastructure in need of repair or substantial maintenance only if at least fifty percent of the housing stock was also old. Section 4 of Chapter 159 eliminates any ambiguity that may have allowed Neumann to make that argument. N.J.S.A. 40A:12A-14 now addresses aged housing stock in clause (2), and aged water and sewer infrastructure separately in clause (6) as follows: "a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance."

To the extent that it was not clear before, which we think it was, as amended by Section 4 of Chapter 159 there is no question now that N.J.S.A. 40A:12A-14 requires a governing body to determine "that a program of rehabilitation, as defined in

[N.J.S.A. 40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community" in every case. By that we mean the finding is required no matter which one of the six criteria for delineating an AINreh now listed in N.J.S.A. 40A:12A-14 that a governing body applies.⁹

Neumann raises another question about the meaning of N.J.S.A. 40A:12A-14. The contention is that because the sewer and water structure at issue lies under the public streets and rights of way, no other property may be included in this AINreh. The statutory language provides no support for that interpretation. Moreover, as the evidence presented to the

⁹ In pertinent part, as amended by Section 4 of Chapter 159, N.J.S.A. 40A:12A-14 provides:

- a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in [N.J.S.A. 40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that . . . (2) more than half of the housing stock in the delineated area is at least [fifty] years old; . . . or (6) a majority of the water and sewer infrastructure in the delineated area is at least [fifty] years old and is in need of repair or substantial maintenance.

Board and Council demonstrates, planning development and encouraging measures such as open space, stormwater collection and use of pervious pavement on private property are related to the strain on this City's antiquated, combined sanitary and stormwater sewer system. As things stand, the sewer system backs up and leaves untreated sewage in the streets of this portion of the southwestern section of Hoboken and others. Despite evidence that the sewer authority has undertaken projects that have had some minimizing impact on the flooding, there is also evidence suggesting the problem is far from solved.

Given our disposition of the case, it would serve no purpose to discuss Neumann's claim that Resolution No. 1 was adopted as a pretext for an ulterior motive - a purpose impermissible under the LRHL - and one the City cannot ameliorate with a program of rehabilitation because it does not own the sewer or water infrastructure.

Resolution No. 1 is vacated without prejudice to the Council's reconsideration of the question under current law.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION



September 29, 2014

Dear City Council Members:

I am glad to provide you with an update on our planned bike share system. As you may know, there have been delays in the system due to the difficulty of finding sponsorships for the program. Fortunately, we have an opportunity to launch the first phase of our bike share system by late fall of this year. The manufacturer of the bikes for our system, NextBike, has agreed to self-finance the cost for 300 bicycles and bike stations for a first phase.

This phase would kick off in late fall of 2014 with 230 bikes in Hoboken and 70 bikes in Weehawken. Our understanding is that Jersey City has decided to go in another direction with their bike share program.

We are in the process of identifying bike share locations, and we would appreciate your suggestions and assistance in collecting input from the public. Please review the attached map with preliminary proposed bike share locations and provide us with any feedback you might have by Wednesday, October 8th. I also invite you to share the following link with your constituents so that they can review the proposed locations and provide us with their input on suggested bike share locations: <https://openplans.org/hoboken/bikeshare>. One potential idea for locating the bike share stations is in the 25 foot clear zone at corners. In this way, we would not take away parking and we would also have the dual benefit of "daylighting" the corner and improving pedestrian safety at intersections throughout the City.

Above all, my priority for a bike share system is that it is accessible to as many Hoboken residents as possible and is financially self-sufficient. Because this next generation bike share technology uses virtual stations in addition to traditional "smart docks" that you may have seen in other cities, it costs about a quarter of what traditional systems cost. This has two important consequences: First, it will be able to support locating more bikes throughout more neighborhoods based on the sponsorship and advertising revenue that is secured. Second, it will mean that the system will be more financially self-sufficient and not a burden to Hoboken taxpayers. With only a few exceptions, traditional bike share systems require either significant grant funding or public subsidy.

Please let me know if you have any questions.

Sincerely,



Dawn Zimmer



Source: City of Hoboken, Hudson County, Public Service Electric & Gas, North Hudson Sewerage Authority
 NOTE: Information outside of Hoboken city limits has not been verified.

September 2014

Hudson Bike Share: Preliminary Proposed Stations



City of Hoboken
 Department of Transportation & Parking



September 30, 2014

Dear City Council Members:

I am writing regarding a proposed agreement with North Hudson Sewerage Authority for the H5 wet weather pump, with an update on Neumann Leathers Rehabilitation Area, and to make you aware of a Special Meeting planned for October 8 to present the Redevelopment Plan for Hoboken Terminal and Rail Yards and the redesign of Washington Street.

H5 Wet Weather Pump Station

As you know, there is a resolution on the agenda for an interlocal agreement with North Hudson Sewerage Authority regarding the H5 wet weather pump station. I thank the Council for their past support of this project and hope you will continue to support this moving forward. It is very important that we move forward as expeditiously as possible to protect Hoboken from flooding, and this pump is one component of a broader strategy that supports the City's comprehensive plan to address flooding.

Under the agreement, the city will be responsible for the NJEIT fund low interest loan for \$11.163 million which includes the H5 pump station construction administration and project management as well as the City Hall sustainable stormwater demonstration project. North Hudson Sewerage Authority will be responsible for design engineering and construction of the H5 pump station as well as operations and maintenance for a 99 year term. They will also be responsible for any change orders and/or cost overruns.

Neumann Leathers

I also want to give you an update on the recent Appellate Division ruling in the Neumann Leathers case brought against the City regarding the designation of the Rehabilitation Area. There are important findings in the case which will not only allow us to move forward with this Rehabilitation process, but which will also clarify the Rehabilitation process and protect and strengthen the City's ability to use that process to move forward other important projects like the Post Office, SouthWest, and North End Rehabilitation Areas.

The court rejected R. Neumann's argument that the rehabilitation designation could only be used in areas where housing stock is more than fifty years old. It rejected the argument that the rehabilitation designation could not be used on the site because the public utilities were located beneath the public street (and not beneath the property). And it also rejected the argument that the

rehabilitation designation could not be used because the water and sewer are controlled by independent authorities.

The State Legislature recently clarified the law regarding Redevelopment and Rehabilitation -- after the City had made its Rehabilitation designation and the Superior Court ruling. Following this codification, the court conducted a thorough analysis of our designation and found that whereas our resolution states: "or a majority of the water and sewer infrastructure in the delineated area is at least fifty years old or in need of repair or substantial maintenance," the statute uses the word "and" rather than "or". While this will not slow down the process, we have placed a revised resolution on the agenda for this week. Afterwards, the matter will go to the Planning Board for consideration at the October 7th meeting, and we hope that with their support, it will return to the City Council on October 15th so that we can move forward with an introduced plan.

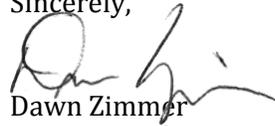
As you may know, the Neumann Leathers complex was purchased by new owners on September 11, 2014. Our planner has already met with the new owners, and they have expressed interest in working with us and the community on developing a balanced plan that supports the community and the artists. I look forward to working with all of the property owners, the community, and the City Council throughout this important process.

Special Meeting on October 8

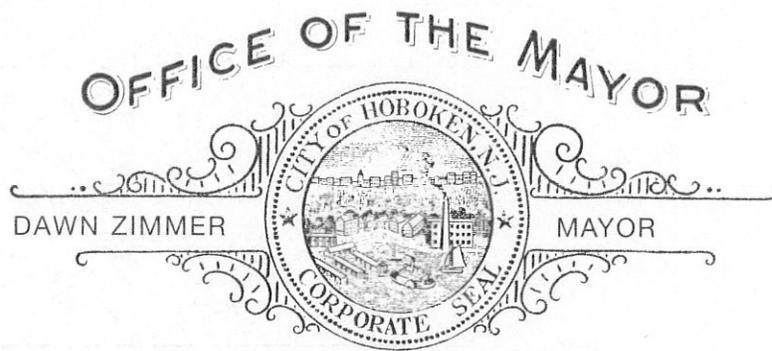
I want to make you aware of a planned Special Meeting for Wednesday, October 8. The meeting will include a closed session regarding redevelopment of Hoboken Terminal and Rail Yard and a presentation on the proposed Redevelopment Plan. We will not formally introduce the plan for a vote until the following week, Wednesday, October 15. In addition, we would like to give the Council a presentation on the plans for the redesign of Washington Street.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Zimmer", written over the printed name.

Dawn Zimmer



Proclamation

WHEREAS October is National Breast Cancer Awareness Month and the City of Hoboken is proud to partner with Susan G. Komen North Jersey Affiliate to support the cause and further the mission to eradicate breast cancer as a life-threatening disease; and

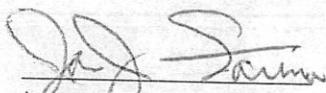
WHEREAS the City of Hoboken supports awareness and education of diseases such as breast cancer, which touches millions of lives and is diagnosed every day in our community. Without a cure, 1 in 8 women in the United States will continue to be diagnosed with breast cancer – a devastating disease with physical, emotional, psychological and financial pain that can last a lifetime; and

WHEREAS as part of Breast Cancer Awareness Month, the City of Hoboken, in conjunction with the Susan G. Komen North Jersey Affiliate "Tie A Ribbon" Campaign, will be tying pink ribbons around trees outside City Hall on Wednesday, October 1, 2014; and

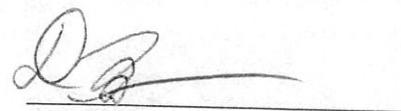
WHEREAS the pink ribbons are a symbol of courage, support and hope for a cure and honor those who have been touched by the disease, as well as a way to raise awareness and remind women to do their monthly self-exams, schedule a clinical exam and get their mammogram; and

WHEREAS the City of Hoboken will proudly join the 2014 Tie A Ribbon for the Cure campaign on October 1, 2014;

NOW THEREFORE, I, Dawn Zimmer, Mayor of the City of Hoboken, do hereby proclaim October as **National Breast Cancer Awareness Month** in the City of Hoboken, to be marked by the tying of pink ribbons around Hoboken City Hall from October 1, 2014 through October 31, 2014 and hereby commend the Susan G. Komen North Jersey Affiliate for their leadership and commitment to the health of our community.


James J. Farina, City Clerk
Dated: October 1, 2014




Dawn Zimmer, Mayor

Introduced By: _____

Second By: _____

**MEETING OF THE CITY COUNCIL
OF HOBOKEN, NEW JERSEY
MISCELLANEOUS LICENSING
OCTOBER 1, 2014**

VENDORS

1 ITEM

MAROON ACCESSORIES 6611 PARK AVE. WEST NEW YORK, NJ 07093	(\$100.00) JEWELRY
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RAFFLES

(\$20.00 / DRAWS)

3 ITEM

ST. FRANCIS ROSARY ALTAR SOCIETY 308 JEFFERSON ST. HOBOKEN, NJ 07030	RA 1461 12/13/2014
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LIBERTY HUMANE SOCIETY 235 JERSEY CITY BLVD. JERSEY CITY, NJ 07305	RA1462 10/11/2014
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ROTARY CLUB OF TEANECK POB 222 TEANECK, NJ 07666	RA 1463 11/4/2014
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Office of Taxi & Limo Licensing

Miscellaneous Licenses for City Council Approval

September 17, 2014 City Council Meeting

Operator Licenses: 7 Total

Owner Licenses: 0 Total

Taxi Operator Licenses - 5 total

#	Last Name	First Name	Driver Type	License #	Fee
1	Pinzon	Sergio	TAXI	T0116	\$75
2	Youssef	Michael	TAXI	T0119	\$75
3	Rofaeel	Shenoudaa	TAXI	T0162	\$75
4	Tadrous	Emad	TAXI	T0163	\$75
5	Hanna	Ramzy	TAXI	T0164	\$75
6	Shoundh	Michael	TAXI	T0165	\$75

Total Fees: \$450
Total Licenses: 6

Limo Operator Licenses -5 total

#	Last Name	First Name	Driver Type	License #	Fee
1	Mancia	Ramon	LIMO	L0044	\$75
2	Matallana	Carlos	LIMO	L0151	\$75
3					

Total Fees: \$150
Total Licenses: 2

Taxi Owner Licenses -0 total

#	Company Name	Vehicle Type	Vehicle #	Fee
1				

Total Fees: \$ -
Total Licenses: 0

Limo Owner Licenses - 0 total

#	Company Name	Vehicle Type	Vehicle #	Fee*
1				
2				

Total Fees: \$ -
Total Licenses: 0

* Limo Fees include: \$10 License Fee per vehicle, and \$700 Admin fee per vehicle. The \$50 fee per Corporation is not included in this list of licenses.

CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 1, 2014

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
ADM BUSINESS ADMINISTRATION	IFEDERAL IOPERATING	14-00322	HOLT MORGAN RUSSELL ARCHITECTS	PRESERVATION PLAN - CITY HALL	\$ 7,274.00		
		13-03660	RBA GROUP ENGINEERS/PLANNERS	REDESIGN WASHINGTON STREET	\$ 46,586.99		
		14-03245	BOSWELL ENGINEERING	BIKE LANE PLANS&GRANT-8/8/14	\$ 256.50		
		14-03287	NJLM	NJLM CONF-REGISTRATIONS	\$ 825.00		
		14-00146	PRINCETON HYDRO	POST SANDY DISASTER PLAN	\$ 7,588.49		
		14-00603	MILLENNIUM STRATEGIES	GRANT WRITING SRVCS	\$ 3,333.00		
		ICAPITAL	12-03196	PROFESSIONAL SYSTEM ENG'G, LLC	VOICE DATA CONSULTANT SERVICES	\$ 1,960.00	
	ADM CITY COUNCIL	IOPERATING	14-03244	ASL PRODUCTIONS LLC	DVD & LIVE STREAM-COUNCIL MTGS	\$ 1,200.00	
	ADM FINANCE SUPERVISORS OFF	IOPERATING	14-02481	HOBOKEN PUBLIC LIBRARY	LIBRARY ALLOCATION	\$ 411,065.00	
			14-02839	TREASURER, STATE OF NJ	MULTI-PARKS # 0905-94-050	\$ 32,468.05	
14-03007			DON DIMITRIEVICH	REFUND BAIL	\$ 65.00		
14-03028			AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 2,792.39		
14-03060			AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 3,991.56		
14-03119			G.F.O.A. OF NEW JERSEY	CONFERENCE REGISTRATION	\$ 325.00		
14-03182			AUTOMATIC DATA PROCESSING	PAYROLL PROCESSING CHARGES	\$ 2,690.45		
ADM LEGAL ADVERTISING			IOPERATING	14-02031	JERSEY JOURNAL	LEGAL ADS FOR MAY 2014	\$ 1,068.47
				14-02709	JERSEY JOURNAL	LEGAL ADS FOR JULY 2014	\$ 1,299.07
ADM MAYOR'S OFFICE			IOPERATING	14-03442	POSTMASTER, NEWARK	FALL 2014 NEWSLETTER POSTAGE	\$ 5,000.00
ADM MUNICIPAL COURT	IOPERATING	14-01792	ACCURATE LANGUAGE SERVICES	CERTIFIED LANGUAGE INTERPRETER	\$ 3,786.00		
		14-03188	KELLY AUSTIN, JMC	SVCS RENDERED AS ACTING JUDGE	\$ 300.00		
		14-03243	SUPREME SECURITY SYSTEMS INC	PERIODIC SERVICES	\$ 347.25		
		ADM PARKING UTILITY	IPARK UTILITY	14-01414	NETWORKFLEET, INC.	VEHICLE GPS - APRIL 2014	\$ 542.90
		14-01739	NETWORKFLEET, INC.	VEHICLE GPS SYSTEM - MAY 2014	\$ 542.90		
		14-01899	NAGELS NORTH AMERICA LLC	PAYSTATION METRIC ROLLS	\$ 33,200.00		
		14-02014	PROPARK AMERICA NEW YORK	GARAGE MANAGEMENT FEES - 5/14	\$ 44,493.83		
		14-02217	NETWORKFLEET, INC.	GPS SERVICES - JUNE, 2014	\$ 542.90		
		14-02586	CINTAS CORPORATION NO 2	RUG/MAT MAINTENANCE	\$ 97.45		
		14-02591	NETWORKFLEET, INC.	GPS SERVICES - JULY 2014	\$ 542.90		
		14-02922	GLENCO SUPPLY INC.	TRAFFIC SIGNS/ACCESSORIES	\$ 1,810.00		
		14-02972	NETWORKFLEET, INC.	HPU GPS SYSTEM - AUG. 2014	\$ 542.90		
		14-02978	W.B. MASON CO., INC.	HPU OFFICE SUPPLIES	\$ 1,288.89		
		14-02996	ANDREW ZAROFF	REFUND NO PARKING SIGNS	\$ 20.00		
		14-03066	TULPEHOCKEN SPRING WATER CO.	WATER COOLER SUPPLIES	\$ 30.00		
		14-03068	AUTOPART INTERNATIONAL	HPU VEHICLE PARTS	\$ 250.17		
		14-03082	METROPOLITAN COFFEE SERVICE	COFFEE & SUPPLIES	\$ 177.95		
		14-03090	PROPARK AMERICA NEW YORK	MANAGEMENT FEES - AUGUST 2014	\$ 44,493.83		
		14-03092	ACADEMY EXPRESS LLC	HOP BUS WASH - AUGUST 1, 2014	\$ 40.00		
		14-03101	FASTENAL	HPU/GARAGES MISC. SUPPLIES	\$ 925.08		
		14-03164	TULPEHOCKEN SPRING WATER CO.	WATER COOLER SUPPLIES	\$ 42.00		

CITY OF HOBOKEN
 CLAIMS LISTING
 OCTOBER 1, 2014

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
		14-03166	GRAINGER, INC	GARAGE SUPPLIES/FASTENER	\$ 274.95
		14-03167	HOBOKEN WATER SERVICE	916 GARDEN ST. UTILITY	\$ 91.40
		14-03170	AUTOPART INTERNATIONAL	HPU VEHICLE PARTS	\$ 270.84
		14-03171	CHEVROLET OF JERSEY CITY	HPU VEHICLE PARTS	\$ 311.56
		14-03174	VERIZON	HPU/GARAGE UTILITIES - 8/14	\$ 2,260.26
		14-03203	IN-LINE AIR CONDITIONING	HVAC SERVICES/REVIEW	\$ 2,261.56
		14-03205	JOSEPH VURCHIO	REFUND TOWING	\$ 187.50
		14-03330	PSE&G COMPANY	HPU/GARAGE UTILITIES - 08/14	\$ 13,877.85
		14-03333	921 PRAXAIR DIST MID-ATLANTIC	CYLINDER RENTAL-916 GARDEN ST.	\$ 32.65
		14-03335	AT&T (LD)	HPU LD SERVICES - AUGUST 2014	\$ 39.46
		14-03336	PURCHASE POWER	POSTAGE BY PHONE - AUGUST 2014	\$ 222.00
		14-03337	NETWORKFLEET, INC.	GPS INSTALL	\$ 130.00
		14-03403	PITNEY BOWES	METER LEASE PAYMENT - SEPT.	\$ 204.00
		14-03414	EXXONMOBIL FLEET GECC	HPU FUEL - AUGUST 2014	\$ 1,883.81
		14-03416	PAETEC COMMUNICATIONS INC.	LONG DISTANCE - AUGUST 2014	\$ 72.31
		14-03421	AT&T MOBILITY	MULTI-METER UTILITIES	\$ 1,943.49
		14-03423	NETWORKFLEET, INC.	HPU GPS SYSTEM - SEPT. 2014	\$ 542.90
		14-03437	PSE&G COMPANY	MIDTOWN GARAGE UTILITIES-8/14	\$ 9,836.61
		14-03204	ALLEN MUMINOVIC	REFUND NO PARKING SIGNS	\$ 20.00
ADM SPECIAL COUNSEL	IOPERATING	14-03319	CRT SUPPORT CORP. GROUP	BALANCE OF TRANSCRIPT	\$ 256.00
ADM TAX ASSESSOR	IOPERATING	14-02282	ADAMS, REHMANN & HEGGAN ASSOC.	TAX MAP MAINTENANCE 2014	\$ 2,250.00
		14-02763	McGUIRE ASSOCIATES, LLC	REAL ESTATE APPRAISER	\$ 46,749.96
		13-02280	ADAMS, REHMANN & HEGGAN ASSOC.	TAX MAP MAINTENANCE 2013	\$ 3,000.00
ADM TAX COLLECTOR	IOPERATING	14-03126	PHH MORTGAGE	REFUND TAX OVERPAYMENT	\$ 3,359.31
		14-03130	PHILIP & JENNIFER CARROLL	REFUND TAX OVERPAYMENT	\$ 1,835.24
		14-03133	PHH MORTGAGE	REFUND TAX OVERPAYMENT	\$ 2,018.23
	ITRUST	14-03118	US BANK CUST. PRO CAP II, LLC	REDEMPTION	\$ 31,016.41
		14-03123	US BANK CUST. PRO CAP II, LLC	REDEMPTION	\$ 899.70
		14-03211	JMAM PARTNERS	REDEMPTION	\$ 173,095.70
ADM ZONING OFFICER	IOPERATING	14-03202	LORMAN EDUCATION SERVICES	SEMINAR FOR ANN HOLTZMAN	\$ 219.00
ADM/CITY CLERK	IOPERATING	14-03250	METROPOLITAN COFFEE SERVICE	COFFEE BREWER RENTAL	\$ 30.00
		14-03251	ANNETTE CHAPARRO	Reimbursement4 office supplies	\$ 51.51
		14-03311	NJLM	LEGISLATIVE BULLETIN 2014-2015	\$ 77.00
CD DIRECTOR'S OFFICE	IOPERATING	14-00728	MCMANIMON,SCOTLAND, & BAUMANN	SP LEGAL COUNSEL-REDEVELOPMENT	\$ 304.00
		14-03012	BANISCH ASSOCIATES	GREEN ACRES DIVERSION MNGR	\$ 2,130.00
		14-02024	MASER CONSULTING P A	POST OFFICE REDEV. PLAN	\$ 5,200.75
		14-02025	MASER CONSULTING P A	WESTERN EDGE REDEV PLAN	\$ 10,244.25
CD MLUL PB ESCROW ACCTS	ESCROW	14-03163	REMINGTON & VERNICK ENGINEERS	DEVELOPERS ESCROW	\$ 1,790.00
		14-03223	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 490.00

CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 1, 2014

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$		
CD MLUL PB ESCROW ACCTS	ESCROW	14-03224	MASER CONSULTING P A	DEVELOPERS ESCROW	\$ 663.00		
		14-03288	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 140.00		
		14-03329	REMINGTON & VERNICK ENGINEERS	DEVELOPERS ESCROW	\$ 718.75		
CD MLUL ZBA ESCROW ACCTS	ESCROW	14-03221	H2M ASSOCIATES INC.	DEVELOPERS ESCROW	\$ 10,763.16		
		14-03222	H2M ASSOCIATES INC.	DEVELOPERS ESCROW	\$ 350.00		
		14-03226	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 140.00		
		14-03227	H2M ASSOCIATES INC.	DEVELOPERS ESCROW	\$ 580.00		
		14-03228	EFB ASSOCIATES, LLC	DEVELOPERS ESCROW	\$ 1,196.25		
		14-03229	MARGARET MORRISON, LLC	REFUND DEVELOPERS ESCROW	\$ 1,731.39		
		14-03282	RED BRIDGE HOMES	REFUND DEVELOPERS ESCROW	\$ 250.93		
		14-03289	THE GALVIN LAW FIRM	DEVELOPERS ESCROW	\$ 5,075.00		
		CD MLUL ZONING BD OF ADJ	IOPERATING	14-03181	PHYLLIS T. LEWIS	PROFESSIONAL SERVICES	\$ 186.00
		COMMUNITY DEVELOPMENT	ICDBG2818	14-03249	HOPES INC.	CDBG PORTION HOPES INC.	\$ 3,960.92
ES PUBLIC PROPERTY	IOPERATING	14-01320	STANDARD ELEVATOR, CORP.	ELEVATOR REPAIR - COM. CENTER	\$ 16,607.00		
		14-01013	GENERAL LUMBER CO.	Supplies- Storage Room 3rd fl	\$ 122.00		
		14-02393	MAGIC TOUCH CONSTRUCTION CO.,	PLUMBING SERVICES	\$ 3,803.94		
		14-02954	TRANE OF NEW JERSEY	HVAC REPAIR POLICE DEPT.	\$ 1,935.23		
		14-03199	GENERAL LUMBER CO.	WOOD WORK PARKING UTILITY	\$ 64.80		
		14-03200	COOPER PEST SOLUTIONS, INC.	PEST CONTROL CITY BUILDINGS	\$ 755.50		
		14-03290	FCA LIGHTING	FLOURESCENT LIGHT MULTI CENTER	\$ 220.00		
		14-03293	BOSWELL ENGINEERING	SOIL EROSION & SEDIMENT CONTRL	\$ 925.00		
		14-03302	GENERAL LUMBER CO.	WOOD SUPPLIES CITY HALL	\$ 1,665.00		
		14-03304	METRO FIRE & COMMUNICATIONS	SERVICE CALL POLICE DEPT.	\$ 246.35		
		ES ROADS	IOPERATING	14-03142	TILCON NEW YORK	ASHPALT/ CITY STREETS	\$ 151.20
		ES SOLID WASTE	IOPERATING	14-03254	HUDSON COUNTY IMPROVEMENT AUTH	TONNAGE/DART CHGS. AUGUST 2014	\$ 202,661.49
				14-03303	CALI CARTING, INC.	SOLID WASTE/RECYCLING 9/14	\$ 146,666.66
FLEET MANAGEMENT	IOPERATING	14-02869	M & G AUTO PARTS, INC.	PARTS FOR CENTRAL VEHICLES	\$ 582.74		
		14-03078	JOHN'S MAIN AUTO BODY	GARBAGE TRUCK TOWED TO BEYER	\$ 545.00		
		14-03081	SANITATION EQUIP. CORP.	REPAIRS TO TRUCK 178	\$ 4,066.12		
HS BD OF HEALTH	IOPERATING	14-01766	DRIVERS LICENSE GUIDE CO.	2014-2015 DRIVERS LIC. GUIDE	\$ 45.85		
		14-03141	N.J. ENV. HEALTH ASSOCIATION	MEMBERSHIP	\$ 100.00		
HS CULTURAL AFFAIRS	IO M FUND ITRUST	14-03268	COOPER PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	\$ 120.83		
		14-01695	EVENING JOURNAL ASSN	AD - SPRING FESTIVAL	\$ 423.00		
		14-02808	SKYLINE GRAPHIC MANAG. INC.	STICKERS FOR BANNERS	\$ 335.00		
		14-02956	MICHAEL FORBES	ELECTRICAL QUAD BOXES	\$ 40.00		
		14-03193	FRANKIE MORALES	PERFORMANCE - FALL FESTIVAL	\$ 1,200.00		
		14-03260	BANANA SOUND INC.	SOUND EQUIPMENT RENTAL	\$ 2,300.00		
		14-03264	ALL STAR RENTALS, INC.	TABLE/CHAIR RENTAL	\$ 482.50		
14-03265	ALL STAR RENTALS, INC.	CHAIR RENTAL - 9-11 CEREMONY	\$ 370.00				

CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 1, 2014

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
HS CULTURAL AFFAIRS	ITRUST	14-03270	HUDSON REPORTER ASSOC LP	ADVERTISEMENT - IRISH FESTIVAL	\$ 403.80
		14-03300	GENUA MULLIGAN PRINTING CORP.	POSTERS - FALL FESTIVAL	\$ 198.07
		14-03301	THE DRUM DEN, LLC	DRUM RENTAL	\$ 410.00
		14-03308	STEVE BARLOTTA	PERFORMANCE - FALL FEST	\$ 2,000.00
		14-03396	ISABELLA FASCIANO	OFFICE ASSISTANCE	\$ 904.00
		14-03389	MARITZA EMANUELLI	REIMBURSEMENT	\$ 279.63
HS DIRECTOR'S OFFICE	IFEDERAL	14-02399	NU-WAY CONCESSIONAIRES, INC.	2014 SUMMER FOOD PROGRAM	\$ 9,297.40
	IO M FUND	14-02437	OCEAN COASTAL CONSULTANTS	PRO ENG'G SVC - PIER A REHAB	\$ 34,565.00
HS PARKS	IO M FUND	13-03952	LOU'S LANDSCAPING & DESIGN INC	PAVER REPAIRS (47,180 SF)	\$ 14,518.00
		14-03309	BOSWELL ENGINEERING	SERVICES RENDERED - PIER C PK.	\$ 85.50
		14-03312	COOPER PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	\$ 120.83
		14-01613	ALL COUNTY LANDSCAPING SVS	LANDSCAPE MAINTENANCE	\$ 1,725.00
	IOPERATING	14-03021	JOHN A. EARL CO.	PAPER TOWEL/TOILET TISSUE	\$ 845.70
		14-03153	PABCO INDUSTRIES	2 PLY LEAF COLLECTION BAGS	\$ 1,638.00
		14-03272	LOU CARBONE	RESTORE FINISH - SYBIL'S CAVE	\$ 620.00
		14-03512	TREES UNLIMITED, LLC	RAISED CANOPY AT SOCCER FIELD	\$ 6,500.00
		14-03195	STAN'S SPORT CENTER	SOCCER EQUIPMENT	\$ 6,443.00
		14-02688	DILPREET RAI	REIMBURSEMENT OF REG. FEE	\$ 50.00
HS RECREATION	IOPERATING	14-03275	REBEKAH ARAMINI LUPO	SERVICES RENDERED - YOGA INSTR	\$ 960.00
HS SENIOR CITIZEN PROGRAM	ITRUST	14-03314	SHORE BUSINESS SOLUTIONS	MONTHLY MAINTENANCE AGREEMENT	\$ 45.00
HS VITAL STATISTICS JUDGMENTS	IOPERATING	14-03444	NEW JERSEY APPLESEED PUBLIC	LEGAL FEES-TUMPSON VS. HOBOKEN	\$ 78,518.00
		14-03445	ZAZZALI FAGELLA NOWAK KLEIN-	LEGAL FEES-TUMPSON VS. HOBOKEN	\$ 83,482.00
PS FIRE	IOPERATING	13-04626	MOTOROLA SOLUTIONS INC.	Mobile Radio	\$ 1,288.81
		14-03084	SHORE SOFTWARE	AUGUST ONLINE BACKUP	\$ 125.00
		14-03086	JOHN A. EARL CO.	BATHROOM SUPPLIES	\$ 298.40
		14-03088	STATE CHEMICAL MFG.	CLEANING SUPPLIES	\$ 415.77
		14-03089	CITY PAINT AND HARDWARE	VARIOUS HOUSE SUPPLIES	\$ 722.39
		14-02903	JOSHUA MARCUS GROUP, LLC	Fire Prevention Supplies	\$ 1,132.00
PS FIRE SAFETY	IFIRE ED	14-00976	LAWMEN SUPPLY COMPANY	CLASS II HANDGUNS	\$ 4,035.90
PS POLICE	IOPERATING	14-01897	EXECUTIVE BINDING SYSTEMS	HARD COVER BINDERS	\$ 853.25
		14-03232	ENTERPRISE CONSULTANTS	TELEPHONE MAINTENANCE 7/14	\$ 415.50
		14-03239	BAYONNE PBA LOCAL #7	FIREARMS RE-QUAL SPRING 2014	\$ 3,060.00
		14-03430	CABLEVISION	PHONE AND INTERNET SEPT 2014	\$ 821.25
		14-00265	NORTH HUDSON REGIONAL COUNCIL	CY2014 SR NUTR PRGM CONTRIB	\$ 14,173.25
UNCLASSIFIED	IOPERATING	14-03447	PSE&G COMPANY	SEPT 2014 - PIER C	\$ 740.60
UNCLASSIFIED ELECTRICITY	IOPERATING	14-03446	PSE&G COMPANY	RIVER ST & 2ND TRAFFIC LIGHT	\$ 24.39
		14-03449	PSE&G COMPANY	ELECTRIC UTILITY - AUGUST 2014	\$ 26,271.02
		14-03453	EXXONMOBIL FLEET GECC	GASOLINE FOR 9/14	\$ 29,628.95
UNCLASSIFIED GASOLINE	IOPERATING	14-03177	LORRAINE SUTERA	MEDICARE PART B REIMBURSEMENT	\$ 1,258.80

CITY OF HOBOKEN
CLAIMS LISTING
OCTOBER 1, 2014

DEPARTMENT	ACCOUNT/FUND	P.O.	VENDOR	DESCRIPTION	\$
UNCLASSIFIED INSURANCE	IOPERATING	14-03179	EUGENE R. FAILLA	MEDICARE PART B REIMBURSEMENT	\$ 1,762.80
		14-03190	CARLASCIO ORTHOPEDIC	SHOES FOR RET SGT B.ELSHWICH	\$ 3,434.00
UNCLASSIFIED POSTAGE	IOPERATING	14-03454	PITNEY BOWES, INC.	MAIL EQUIPMENT LEASE	\$ 2,394.00
UNCLASSIFIED STREET LIGHTING	IOPERATING	14-03448	PSE&G COMPANY	STREET LIGHTING - AUGUST 2014	\$ 49,149.79
UNCLASSIFIED TELEPHONE	IOPERATING	14-03307	ENTERPRISE CONSULTANTS	TELEPHONE MAINTENANCE CH 8/14	\$ 1,000.00
UNCLASSIFIED TOWING & STORAGE	IOPERATING	14-03306	MILE SQUARE TOWING	TOWING SERVICE 6-7/14	\$ 390.00
UNCLASSIFIED WATER & SEWERAGE	IOPERATING	14-03450	HOBOKEN WATER SERVICE	WATER UTILITY	\$ 297.68
		14-03451	HOBOKEN WATER SERVICE	WATER UTILITY - SINATRA DRIVE	\$ 932.06
UNCLASSIFIED/COPIERS	IOPERATING	14-00060	SHARP ELECTRONICS CORPORATION	LEASE OF COPIERS-ALL DEPTS	\$ 4,848.07
ADM ABC BOARD	IOPERATING	14-00480	STAR LEDGER	SEPT 2014 - ABC BOARD AD	\$ 51.04
ADM/PERSONNEL	IOPERATING	14-03231	CONCORDE, INC.	DRUG TESTING	\$ 249.00
		14-03276	CONCORDE, INC.	DRUG TESTING	\$ 99.60
ADM/PERSONNEL/BENEFITS	IOPERATING	14-03413	GARDEN STATE MUNI.JOINT INSURANCE	WC DEDUCTIBLE AUGUST 2014	\$ 27,085.41
CD MLUL PLANNING BOARD	IOPERATING	14-03461	MASER CONSULTING P A	MISC. PLANNING TASKS	\$ 316.00
Grand Total					\$ 1,816,360.40

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:

<u>28-Aug-14</u>	TO	<u>10-Sep-14</u>		Paydate	9/17/2014
<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	4-01-20-105	10,355.45	0.00	0.00	10,355.45
MAYOR'S OFFICE	4-01-20-110	10,728.86	0.00	0.00	10,728.86
CITY COUNCIL	4-01-20-111	8,445.45	0.00	0.00	8,445.45
BUS ADMINISTRATOR	4-01-20-112	17,395.97	0.00	0.00	17,395.97
ABC BOARD	4-01-20-113	0.00	0.00	156.92	156.92
PURCHASING	4-01-20-114	6,896.23	0.00	0.00	6,896.23
GRANTS MANAGEMENT	4-01-20-116	0.00	0.00	0.00	0.00
CITY CLERK'S OFFICE	4-01-20-120	20,012.65	656.42	0.00	20,669.07
ELECTIONS	4-01-20-122	0.00	0.00	0.00	0.00
FINANCE OFFICE	4-01-20-130	18,196.88	0.00	0.00	18,196.88
Stipend		0.00	0.00	346.15	346.15
ACCOUNTS/CONTROL	4-01-20-131	0.00	0.00	0.00	0.00
PAYROLL DIVISION	4-01-20-132	0.00	0.00	0.00	0.00
TAX COLLECTION	4-01-20-145	10,214.70	0.00	0.00	10,214.70
ASSESSOR'S OFFICE	4-01-20-150	13,327.72	0.00	0.00	13,327.72
CORPORATE COUNSEL	4-01-20-155	9,815.40	0.00	0.00	9,815.40
COMMUNITY DEVELOPMENT	4-01-20-160	7,116.12	0.00	0.00	7,116.12
PLANNING BOARD	4-01-21-180	2,120.10	0.00	0.00	2,120.10
ZONING OFFICER	4-01-21-186	7,788.03	0.00	0.00	7,788.03
HOUSING INSPECTION	4-01-21-187	6,856.56	607.68	0.00	7,464.24
CONSTRUCTION CODE	4-01-22-195	25,237.04	642.29	0.00	25,879.33
POLICE DIVISION	4-01-25-241-011	500,583.22	16,947.72	0.00	517,530.94
POLICE CIVILIAN	4-01-25-241-016	33586.95	3,991.20	0.00	37,578.15
POLICE DIVISION CLAS: CLASS II	4-01-25-241-015	11,880.00	0.00	0.00	11,880.00
Court Time		0.00	0.00	60.00	60.00
Terminal Leave		0.00	0.00	98,332.65	98,332.65
Vacation Payout		0.00	0.00	55,218.54	55,218.54
CROSSING GUARDS	4-01-25-241-012	8,672.16	0.00	0.00	8,672.16
Uniform Allowance		0.00	0.00	11,625.00	11,625.00
EMERGENCY MANAGEMENT	4-01-25-252	16,445.05	2,011.20	0.00	18,456.25

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>TOTAL PAY</u>
FIRE DIVISION	4-01-25-266	455,602.02	12,647.89	0.00	468,249.91
FIRE CIVILIAN	4-01-25-266-016	19,758.11	0.00	0.00	19,758.11
Fire Civilian - Worker's Comp		0.00	0.00	928.00	928.00
STREETS AND ROADS	4-01-26-291-011	22,562.35	2,947.77	0.00	25,510.12
Terminal Leave		0.00	0.00	13,462.80	13,462.80
Vacation Payout		0.00	0.00	3,624.60	3,624.60
Snow Removal	4-01-26-291-015	0.00	0.00	0.00	0.00
ENV SRVCS DIR OFFICE	4-01-26-290	4,602.80	0.00	0.00	4,602.80
RECREATION SEASONAL EMP	4-0128370016	2,194.80	0.00	0.00	2,194.80
CENTRAL GARAGE	4-01-26-301	4,562.11	745.50	0.00	5,307.61
SANITATION	4-01-26-305	25,315.86	2,950.70	0.00	28,266.56
LICENSING DIVISION	4-31-55-501-101	1,512.87	0.00	0.00	1,512.87
HUMAN SRVCS DIR OFFICE	4-01-27-330	7,831.22	0.00	0.00	7,831.22
BOARD OF HEALTH	4-01-27-332	23,597.18	0.00	0.00	23,597.18
CONSTITUENT SRCS	4-01-27-333	0.00	0.00	0.00	0.00
SENIOR CITIZENS	4-01-27-336	14,847.02	37.19	0.00	14,884.21
RENT STABILIZATION	4-01-27-347	8,852.77	914.07	0.00	9,766.84
TRANSPORTATION	4-01-27-348	0.00	0.00	0.00	0.00
RECREATION	4-01-28-370	10,510.75	0.00	0.00	10,510.75
PARKS	4-01-28-375	13,112.50	902.54	0.00	14,015.04
PUBLIC PROPERTY	4-01-28-377	28,887.89	986.66	0.00	29,874.55
O & M TRUST	T-24-20-700-020	3,956.29	1,282.40	0.00	5,238.69
MUNICIPAL COURT	4-01-43-490	35,976.59	0.00	0.00	35,976.59
PARKING UTILITY	4-31-55-501-101	136,396.12	13,874.97	0.00	150,271.09
MUN COURT OVERTIME	T-0340000-037	0.00	3,652.30	0.00	3,652.30
TRUST - RECREATION ADULT PROG	T-03-40-000-108	750.50	0.00	0.00	750.50
STRAIGHT TIME PD TO REC EMPLOYEES		0.00	0.00	0.00	0.00
FIRE EDUCATION	T-13-10-000-000	0.00	3,116.46	0.00	3,116.46
HOBOKEN ATHL LEAGUE	G-02-41-200-PAL	0.00	0.00	0.00	0.00
STRAIGHT TIME PD TO SR CIT EMPLOYEE		0.00	0.00	0.00	0.00

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>REGULAR PAY (01)</u>	<u>O/T PAY (02)</u>	<u>OTHER PAY (01)</u>	<u>PAY</u>
OTHER:					
TRUST FUND-Recreation	T-03-04-000-107	0.00	0.00	0.00	0.00
TRUST -Cultural Affairs	T-03-40-000-004	529.00	7,147.75	0.00	7,676.75
Energy Strong Fund	T-03-04-000-049	0.00	0.00	30,072.00	30,072.00
CULTURAL AFFAIRS	4-01-271-760-11	3,365.50	0.00	0.00	3,365.50
Summer Lunch Program	G-02-41-300-SF3	409.08	0.00	0.00	409.08
POLICE OUTSIDE EMPL.	T-03-40-000-006	0.00	0.00	86,621.50	86,621.50
HLTH INS EMP WAIV COMP	4-01-30-400-WVR	0.00	0.00	0.00	0.00
SALARY AND WAGES	4-01-46-870-014	0.00	0.00	0.00	0.00
		=====	=====	=====	=====
GRAND TOTAL		1,570,807.87	76,062.71	300,448.16	1,947,318.74
					1,947,318.74

Introduced by: _____
Seconded by: _____

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

**RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED AGREEMENT BETWEEN NORTH HUDSON SEWERAGE AND THE
CITY OF HOBOKEN**

WHEREAS, the City wishes to enter into the attached Agreement with North Hudson Sewerage Authority (“NHSA”) to design, construct, maintain and operate the H5 Wet Weather Pump Station which will be located on City owned property at 11th Street west of Sinatra Drive; and

WHEREAS, the City has applied for complete funding for this project through the New Jersey Environmental Infrastructure Trust (“NJET”) as well as through the State Revolving Loan Fund (“SRF”); and

WHEREAS, this project inherently benefits the City, its residents as well as visitors by alleviating flooding in the H5 drainage basin as well as contributing to the City’s storm resiliency; and

WHEREAS, the Agreement authorizes the City to expend funds for the NHSA pumping station once those funds have been received from the NJET and SRF; and,

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached Agreement with North Hudson Sewerage Authority; 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: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

**Quentin Wiest
Business Administrator**

**Mellissa L. Longo, Esq.
Corporation Counsel**

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

AGREEMENT

AGREEMENT made as of the _____ day of _____, 2014 by and between the **CITY OF HOBOKEN** (“Hoboken”), a municipal corporation of the State of New Jersey having its principal place of business at 94 Washington Street, Hoboken, New Jersey 07030 and the **NORTH HUDSON SEWERAGE AUTHORITY** (the “Authority”), a body politic of the State of New Jersey, with offices at 1600 Adams Street, Hoboken, New Jersey 07030.

WHEREAS, Hoboken is the owner of various properties located in the City of Hoboken and more particularly described in Schedule A attached hereto (the “Properties”) upon which the parties wish to design, construct, maintain and operate the H5 Wet Weather Pump Station (the “Project”). The H5 Wet Weather Pump Station, which will be located on 11th Street west of Sinatra Drive, is designed to alleviate flooding in the H5 drainage basin in Hoboken; and

WHEREAS, Hoboken has applied for funding for the Project through the New Jersey Environmental Infrastructure Trust (NJEIT) through the State Revolving Loan Fund (SRF); and

WHEREAS, the Authority will be the authorized representative for Hoboken and will be responsible for designing, building, operating and maintaining the Project including controlling the Project costs and quality, and managing the operations of the Project; and

WHEREAS, Hoboken will enter into a 99 year lease with the Authority for the Properties upon which the Project will be constructed and operated; and

WHEREAS, Authority represents that it possesses the expertise to cause the Project to be designed, constructed in a good and workmanlike manner, and to be operated and maintained in an effective manner; and

WHEREAS, the Authority and Hoboken desire to memorialize their understanding with regard to improvements to be performed and paid for by Hoboken and to the actions to be taken

by the Authority.

NOW, THEREFORE in consideration of the mutual promises and covenants contained herein, it is agreed by the Authority and Hoboken as follows:

1. OWNERSHIP OF PROPERTY AND INFRASTRUCTURE.

- A. Hoboken will retain ownership of the Properties on which the Project is to be constructed as well as all of the improvements constructed thereon to be used in conjunction with the Project.
- B. Hoboken shall lease the Properties and improvements which constitute the Project to the Authority for a term of 99 years at a rate of \$1.00 per year.
- C. Hoboken, as owner of the Properties, shall retain all rights with respect to the Properties on which the Project is to be situated including, but not limited to, any and all rights to use the Properties so long as such use does not interfere with the Authority's operation and maintenance of the Project. With the consent of the Authority, which shall not be unreasonably withheld, and if space is available, Hoboken shall specifically have the right of access to utilize any portion of the Properties for the purpose of laying pipes, cables, underground drainages, channels, or providing other common facilities. Hoboken shall have further rights within the Properties, including any buildings or structures standing thereon, as and when deemed necessary by Hoboken, to lay down, place, maintain, alter, remove or repair any pipe, pipe lines, conduits for service lines, posts, or other appliances or apparatus in, on, under, over, along or across the Properties in such area for the purposes of providing any common amenities or services and the same may be done either directly by any person either generally or specially authorized by Hoboken on its behalf and the Authority agrees to same provided it does not interfere with the operation of the Project.

2. PREPARATION AND REVIEW OF DESIGNS, PLANS AND SPECIFICATIONS.

The Authority shall be responsible for designing the Project to mitigate flooding in Hoboken.

In this regard the Authority shall:

- A. Prepare all engineering and design work required for the Project.
- B. Collaborate with Hoboken to accommodate Hoboken's needs.
- C. Own the plans that it develops for the Project. The Authority grants to Hoboken a perpetual license to use the plans in connection with the Project.
- D. The Authority represents that the design, engineering or other relevant development plans are currently 70% complete and shall be submitted to the City for review and comment. Any such comments must be submitted to the Authority within thirty (30) days. 100% complete plans must be submitted to the City by October 31, 2014. Comments must be provided by the City to the Authority within thirty (30) days.
- E. Cooperate with Hoboken and diligently review, prepare and/or execute, as applicable, any and all required plans, designs, specifications and applications for the various infrastructures and on and off-site improvements contemplated herein.
- F. The parties acknowledge that Hoboken, Jersey City and Weehawken have been recognized as successful finalists in the "Rebuild by Design" contest, which has enabled them to receive federal grant money from the U.S. Department of Housing and Urban Development ("HUD") for their comprehensive storm resiliency and engineering proposal to rebuild after SuperStorm Sandy. The Authority agrees to cooperate in good faith with Hoboken to incorporate the purposes of the "Rebuild by Design" regulations in order to protect the H5 Pump Station from future damage.
- G. Provide all necessary engineering services for the applications and related certifications that may be required by the New Jersey Department of Environmental Protection

("NJDEP") for the construction and operation of the Project. Technical specifications shall be submitted by the Authority's engineer, as required by the NJDEP, and as may be required by Hoboken.

- H. Be responsible for advertising and awarding all contracts for the construction of the Project.
- I. Ensure that the Project is implemented in its entirety in accordance with the plans and specifications and that the Project is operated and maintained during the term.

3. **CONSTRUCTION OF THE PROJECT.**

The Authority shall be responsible for implementing the construction of the Project. In this regard the Authority shall:

- A. Be designated as the authorized representative of the Project for Hoboken.
- B. Organize the supervision, monitoring and control of the construction of the Project.
- C. Be solely responsible to develop and maintain the construction schedule for the Project.

The Authority shall provide a copy of the construction schedule to Hoboken not less than 30 days prior to the commencement of construction.

- D. Each month during the construction phase, the Authority shall forward a monthly engineering report which shall include a progress report on the construction. These reports shall also include the details of any known changes to the proposed date of completion of construction.
- E. Ensure that payments to all contractors and subcontractors are timely made and indemnify Hoboken against any and all claims for payment which, during the progress of work, may become payable or be demanded by any contractor or subcontractor.

- F. Upon completion of construction of the Project, furnish a complete copy of as built plans showing all of the improvements and monument locations to Hoboken and provide a complete set of operation manuals to Hoboken.

4. PAYMENT MANAGEMENT.

The Project will be paid for through the New Jersey Environmental Infrastructure Trust (NJEIT) through the State Revolving Loan Fund (SRF). In this regard:

- A. Hoboken shall be the applicant for the funding and the Authority shall be appointed as its authorized representative in connection with the loan.
- B. Hoboken shall assign its rights to receive payments from the funding source to the Authority, with the Authority receiving reimbursement payments directly from the funding source.
- C. Authority shall be responsible for coordinating with the NJEIT in order to obtain authorization to advertise and award contracts.
- D. Authority will be responsible for the engineers estimate of probable construction costs and for all bidding and contracting for the Project.
- E. Hoboken has applied for a loan from the NJEIT for the Project in the amount of \$11,162,500 of which \$9,250,000 is the estimated building cost and the remainder is for engineering fees and administrative costs as well as for construction of a “Sustainable Stormwater Demonstration Project” around City Hall. Should the bids received for the construction portion of the Project be greater than the \$9,250,000 estimated building cost set forth in Hoboken’s NJEIT application, then the parties agree to either negotiate an allocation of the costs above said sum or rebid the contract. If the contract is rebid and the bids again exceed the amount of the building cost estimate of the NJEIT loan as aforesaid, either party may terminate this Agreement.

- F. After the bid for the construction of the Project has been accepted, the Authority will guaranty a total price for the Project which shall be subject to the approval of Hoboken. If the Project costs exceed the guaranteed price specified to Hoboken, the Authority shall be responsible for all cost overages. This shall include additional costs resulting from change orders.
- G. Authority shall review all payment applications by contractors, pay all contractors and manage all payment documentation during construction of the Project. Hoboken shall be provided with copies of all such payment applications and proof of payment.
- H. Authority shall be responsible for responding to all audits from NJEIT and SRF in connection with the Project.
- I. Authority shall ensure that the funds for the Project obtained from the NJEIT are only used by the Authority for the Project in accordance with the design plans and specifications that have been approved by Hoboken.
- J. Authority shall provide to Hoboken releases from each contractor and subcontractor prior to final payment.

5. PERMITS.

The Authority shall be responsible to obtain all building permits, local approvals and certificates of occupancy for the Project prior to the commencement of construction. Copies of all such permits and approvals shall be filed with the Authority and Hoboken. The Authority shall also be responsible for all regulatory approvals, code compliance, FEMA compliance and materials testing and documentation. Hoboken shall be responsible for supplying and compensating all required traffic control officers during the construction phase of the project. The Authority, however, shall use all reasonable efforts to adhere to the construction schedule which will be separately agreed to between the parties. .

6. MAINTENANCE AND OPERATIONS OF THE PROJECT.

Upon completion of the construction of the Project, the Authority shall assume all responsibilities for the maintenance, operations and servicing of the Project including the H5 Pump Station. All such functions shall be at no cost to Hoboken. In this regard:

- A. Authority agrees to operate and maintain the Project at all times on behalf of Hoboken in compliance with all State, Federal and local laws and regulations and in accordance with the terms and provisions of this Agreement. The Authority further agrees that the Project shall at all times be kept in good repair and working order and at all times shall be managed, operated and maintained by the Authority in an efficient and economical manner, in accordance with prudent industry and utility practices.
- B. Authority shall organize the supervision, monitoring and control of the operation and maintenance of the Project and its facilities, as may be necessary to ensure the proper performance of the Project.
- C. Authority shall operate and maintain or cause to be operated and maintained the Project facilities and amenities in accordance with the conditions of all prudent utility practices and industry standards at the sole cost and expense of the Authority. 'Maintain' shall mean and include necessary upgrades and replacements of the Project facilities and amenities, from time to time, to meet or surpass prevalent industry standards for similar facilities.
- D. Authority shall provide the City with a copy of its annual Capital Improvement Plan which shall include, as appropriate, information for the H5 Pump Station.
- E. In the event of an emergency relating to the Project which threatens the public health, safety and welfare of the residents of Hoboken, the Authority shall be obligated to repair and remedy the situation as soon as practicable. In the event of such an emergency

situation the Authority will immediately report the nature of the emergency to Hoboken and provide Hoboken with a written explanation of the remedial measures that will be taken by the Authority to address the situation.

- F. Authority shall perform periodic testing of the Project as shall be required in accordance with prudent industry and utility practices.
- G. Hoboken shall have the right from time to time or at any time to inspect the Project and/or the operation thereof by the Authority, provided that same does not interfere with the ordinary operation of the Project.
- H. Hoboken shall have the right to continuously monitor and review the performance of the Project and the operation, maintenance and management thereof by the Authority and, if Hoboken chooses, Hoboken shall be entitled to retain a consulting engineer and/or other consultant at its own cost for purposes of conducting such monitoring and review activities, provided that same does not interfere with the ordinary operation of the Project.
- I. Authority shall keep such records of all pertinent operating data and information relating to the Project, including accounting and financial records, as prudent industry and utility practice shall require.
- J. Authority shall be obligated to provide Hoboken, upon reasonable request, with copies of all operating data, accounting, financial and other information related to the Project. The Authority shall provide monthly engineering reports which shall include information on the Project.
- K. Authority shall provide, at its cost and expense, all labor, materials, machinery and equipment necessary for the operation, maintenance and management of the Project by the Authority in accordance with the terms and provisions of this Agreement.

- L. All repairs and/or improvements to the Project shall be made by the Authority in accordance with existing Hoboken ordinances.
- M. The Authority shall provide Hoboken with monthly engineering reports which shall include information on the Project.
- N. Authority shall provide a staff of qualified and experienced employees who have direct experience in operating, maintaining, and managing systems similar in nature and character to the Project for operations, maintenance and management procedures and shall provide such additional third party support as may be needed to perform its duties and obligations hereunder. Said third parties shall be equally qualified for the particular services to be performed and shall not have any direct claim against Hoboken whatsoever. The Authority at all times shall maintain the necessary number of employees, staff, and third party contractors to operate, maintain and manage the Project in accordance with the terms and provisions of this Agreement, to adequately maintain the Project in good repair and to adequately operate the Project to provide good service and protect the health, welfare, and safety of the citizens of Hoboken.
- O. Authority shall comply with all reporting requirements related to its operations and the operation, maintenance, and management of the Project, as mandated by Federal, State, and local laws and regulations.
- P. Authority shall pay all expenses required for the normal operation, maintenance, and management of the Project.
- Q. At the end of the term, the Authority shall handover the Project operation and maintenance including all assets, either movable or immovable created by the Authority for the Project to Hoboken and the Authority hereby agrees that the Authority shall not be entitled to be paid any compensation therefor. Two (2) years before the end of the term,

the Authority and Hoboken will start making suitable arrangements for handing over all the assets to Hoboken. During this time period, the Authority and Hoboken shall take such actions as are reasonable to prepare for the turnover of the Project. The Authority also agrees that no notice shall be given, or any application made, by Hoboken for the handing over of the Project by the Authority.

7. LICENSES.

The Authority shall acquire and hold all required State, Federal, and local approvals, licenses, permits and certifications necessary to operate, maintain, and manage the Project in accordance with the terms and provisions of this Agreement

8. INSURANCE.

Throughout the Project, and the term of the 99 year lease, insurance coverage shall be maintained by the Authority as follows:

- A. Workers' Compensation and Employers Liability Insurance. The Authority or their agents shall take out and maintain adequate workers' compensation and employer's liability insurance for all employees employed in connection with the work, and in case any work is sublet, the applicant shall require each subcontractor similarly to provide workers' compensation and employer's liability insurance for the latter's employees, unless such employees are covered by the protection afforded by the applicant's insurance. Employer's liability insurance shall have limits of not less than \$500,000 per accident, or for disease \$100,000 per claim.
- B. Comprehensive or commercial general liability and property damage liability including contingent liability and contractual liability and naming Hoboken and its agents and employees as additional insured parties with the following limits:

One person in any one occurrence	\$1,000,000
Two or more persons in any one occurrence	\$5,000,000
Aggregate property damage limit	\$ 300,000
Property damage in any accident	\$ 100,000*

*Property damage insurance shall be extended to cover damage to underground wires, pipes, ducts, conduits, structures, etc. and further to cover explosion damage and damage due to collapse.

C. Automobile liability insurance with the following limits:

One person in any one accident	\$ 500,000
Two or more persons in any one accident	\$1,000,000
Property damage in any one accident	\$ 100,000

9. HOLD HARMLESS AND INDEMNIFICATION.

The Authority, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless Hoboken, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of the Authority's actions under this Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by Hoboken in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with the Authority's activities pursuant to the rights granted in this Agreement. This

indemnification does not include any action arising out of the Hoboken's own negligence, willful act or breach of this Agreement.

10. TERMINATION FOR CAUSE BY HOBOKEN.

- A. Hoboken shall have the right to terminate this Agreement due to the Authority's persistent and repeated failure to construct the Project in accordance with the design plans and specifications, to complete construction within sixty (60) months of the execution of this Agreement, or to operate, maintain, and/or manage the Project in accordance with the terms and provisions of this Agreement, its obligations and duties created hereunder, and/or applicable law.
- B. In the event Hoboken desires to terminate this Agreement for the reasons set forth in Paragraph A above, Hoboken shall provide written notice to the Authority setting forth in detail the alleged failure and/or deficiency of the Authority. The Authority shall have thirty (30) days after receipt of such written notice from Hoboken to cure and/or correct such failure and/or deficiency or to deliver to Hoboken a written notice alleging that no such event has occurred and setting forth in detail its reasoning as to why no such event has occurred.
- C. In the event that the Authority does not cure and/or correct such failure and/or deficiency within said thirty (30) day period or deliver to Hoboken the written notice described in the preceding sentence within said thirty (30) day period, Hoboken shall have the right to terminate this Agreement upon one (1) year notice.

11. OPTIONAL TERMINATION BY HOBOKEN.

Either party may, at its sole option and discretion, at any time during the term of this Agreement, terminate this Agreement for any reason whatsoever, upon one (1) year prior written notice to the other. If this option is exercised by Hoboken, Hoboken shall be obligated to assume

the unpaid portion of any capital improvement loans or bonds that have been incurred by the Authority for the project.

12. MISCELLANEOUS.

A. Enforcement.

The failure on the part of any party to enforce any provision of this Agreement shall not be construed as a waiver of its right to enforce such provision in the future.

B. Assignment.

This Agreement shall not be assigned by any party without the prior written consent of the other parties, which consent shall not be unreasonably withheld.

C. Entire Agreement.

This Agreement contains the entire agreement between the parties hereto relating to the operation, maintenance and management of the Project and supersedes all previous or contemporaneous communications, representations, or agreements. This Agreement may be modified only by written amendment signed by the parties hereto.

D. Notices.

All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage pre-paid. Notices required to be given to the Authority shall be addressed as follows:

North Hudson Sewerage Authority
1600 Adams Street
Hoboken, New Jersey 07030

Attn: Executive Director

Notices required to be given to Hoboken shall be addressed as follows:

City Clerk
Hoboken City Hall
Hoboken, New Jersey 07642

or to such other address(es) as may be specified by written notice.

This Agreement may only be modified or terminated by written agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

ATTEST:

NORTH HUDSON SEWERAGE AUTHORITY



FRANK COVELLO, COUNSEL

By: 

**RICHARD WOLFF,
EXECUTIVE DIRECTOR**

ATTEST:

CITY OF HOBOKEN

Clerk

By: _____
DAWN ZIMMER, Mayor

Introduced by: _____
Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

RESOLUTION AWARDING A CONTRACT TO REGGIO CONSTRUCTION FOR THE PROVISIONS OF 2014 ROAD RESURFACING PROGRAM – PROJECT B IN ACCORDANCE WITH THE CITY’S BID NO. 14-17 (BASE ONLY) IN THE TOTAL AMOUNT OF \$858,552.69

WHEREAS, bids were received for construction services to resurface the roads in the City, as specified in Bid Number 14-17; and,

WHEREAS, Five (5) bids were received, the lowest three (3) being:

<u>VENDOR</u>		<u>TOTAL BID</u>
1. Reggio Construction 1575 West Street Fort Lee, NJ 07024	Base Bid	- \$858,552.69
	Alternate Bid A	- \$131,545.00
	Total	- \$990,097.69
2. Topline Construction 22 5 th Street Somerville, NJ 08876	Base Bid	- \$1,014,255.03
	Alternate Bid A	- \$150,349.20
	Total	- \$1,164,604.23
3. A.J.M. Contractors 300 Kuller Road Wallington, NJ 07011	Base Bid	- \$1,037,298.00
	Alternate Bid A	- \$156,210.00
	Total	- \$1,193,508.00

WHEREAS, pursuant to the recommendation of the City Engineer (attached hereto) the City wishes to contract for the services specified in Bid No. 14-17, and Reggio Construction submitted the lowest, responsible, and responsive bid in the amount of \$858,552.69 (including just the base bid); and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$858,552.69 is available in the following appropriations: C-04-60-714-110 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.

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

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

- A. This resolution awards a contract to Reggio Construction for Bid No. 14-17, in the total amount of Eight Hundred Fifty Eight Thousand Five Hundred Fifty Two Dollars and Sixty Nine Cents \$858,552.69 (including just the base bid) for the City’s 2014

Road Resurfacing Program – Project B (Base Bid Only); and said contract shall be to Reggio Construction in accordance with the specifications as set forth in Bid No. 14 – 17.

- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor’s corresponding bid proposal documents. No exceptions were noted in the City’s Engineer’s recommendations; therefore, none will be accepted in performing obligations under the bid.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

MEETING: October 1, 2014

REVIEWED:

APPROVED AS TO FORM:

 Quentin Wiest
 Business Administrator

 Mellissa L. Longo, Esq.
 Corporation Counsel

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

CITY OF HOBOKEN

Division of Purchasing

DAWN ZIMMER
Mayor



AL B. DINEROS, QPA
Purchasing Agent

Date: September 30, 2014

To: Quentin Wiest, Business Administrator

From: Al B. Dineros

**Subject: Resolution to Award the Contract for Bid No. 14 – 17 (2nd Attempt)
2014 Road Resurfacing Program – Project B**

Reference: (a) Memorandum from T and M Associates, same subject

Fair and open sealed bids were opened and read aloud at City Hall on September 30, 2014. The City received five (5) sealed bids out of seven (7) vendors.

T and M Associates reviewed the bid documentation submitted by the three lowest bidders and were satisfied that it met the intent of the specification. There was no discrepancy found on all required documents submitted and inspected in accordance with the published instructions to bidder.

Due to work scheduling issues, the City decided to accept and award the contract base on base bid only.

I fully concurred with the recommendation from T and M Associates to award the contract to the lowest responsive and responsible bidder. Total amount of the contract (base bid only) is \$858,552.69. The vendor will be:

Reggio Construction
1575 West Street
Fort Lee, Lee, NJ 07024



YOUR GOALS. OUR MISSION.

HOBK-00030

September 30, 2014

Mayor and Council Members
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

**Re: Recommendation of Award
2014 Road Resurfacing Program – Project B**

Dear Mayor and Council Members:

On Tuesday, September 30, 2014, five (5) bids were received for the **2014 Road Resurfacing Program - Project B**. Enclosed is a bid summary for the project. The following bids were received:

Bidder	Base Bid	Add Alt. A	Total Bid (Base Bid Plus Alt. A)
Reggio Construction Inc.	\$858,552.69	\$131,545.00	\$990,097.69
TopLine Construction Corp.	\$1,014,255.03	\$150,349.20	\$1,164,604.23
A.J.M. Contractors, Inc.	\$1,038,288.00	\$156,210.00	\$1,194,498.00
Smith-Sondy	\$1,154,443.05	\$157,882.50	\$1,312,325.55
Cardinal Contracting Co.	\$1,790,308.75	\$206,540.00	\$1,996,848.75

Engineer's Estimate	\$966,294.50	\$182,675.00	\$1,148,969.50
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The lowest responsive bidder for the project is Reggio Construction Inc., of 1575 West Street, Fort Lee, New Jersey 07024. Reggio Construction has provided a base bid amount of \$858,552.69. Further, Reggio Construction is the lowest bidder if the alternate bid items are awarded.

We have reviewed all the bid documents and find that all required forms and documents have been provided by Reggio Construction.

Based on their low bid and satisfactory past performance, it is recommended the City award a contract to Reggio Construction for the 2014 Road Resurfacing Program - Project B project for a total amount of \$990,097.69 (Base Bid plus Alternate A).

Award should be contingent upon certification of funds by the Chief Financial Officer and review of the bid documents by the City Attorney.



Le: Mayor and Borough Council

Re: Recommendation of Award
2014 Road Resurfacing Program - Project B

HOBK-00030
September 30, 2014
Page 2

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES



JACLYN J. FEOR, PE, PP, CME
CONSULTING ENGINEER

PB:dk
Enclosure.

cc: Quentin Wiest, City Business Administrator
AL B. Dineros, Purchasing Agent

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Introduced by: _____
Seconded by: _____

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

**RESOLUTION TO AUTHORIZE PROFESSIONAL SERVICE CONTRACTS WITH
T&M ASSOCIATES IN A NOT TO EXCEED AMOUNT OF \$88,380.00 FOR PROJECT B
AS ENGINEERS FOR THE CONSTRUCTION OVERSIGHT OF THE ROAD IMPROVEMENT
PROJECT TO THE CITY OF HOBOKEN TO COMMENCE OCTOBER 1, 2014 AND EXPIRE
SEPTEMBER 30, 2015**

WHEREAS, service to the City as Engineer 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, in accordance with the fair and open process, the City previously authorized a pool of prequalified engineers, and thereafter awarded an engineering contract to T&M Associates for the bid design for Road Resurfacing Project B; upon receipt of acceptable bids, the City requested a proposal from T&M Associates for the construction oversight of the Road Improvement Project B, which T&M Associates responded to, and the City now seeks to contract with the named firm for said services; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$88,380.00 is available in the following appropriations C-04-60-714-120 in the CY2014 capital account; 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 CY2014 capital account.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the City Council authorizes a contract be awarded and entered into by the City's administration as follows: T&M Associates for Construction Oversight of the Road Resurfacing Project Package B (Base Bid Only), with a not to exceed amount of \$88,380.00 (pursuant to T&M Associates' attached proposal) for a term to commence October 1, 2014 and expire September 30, 2015; and

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

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

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: October 1, 2014

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



HOBK-00030

October 1, 2014

Quentin Wiest, City Administrator
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

**Re: Proposal for Professional Services for Contract Administration and Inspection Services
2014 Municipal Street Resurfacing and Intersection Safety Improvement Program – Contract B**

Dear Mr. Wiest:

Pursuant to your request, we are pleased to present our proposal for Contract Administration and Inspection Services for the above referenced project. We stand ready to proceed in accordance with your anticipated project schedule and our Scope of Services and Fee Proposal have been geared toward your anticipated goals.

The Contract B bid package consists of a Base Bid and one Alternate Bid. The Base Bid consists of roadway improvements on Jackson Street, Monroe Street, 4th Street, 5th Street and 6th Street. The Alternate Bid extends the roadway improvements on 4th Street between Monroe Street and Grand Street.

Below is a detailed description of the project, our intended scope of contract administration and inspection services for the project and our proposed fee to provide these services.

2014 Municipal Street Resurfacing and Intersection Safety Improvement Program – Contract B

On September 30, 2014, the City will receive bids for the construction of the 2014 Municipal Street Resurfacing and Intersection Safety Improvement Program – Contract B. It is our understanding that the project will be awarded to the lowest responsible bidder at the October 1, 2014 City Council Meeting. Our construction services proposal incorporates this information.

The scope of the proposed construction entails select curb and sidewalk replacement, new ADA-compliant ramps, traffic calming measures, repairs to drainage structures, new inlet/manhole castings, bicycle-safe grates, casting resets, minor base repairs, a rain garden, striped bike lanes, textured pavement surfaces and line striping. In the Base and Alternate Bids, the plan is to mill the entire roadway within the project limits to expose the existing asphalt base course and construct full depth pavement repairs as required. Once base repairs are completed, the roadway will be resurfaced with a final 2" thick HMA 12.5M64 surface course asphalt pavement.

We anticipate that on-site construction will commence by the end of October 2014 and be substantially complete by the end of May 2015. The on-site construction effort will be interrupted by four months of total inactivity due to a winter shutdown. During the four month shutdown, no construction management or inspection effort is anticipated or budgeted. In addition, we anticipate a



HOBK-00030

October 1, 2014

Re: Quentin Wiest, City Administrator
City of Hoboken

Page 2

Re: Proposal for Professional Services for Construction Administration and Inspection Services
2014 Municipal Street Resurfacing and Intersection Safety Improvement Program - Project B

part-time four week effort after substantial completion for punchlist completion and project closeout. Our proposal assumes that work is continuous from the time the contractor mobilizes to substantial completion, with the exception of the timeframe for the winter shutdown.

Contract Administration and Inspection Tasks

We will provide a part time Project Manager, a part time Inspector with additional support services from our office staff, as determined by the PM. In addition to providing contract administration and inspection services, the Project Manager and Inspector will coordinate the proposed improvements with the City, Contractor, Municipal Agencies, etc. The following is a description of the services we will provide and the anticipated performance period for these services.

The specific scope of services includes the following:

- a. Conduct a pre-construction meeting among the project participants, including the contractor, City officials, City Police, DPW and utility representatives, and produce minutes of this meeting. Coordinate and review initial project submittals, including baseline project schedule, emergency contact list, resident notices, etc. Prepare for contractor mobilization. Pre-construction phase assumed to last one month.
- b. Provide an inspector to conduct on-site construction observation to determine the work is being constructed in general conformance to the contract documents and approved submittals for the duration of the construction contract. Provide a Project Manager to conduct contract administration services. Based upon the City's requirements, we have budgeted for 64 days of on-site part time construction inspection effort. In addition, we anticipate an additional month at the completion of the construction effort for closeout, punchlist work, final vouchers and final change order. We understand that milling and paving for all streets will be accomplished during the daytime.
- c. Prepare job reports indicating weather, equipment, personnel and work accomplished on the project. Reports will be furnished to the City upon request.
- d. As determined by the PM, conduct job meetings with representatives of the contractor, subcontractor, and utility companies, as necessary, to review progress, performance and to address any questions or problems that may arise. City representatives will be invited to attend these meetings. We will generate and distribute meeting minutes.
- e. Review and coordinate submittals, including contractor's schedules, shop drawings, product data and samples and material certifications for general conformance with Contract Documents.
- f. Review Contractor's monthly estimates of work performed and invoices submitted for payment. Prepare monthly estimates of payment to the Contractor and make recommendations to the City for payment.



HOBK-00030

October 1, 2014

Re: **Quentin Wiest, City Administrator**
City of Hoboken

Page 3

Re: **Proposal for Professional Services for Construction Administration and Inspection Services**
2014 Municipal Street Resurfacing and Intersection Safety Improvement Program - Project B

- g. Perform final inspection. Prepare and administer corrective action lists and prepare final closeout documents, including Final Payment Certificate and Change Order.
- h. Review and issue written recommendation to the City following receipt of a written claim or dispute from Contractor.

Proposed Fees

Based on our proposed scope of work for the contract administration and inspection services discussed above and time schedule set forth herein, we propose a fee of \$88,380.00 for the Base Bid contract work, and a fee of \$11,600.00 for the Alternate Bid, for a total fee of **\$99,980**. The effort for our professional services will be billed monthly in accordance with our current billing rate schedule.

Our fee for the 2014 Municipal Street Resurfacing and Intersection Safety Improvement Program – Contract B is based on the contractor meeting the contract time of completion of 120 calendar days from the issuance of the Notice of Award. If the contractor is not substantially complete by that time and the delay is not excusable, and our budget for contract administration and inspection services prior to substantial completion is fully expended, we will ask the City to either provide additional funding for the necessary engineering beyond the original authorization or enforce the section of the contract allowing the City to deduct payment to the contractor in order to pay for continued engineering services. Should any or all of the delay be excusable, and our budget is depleted, we will prepare a proposal for our anticipated additional services. No additional work will commence without written authorization from the City.

On behalf of T&M Associates, I would like to thank you and the Governing Body for the opportunity to submit this Proposal. We look forward to working with you and members of your staff in the future.

Very truly yours,
T&M ASSOCIATES

JACLYN FLOR, P.E., P.P., CME
SUPERVISING ENGINEER/PLANNER

Introduced by: _____
Seconded by: _____

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

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE
CONTRACTS WITH T&M ASSOCIATES IN AN INCREASED NOT TO EXCEED AMOUNT OF
\$9,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$33,600.00 FOR PROJECT B
AS ENGINEERS FOR THE ROAD IMPROVEMENT PROJECT TO THE CITY OF HOBOKEN TO
COMMENCE JUNE 19, 2014 AND EXPIRE JUNE 18, 2015**

WHEREAS, service to the City as Engineer 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 requested proposals for Engineering Work for the Road Improvement Project from all firms which were previously approved as pool Engineers, including T&M Associates (via Resolution No. of 27 of January 22, 2014), and T&M Associates responded to this specific Road Improvement Project request, and the City thereafter awarded a specific contract to T&M Associates on June 18, 2014 for Project B, which the City now seeks to amend in accordance with the attached proposal; and,

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

WHEREAS, certification of funds is available as follows:
I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$9,000.00 is available in the following appropriations C-04-60-714-120 in the CY2014 capital account; 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 CY2014 capital account.

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

NOW THEREFORE, BE IT RESOLVED, that an amended contract be entered into by the City's administration as follows: T&M Associates for Project Package B with an increased not to exceed amount of \$9,000.00, for a total not to exceed amount of \$33,600.00 (which includes the original owner's allowance (pursuant to T&M Associates' attached proposal), to represent the City as Engineers for the specified portion of the City's Roadway Improvements Project, for a term to commence June 19, 2014 and expire June 18, 2015, for the not to exceed amount defined herein; and

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

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

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: October 1, 2014

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



HOBK-00030

September 23, 2014

Quentin Wiest, City Administrator
City of Hoboken
94 Washington Street
Hoboken, NJ 07030

**Re: Second Supplemental Proposal for Professional Services for
2014 Municipal Street Resurfacing and Intersection Safety Improvement Program – Project B**

Dear Mr. Wiest:

As discussed, we are providing a supplemental fee estimate for additional design services in addition to the original scope of services.

1. Revise bid documents to eliminate paving and striping on Monroe Street from 6th Street to 8th Street and include as an add alternate the paving and striping on 4th Street from Grand Street to Monroe Street.
2. Provide additional curb extension at the intersection of Monroe and Seventh Street.
3. Research and coordination with City regarding inclusion of a rain garden monitoring systems.
4. Prepare revisions to the bid documents based on Hudson County review comments.
5. Prepare Addendum #1.
6. Provide an additional pavement striping plan for Jackson Street from Newark Street to Paterson Avenue.
7. Provide bid phase services for the rebid of the project.

Based on this additional scope of services, we estimate an additional design services fee of \$9,000 to be billed monthly based on actual progress.

On behalf of T&M Associates, thank you for the opportunity to submit this Proposal. Should you have any questions or require additional information, please feel free to call.



HOBK-00030

September 23, 2014

Re: **Quentin Wiest, City Administrator
City of Hoboken**

Page 2

Re: **Second Supplemental Proposal for Professional Services for
2014 Municipal Street Resurfacing and Intersection Safety Improvement Program - Project B**

Very truly yours,
T&M ASSOCIATES



JACLYN FLOR, P.E., P.P., CME
SUPERVISING ENGINEER/PLANNER

JF:PB:sp

K:\HOBK\00030\Correspondence\Marks_JF_Supplemental Proposal #2.docx

Introduced by: _____

Seconded by: _____

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

RESOLUTION TO AUTHORIZE A CONCESSIONAL SERVICE CONTRACT WITH VALET KING AS VALET PARKING PROVIDER TO THE CITY OF HOBOKEN UNDER A PILOT PROGRAM FOR 3 MONTHS STARTING OCTOBER 8, 2014 AND ENDING JANUARY 8, 2015 IN ACCORDANCE WITH THE RFP ISSUED FOR SAID SERVICES

WHEREAS, concession service to the City for valet parking is subject to the competitive contracting process, which the City was authorized to utilize, to exempt the contract from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published a Competitive Contracting Request for Proposals for a concession service contract for a valet parking service provider, in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Valet King responded to; and,

WHEREAS, the evaluation committee has determined that Valet King offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with the vendor; and,

WHEREAS, the vendor 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,

NOW THEREFORE, BE IT RESOLVED, that a concession contract with Valet King to represent the City as valet service provider be awarded, under a pilot program for 3 months starting October 8, 2014 and ending January 8, 2015, with all other terms and conditions being in accordance with Valet King’s proposal, and the City’s RFP (the terms in the RFP shall trump the terms in the proposal to the extent inconsistent – since no exceptions are being allowed hereunder); and

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

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: October 1, 2014

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

Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

Resolution and Agreement For State Aid

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2015 MUNICIPAL AID PROGRAM FOR IMPROVEMENTS TO WASHINGTON STREET

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, Municipal Aid has been a significant resource for municipalities in funding local transportation projects; and

WHEREAS, the Department of Transportation encourages all municipalities to consider using the Municipal Aid program to fund projects that support walking and biking in their communities; and

WHEREAS, the NJDOT has set a goal to award up to 10 percent of the Municipal Aid program to fund projects such as pedestrian safety improvements, bikeways and streetscapes; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**MA-2015-Hoboken City-00188**” to the New Jersey Department of Transportation on behalf of the City of Hoboken.

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

Meeting date: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo
Corporation Counsel

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

Certified as a true copy of the Resolution adopted by the Council
On this _____ day of _____, 2014

James Farina, RMC

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

ATTEST and AFFIX SEAL

James Farina
(Clerk)

Mayor Dawn Zimmer
(Presiding Officer)



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JOSEPH D. BERTONI
Acting Commissioner

RECEIVED

AUG 14 2014

OFFICE OF THE MAYOR
HOBOKEN, NJ

August 11, 2014

Dear Mayor/Freeholder Director/County Executive:

I am pleased to announce that applications will now be accepted for the New Jersey Department of Transportation's (NJDOT) FY 2015 State Aid programs. The Commissioner of Transportation and I are committed to maintaining and improving New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives.

The following is a brief description of each program:

- **Municipal Aid** - This program has been a significant resource for municipalities in funding local transportation projects. All municipalities are eligible. The Department continues to encourage municipalities to consider using the Municipal Aid Program to fund projects that support walking and biking in their communities. NJDOT has set a goal to award up to 10 percent of the Municipal Aid Program funds to projects such as pedestrian safety improvements, bikeways and streetscapes.
- **Transit Village** - This program will award grants for traditional and non-traditional transportation projects that enhance walking, biking and/or transit ridership within 1/2 mile of the transit facility. Only New Jersey municipalities that have been designated as Transit Villages by the Commissioner of Transportation and the inter-agency Transit Village Task Force are eligible to apply. The eligible town list can be found at <http://www.state.nj.us/transportation/business/localaid/transitvillagef.shtm>.
- **Bikeways** - This program is intended to fund bicycle projects. It is available to all counties and municipalities. The Department continues to work toward the goal of achieving 2,000 miles of dedicated bikeways in New Jersey. Special consideration will be given to bikeways that are physically separated from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding.
- **Safe Streets to Transit** - The intent of this program is to encourage counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities in order to promote increased usage of transit by all segments of the population.

All projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA). ADA guidance, program descriptions and application guidance materials can be found on the NJDOT website at:

<http://www.state.nj.us/transportation/business/localaid/stateaid.shtm>

If you choose to apply, please consider the following in your applications. NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution. Please provide background information in the application to support your project's construction readiness. This information will be a factor in our rating of applications.

I encourage you to submit applications for these Local Aid programs. Each program application will be evaluated independently, affording counties and municipalities the opportunity to receive funding in more than one category.

The enclosed map provides contact information for each Local Aid District Office. Please keep in mind that a separate application for each project must be completed and submitted on or before October 14, 2014 on-line through SAGE at:

<https://enterprisegrantapps.state.nj.us/NJSAGE/>

We recommend that you consult with your Local Aid District Office to assist in preparing applications for funding. Thank you for your continued interest and support of NJDOT and best wishes for success with your project applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Christie".

Chris Christie
Governor

Enclosure

c Municipal Clerk
Municipal Engineer
County Engineer



New Jersey Department of Transportation Local Aid and Economic Development

District 1

Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
973.601.6700
FAX: 973.601.6709

District 2

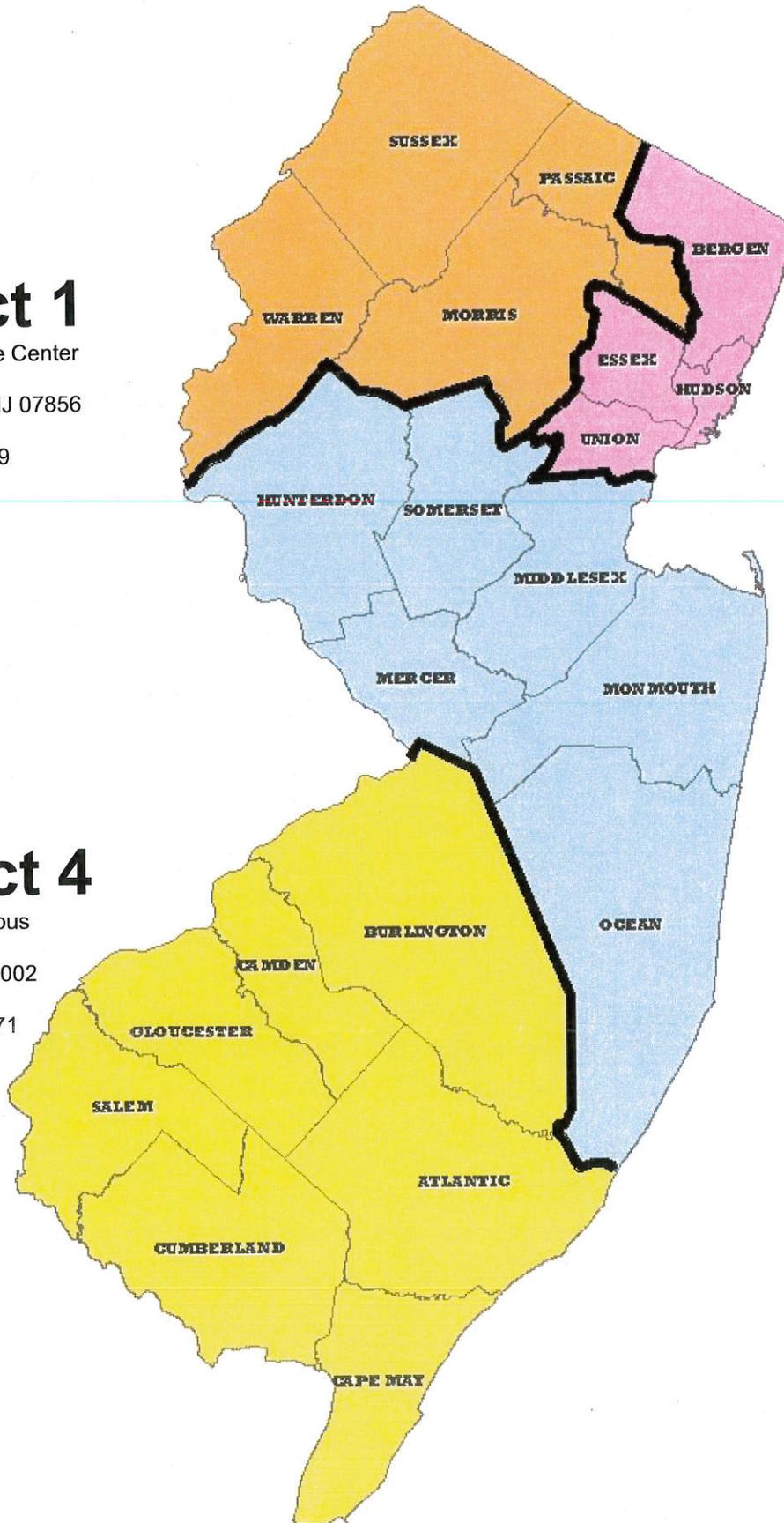
153 Halsey Street, 5th Floor
Newark, NJ 07102
973.877.1500
FAX: 973.648-4547

District 4

1 Executive Campus
Route 70 West
Cherry Hill, NJ 08002
856.486.6618
FAX: 856.486.6771

District 3

1035 Parkway Ave
Trenton, NJ 08625
732.625.4290
FAX: 732.625.4292



Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

Resolution and Agreement For State Aid

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE FY 2015 BIKEWAYS GRANT PROGRAM**

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey’s local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, the Bikeways program is intended to fund bicycle projects; and

WHEREAS, the Department of Transportation continues to work toward the goal of achieving 2,000 miles of dedicated bikeways in New Jersey; and

WHEREAS, special consideration will be given to bikeways that are physically separated from motorized from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**BIKE-2015-Hoboken City-00007**” to the New Jersey Department of Transportation on behalf of the City of Hoboken.

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

Meeting date: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo
Corporation Counsel

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

Certified as a true copy of the Resolution adopted by the Council
On this _____ day of _____, 2014

James Farina, RMC

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

ATTEST and AFFIX SEAL

James Farina
(Clerk)

Mayor Dawn Zimmer
(Presiding Officer)



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JOSEPH D. BERTONI
Acting Commissioner

RECEIVED

AUG 14 2014

OFFICE OF THE MAYOR
HOBOKEN, NJ

August 11, 2014

Dear Mayor/Freeholder Director/County Executive:

I am pleased to announce that applications will now be accepted for the New Jersey Department of Transportation's (NJDOT) FY 2015 State Aid programs. The Commissioner of Transportation and I are committed to maintaining and improving New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives.

The following is a brief description of each program:

- **Municipal Aid** - This program has been a significant resource for municipalities in funding local transportation projects. All municipalities are eligible. The Department continues to encourage municipalities to consider using the Municipal Aid Program to fund projects that support walking and biking in their communities. NJDOT has set a goal to award up to 10 percent of the Municipal Aid Program funds to projects such as pedestrian safety improvements, bikeways and streetscapes.
- **Transit Village** - This program will award grants for traditional and non-traditional transportation projects that enhance walking, biking and/or transit ridership within 1/2 mile of the transit facility. Only New Jersey municipalities that have been designated as Transit Villages by the Commissioner of Transportation and the inter-agency Transit Village Task Force are eligible to apply. The eligible town list can be found at <http://www.state.nj.us/transportation/business/localaid/transitvillagef.shtm>.
- **Bikeways** - This program is intended to fund bicycle projects. It is available to all counties and municipalities. The Department continues to work toward the goal of achieving 2,000 miles of dedicated bikeways in New Jersey. Special consideration will be given to bikeways that are physically separated from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding.
- **Safe Streets to Transit** - The intent of this program is to encourage counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities in order to promote increased usage of transit by all segments of the population.

All projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA). ADA guidance, program descriptions and application guidance materials can be found on the NJDOT website at:

<http://www.state.nj.us/transportation/business/localaid/stateaid.shtm>

If you choose to apply, please consider the following in your applications. NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution. Please provide background information in the application to support your project's construction readiness. This information will be a factor in our rating of applications.

I encourage you to submit applications for these Local Aid programs. Each program application will be evaluated independently, affording counties and municipalities the opportunity to receive funding in more than one category.

The enclosed map provides contact information for each Local Aid District Office. Please keep in mind that a separate application for each project must be completed and submitted on or before October 14, 2014 on-line through SAGE at:

<https://enterprisegrantapps.state.nj.us/NJSAGE/>

We recommend that you consult with your Local Aid District Office to assist in preparing applications for funding. Thank you for your continued interest and support of NJDOT and best wishes for success with your project applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Christie".

Chris Christie
Governor

Enclosure

c Municipal Clerk
Municipal Engineer
County Engineer



New Jersey Department of Transportation Local Aid and Economic Development

District 1

Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
973.601.6700
FAX: 973.601.6709

District 2

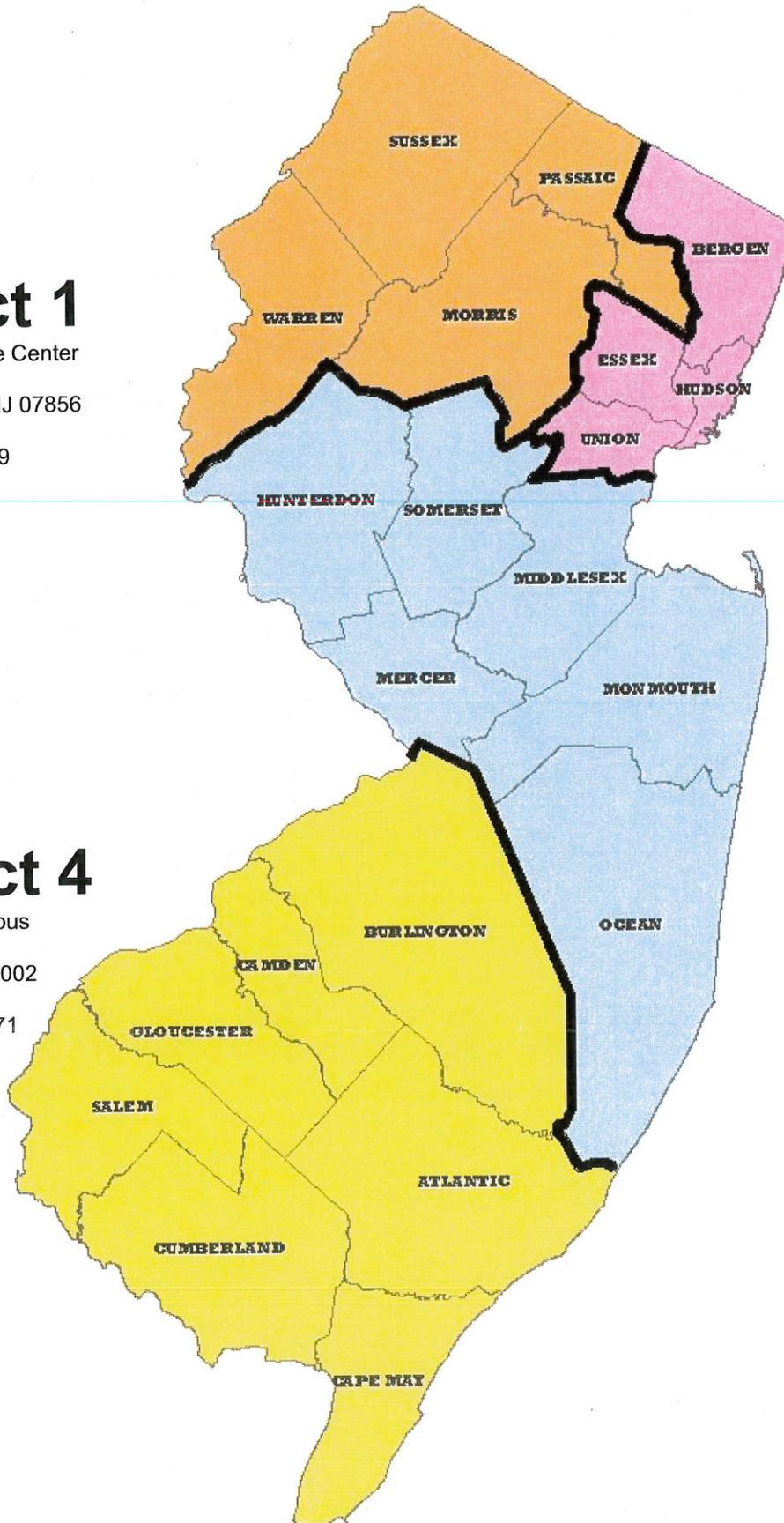
153 Halsey Street, 5th Floor
Newark, NJ 07102
973.877.1500
FAX: 973.648-4547

District 4

1 Executive Campus
Route 70 West
Cherry Hill, NJ 08002
856.486.6618
FAX: 856.486.6771

District 3

1035 Parkway Ave
Trenton, NJ 08625
732.625.4290
FAX: 732.625.4292



Introduced by: _____

Seconded by: _____

CITY OF HOBOKEN

RESOLUTION NO. _____

Resolution and Agreement For State Aid

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE STREETS TO TRANSIT PROJECT FOR HUDSON STREET AND HUDSON PLACE PEDESTRIAN SAFETY IMPROVEMENTS

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey’s local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, the Safe Streets to Transit program is intended to encourage counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities in order to promote increased usage of transit by all segments of the population; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**SST-2015-Hoboken City-00008**” to the New Jersey Department of Transportation on behalf of the City of Hoboken.

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

of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Meeting date: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo
Corporation Counsel

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

Certified as a true copy of the Resolution adopted by the Council
On this _____ day of _____, 2014

James Farina, RMC

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

ATTEST and AFFIX SEAL

James Farina
(Clerk)

Mayor Dawn Zimmer
(Presiding Officer)



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JOSEPH D. BERTONI
Acting Commissioner

RECEIVED

AUG 14 2014

OFFICE OF THE MAYOR
HOBOKEN, NJ

August 11, 2014

Dear Mayor/Freeholder Director/County Executive:

I am pleased to announce that applications will now be accepted for the New Jersey Department of Transportation's (NJDOT) FY 2015 State Aid programs. The Commissioner of Transportation and I are committed to maintaining and improving New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives.

The following is a brief description of each program:

- **Municipal Aid** - This program has been a significant resource for municipalities in funding local transportation projects. All municipalities are eligible. The Department continues to encourage municipalities to consider using the Municipal Aid Program to fund projects that support walking and biking in their communities. NJDOT has set a goal to award up to 10 percent of the Municipal Aid Program funds to projects such as pedestrian safety improvements, bikeways and streetscapes.
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- **Safe Streets to Transit** - The intent of this program is to encourage counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities in order to promote increased usage of transit by all segments of the population.

All projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA). ADA guidance, program descriptions and application guidance materials can be found on the NJDOT website at:

<http://www.state.nj.us/transportation/business/localaid/stateaid.shtm>

If you choose to apply, please consider the following in your applications. NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution. Please provide background information in the application to support your project's construction readiness. This information will be a factor in our rating of applications.

I encourage you to submit applications for these Local Aid programs. Each program application will be evaluated independently, affording counties and municipalities the opportunity to receive funding in more than one category.

The enclosed map provides contact information for each Local Aid District Office. Please keep in mind that a separate application for each project must be completed and submitted on or before October 14, 2014 on-line through SAGE at:

<https://enterprisegrantapps.state.nj.us/NJSAGE/>

We recommend that you consult with your Local Aid District Office to assist in preparing applications for funding. Thank you for your continued interest and support of NJDOT and best wishes for success with your project applications.

Sincerely,



Chris Christie
Governor

Enclosure

c Municipal Clerk
Municipal Engineer
County Engineer



New Jersey Department of Transportation Local Aid and Economic Development

District 1

Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
973.601.6700
FAX: 973.601.6709

District 2

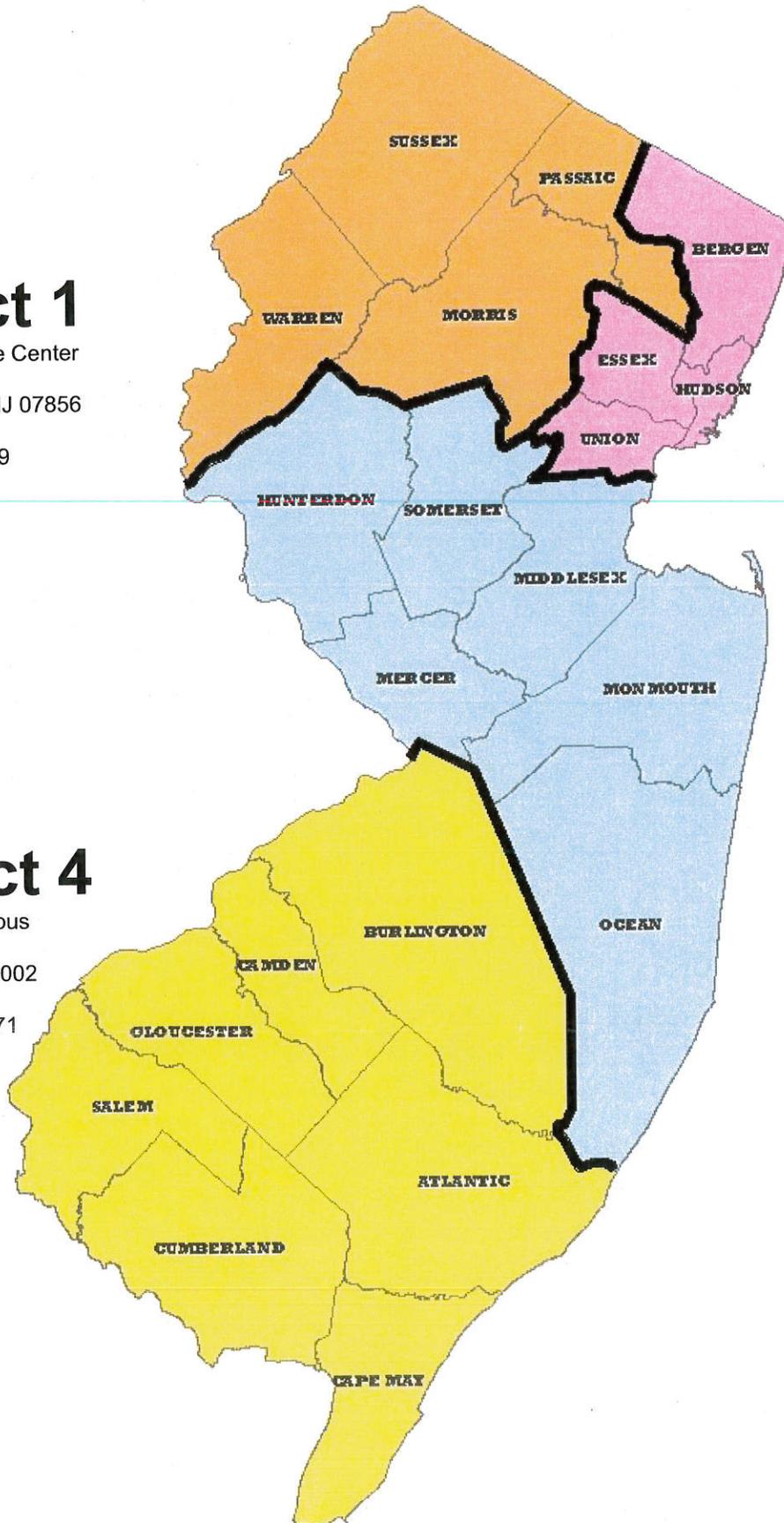
153 Halsey Street, 5th Floor
Newark, NJ 07102
973.877.1500
FAX: 973.648-4547

District 4

1 Executive Campus
Route 70 West
Cherry Hill, NJ 08002
856.486.6618
FAX: 856.486.6771

District 3

1035 Parkway Ave
Trenton, NJ 08625
732.625.4290
FAX: 732.625.4292



INTRODUCED BY: _____

SECONDED BY: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION REVOKING PREVIOUSLY ADOPTED RESOLUTION - RESOLUTION #1212 OF
NOVEMBER 15, 1999**

WHEREAS, it has come to the attention of the Governing Body that the City of Hoboken adopted Resolution #1212 on November 15, 1999 which transferred all authority over N.J.A.C. 7:14A-22.5 and -22.6 municipal authorizations to the NJ-DEP to the Director of Environmental Services; and

WHEREAS, it has been the precedent of the current City Administration and Governing Body to have a City appointed engineer review and recommend action to the Governing Body, and then have the Governing Body formalize a resolution indicating its consent thereupon, in accordance with the normal procedures allowed under N.J.A.C. 7:14A-22.6; and,

WHEREAS, the current City Administration has not, and does not intend to, forward authorization to the NJ-DEP authorizing Leo Pellegrini, as Director of Environmental Services, as the City’s signatory on such forms, as is required for the alternate procedure Resolution #1212 authorizes pursuant to N.J.A.C. 7:14A-22.8(a)(3)(i)(1).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Resolution commonly known as Resolution #1212, adopted November 15, 1999, is hereby REVOKED IN ITS ENTIRETY; and,

BE IF FURTHER RESOLVED, this resolution shall take effect immediately upon adoption.

MEETING DATE: October 1, 2014

REVIEWED BY:

APPROVED BY:

**Quentin Wiest
Business Administrator**

**Mellissa Longo
Corporation Counsel**

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

Resolution 1214

Reviewed by Richard W. Murray

Approved by [Signature]

file

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO EXECUTE A STATEMENT OF CONSENT FORM (WQM 003) SECTION A-1 ON BEHALF OF THE CITY

WHEREAS, pursuant to N.J.A.C. 7:14A-4.6, an applicant for an individual New Jersey Pollutant Discharge Elimination System-Significant Indirect Users Permit (NJPDDES-SIU permit applicant) shall supply to the State of New Jersey Department of Environmental Protection (NJDEP), among other documentation, consent from the affected local agency and owner of the applicable wastewater conveyance system(s), certifying that the discharge is acceptable, in the form of a letter or Form WQM-003; and

WHEREAS, pursuant to N.J.A.C. 7:14A-22.5, and 7:14A-22.6, applications for treatment works approvals require the submission of a resolution, certification and/or written statement of consent from the affected municipality, or alternatively the completion of the NJDEP Form WQM003; now, therefore,

BE IT RESOLVED, by the Council of the City of Hoboken that the City hereby authorizes the Director of the Department of Environmental Services to routinely execute the aforementioned NJDEP Statement of Consent Form (WQM 003) Section A-1 on behalf of the City of Hoboken.

November 15, 1999

Approved as to Form:

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

[Signature]
ROBERT E. MURRAY
CORPORATION COUNSEL

NOV 15 1999

[Signature]
CITY CLERK

Introduced by: _____

Seconded by: _____

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

**RESOLUTION GRANTING CONSENT TO TDC/URSA
HOBOKEN SALES CENTER, LLC'S SUBMISSION OF A TWA-1
TO THE STATE OF NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION'S DIVISION OF WATER
QUALITY**

WHEREAS, TDC/URSA Hoboken Sales Center, LLC has a construction site at 1125-1131 Jefferson St., Block 104, Lots 13 thru 21, in the City of Hoboken; and,

WHEREAS, TDC/URSA Hoboken Sales Center, LLC has requested the City of Hoboken provide consent to submission of Water Quality application forms to the New Jersey Department of Environmental Protection ("NJDEP"); and,

WHEREAS, the City Engineer has reviewed the application and takes no exception to it, pursuant to the attached letter from Boswell Engineering dated September 26, 2014; and,

WHEREAS, the City Council feels it is appropriate to grant TDC/URSA Hoboken Sales Center, LLC's request to submit an application to the NJDEP regarding water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to TDC/URSA Hoboken Sales Center, LLC's request to submit a TWA-1 application to the Water Quality Division of the NJDEP regarding 1125-1131 Jefferson St., Block 104, Lots 13 thru 21; and,

BE IT FURTHER RESOLVED that the Mayor is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: October 1, 2014

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



Sent Via E-Mail and Regular Mail

September 26, 2014

Mr. Quentin Wiest, Business Administrator
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Re: Review - Treatment Works Approval
TDC/URSA Hoboken Sales Center, LLC
6 Story Mixed Use Building
1125 Jefferson Street
Block 104, Lots 13 thru 21
Hoboken, NJ
Our File No. HO-499

Dear Administrator Wiest:

As directed by the City of Hoboken, our office reviewed the following documents related to the above referenced project:

- A. Letter of Transmittal from John J. Curley of John J. Curley, LLC to Quentin Wiest, Business Administrator, dated September 24, 2014
- B. Letter of Transmittal from Andrew H. Missey, P.E. of Lapatka Associates to Director Leo Pellegrini dated September 14, 2014.
- C. NJDEP Statement of Consent Form, WQM-003;
- D. North Hudson Sewerage Authority Approval and Resolution;
- E. Copy of public notification letters to Hoboken Environmental Commission and Planning Board with proof of certified mailing;
- F. The following Drawings:
 - i. Drawing A-004A Engineering Utility Site Plan, prepared by J.F. Caufield & Associates Engineering, dated 6/25/14, last revised 7/21/14;
 - ii. Drawing P-11 Sanitary and Storm Site Details, prepared by J.F. Caufield & Associates Engineering, dated 7/1/14, last revised 7/21/14;
 - iii. Drawing P-12 Storm Retention Site Details and Sections, prepared by J.F. Caufield & Associates Engineering, dated 7/1/14, last revised 7/21/14;

Mr. Quentin Wiest, Business Administrator
City of Hoboken
September 26, 2014
Page 2

The purpose of our review was to evaluate and make recommendation regarding endorsement of the TWA Application by the Governing Body, which is a requirement of the application process. By endorsing said application, the Governing Body consents to the submission of the application to the NJDEP and certifies that the project as proposed conforms to the requirements of all municipal ordinances.

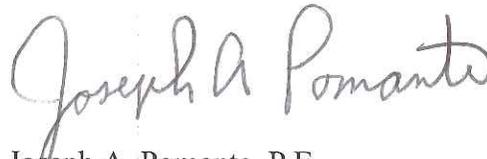
The project consists of a 6 story mixed use building comprised of 54 residential units (14 - one bedroom, 20 - two bedroom, 20 - three bedroom and 813 sf retail space) located at 1125 Jefferson Street between Adams and Jefferson Streets, adjacent to 12th Street (to the north). The application involves the installation of approximately 60 linear feet of new 6" ductile iron pipe ("DIP") which will serve at the sanitary service lateral(s) for the proposed mix use building. The sanitary service lateral(s) are to be constructed on the east and west sides of the proposed building and will connect into the combined sewer located within the Right of Way (R.O.W.) of Adams and Jefferson Streets. In addition, the Applicant also proposes to install approximately 60 linear feet of 6" DIP which will connect a proposed underground detention system (capacity = 14,100 gallons) to the existing combined sewer located within the Right of Way (R.O.W.) of Adams and Jefferson Streets. The tie-in points for the both the sanitary sewer and stormwater facilities are located along within the right of way along Adams and Jefferson Streets which are City of Hoboken Right of Ways. The project also incorporates components of both wet and dry flood proofing which based on our limited review appear to comply with the City of Hoboken Flood Damage Prevention ordinance

Based on our review of the above referenced application and supporting documentation, Boswell Engineering takes no exception to the City of Hoboken's endorsement of this Treatment Works Approval application provided the Applicant adheres to the City's recently revised Road Opening Ordinance, where applicable. It is expressly understood that our recommendation extends to only this NJDEP TWA application and not for any other permitting which may be required for this development.

Should you require any additional information please feel free to contact our office.

Very truly yours,

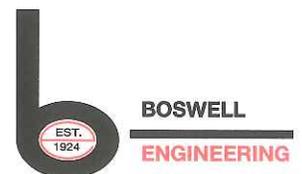
BOSWELL McCLAVE ENGINEERING



Joseph A. Pomante, P.E.
City Engineer Representative

JAP/s

140926jap11-HO499



SPONSORED: JIM DOYLE
SECONDED: _____

CITY OF HOBOKEN
RESOLUTION NO. __

**RESOLUTION OF THE CITY OF HOBOKEN TO THE ADMINISTRATOR OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY IN SUPPORT OF REDUCING GREENHOUSE
GAS POLLUTION UNDER THE CLEAN AIR ACT**

WHEREAS, according to the National Aeronautic Space Association, the decade from 2000 to 2010 was the warmest on record, the years 2005 and 2010 each tied for the hottest years on record, and the year 2012 was the warmest year on record for the United States and among the ten warmest globally; and

WHEREAS, in 2013 the level of CO₂ in the atmosphere averaged 396 parts per million (ppm), exceeding the pre-industrial level by 40 percent, and in 2011 the levels of methane and nitrous oxide — two potent greenhouse gases — exceeded pre-industrial levels by about 150% and 20% respectively; and

WHEREAS, the U.S Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health, and according to the Global Humanitarian Forum by 2009 climate change was already responsible every year for contributing to some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency, with severe consequences for people and wildlife; in the United States in 2012 alone, climate disasters occurred resulting in heat waves, storms, and drought that totaled an estimated \$116 billion dollars in damage and a loss of 377 human lives; and

WHEREAS, climate change creates conditions that lead to more destructive storms, like 2012's Superstorm Sandy which devastated Hoboken, by loading storms with more energy and more rainfall, raising sea levels, and causing storm surge to ride on a higher sea surface and more coastline floods; the risk of extreme storm surges has already doubled as the planet warms, and these events could become ten times more frequent in the coming decades; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops; and droughts, floods, and changes in snowpack are altering water supplies; and

WHEREAS, climate change has been linked to the declines and losses of wildlife populations around the globe, and scientists have concluded that by 2100 as many as one in ten species may face extinction as a result of climate change; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels, and warming of the Arctic and melting of sea-ice, which causes changes in the jet stream and bring more extreme weather to the U.S., has decreased the amount of sea-ice to about half of what it was several decades ago, resulting in a record low in 2012, which is accordingly jeopardizing ice-dependent animals; and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350 ppm"; and

WHEREAS, the U.S. East Coast is a hotspot for sea level rise with rates three to four times of the global average; sea-level rise is accelerating in pace and the effects of sea-level rise are long-lived; and the sea level is expected to rise by three to four feet on average – and possibly 6.5 feet or more – by the end of this century alone, threatening millions of Americans with severe flooding; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur, and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in Massachusetts vs. EPA (2007) that greenhouse gases are "air pollutants" as defined by the Clean Air Act and the U.S. Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the City of Hoboken prides itself on striving to be a leader in the fight against climate change and for clean air as evidenced through its successful participation in the Rebuild by Design program, its recognition in the Sustainable Jersey Program, and its promotion of the use of mass transit and bicycling in our community;

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places, but rather climate change is happening now, and delaying action to address it will only make the situation more difficult to solve in the future; and we, the Hoboken City Council, on behalf of the residents of Hoboken, do urge the Administrator of the U.S.

Environmental Protection Agency and President Barack Obama to move swiftly as a nation, such as through enforcement of the Clean Air Act, to do our part to reduce carbon in our atmosphere to levels no more than 350 parts per million.

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution to the Administrator of the Environmental Protection Agency and President Barack Obama.

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

Reviewed:

Approved as to Form:

Quentin Wiest
Business Administrator

Mellissa Longo, Esq.
Corporation Counsel

Meeting Date: October 1, 2014

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Peter Cunningham				
James Doyle				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
Council President Giattino				

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

Inserting a Special Item of Revenue into the CY 2014 Municipal Budget

**Recreational Opportunities for Individuals with Disabilities (ROID)
CY 2014**

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$10,000.00 from NJ Department of Community Affairs and wishes to amend its CY 2014 Budget to include this amount as revenue with a City Match of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$10,000.00

This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

Recreational Opportunities for
Individuals with Disabilities O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$10,000.00
Be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:

Recreational Opportunities for
Individuals with Disabilities O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

Meeting date: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo, Esq.
Corporation Counsel

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

George DeStefano

From: Chris Baldwin
Sent: Tuesday, September 23, 2014 3:01 PM
To: George DeStefano
Subject: FW: Grant Contract for Grant #2014-05157-0104-00 has been executed.

Please do a chapter 159. This notice came yesterday. Details below.

From: Leo Pellegrini
Sent: Monday, September 22, 2014 10:26 AM
To: Chris Baldwin
Subject: FW: Grant Contract for Grant #2014-05157-0104-00 has been executed.

fyi

From: sageadmin@dca.state.nj.us [<mailto:sageadmin@dca.state.nj.us>]
Sent: Monday, September 22, 2014 9:07 AM
To: mcohen@dca.state.nj.us; pswartz@dca.state.nj.us; KButler@DCA.state.nj.us; jennifer.underwood@dca.state.nj.us; ssiegel@dca.state.nj.us; denise.sentek@dca.nj.gov; shottendorf@hobokennj.org; Leo Pellegrini; gdestefano@hobokennj.org
Subject: Grant Contract for Grant #2014-05157-0104-00 has been executed.

The Commissioner's Office has approved the following Grant Agreement via SAGE: Grantee: Hoboken City
Grant Agreement #: 2014-05157-0104-00 Grant Program: Recreational Opportunities for Individuals with
Disabilities 2014 Award Amount: \$10,000.00



Grant #: 2014-05157-0104-00
Grantee: Hoboken City
Status: Grant Executed
Access Level: Grant Administrator

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User: George DeStefano | [Help](#) | [Logout](#)

Recreational Opportunities for Individuals with Disabilities 2014 Grant

[Amend Grant](#) | [Revise Grant](#)

Grant #: 2014-05157-0104-00

General Information

Term: 9/1/2013 - 6/30/2014
Amount: \$10,000.00
Available Balance: \$10,000.00
Cash On Hand: \$0.00
Status: Grant Executed

Grant: Related Items

- [▲ Collapse Entire Tree ▲](#)
- [Budget Overview](#)
- [Narrative Page\(s\)](#)
- [Certification Sheets](#)

Agency Information

[View Grantee Information](#)

Agency: Hoboken City
Vendor #: V-226001993-99

Grant Information

- General Information
- Grant Objectives
- View/Satisfy Grant Conditions
- Grant Report Periods
- Grant Contract Information
- Grant Contract PDF
- Grant Contract Signature Log
- Scope Of Services

Contacts

- Grantee Contact Information
- DCA SAGE Contact Information
- Email Grant Contacts
- Grant Contact Email History

Components

- Program Components
- Optional Components
- Service Areas

Financial Information

- Current Budget Overview

Progress Reports

• [Create](#)

Financial Status Reports

- Create Expense Report
- FSR History

Application Menu

History

- Grant Amendments/Revisions



Grant #: 2014-05157-0104-00
Grantee: Hoboken City
Status: Grant Executed
Access Level: Grant Administrator

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User: George DeStefano | Help | Logout

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VIEW/EDIT GRANT INFORMATION

Instructions: Please complete the information below. For further instructions, please click the **Help** icon in the upper right hand corner of the page.

Grant Information

Grant Title	HoBoK-ONE
Grant Description Complete this sentence: This award will provide funds...	to enable Hoboken's children with special needs to participate in athletic activities.
Term Begin Date	9/1/2013
Term End Date	6/30/2014
Legal Approval Required?	No
Legal Approval Date	
Legal Approval Upload (Upload File)	



Grant #: 2014-05157-0104-00
 Grantee: Hoboken City
 Status: Grant Executed
 Access Level: Grant Administrator

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OBJECTIVES

Instructions: Please complete the information below. For further instructions, please click the **Help** icon in the upper right hand corner of the page. Objectives should be specific, measurable, attainable, realistic, and time oriented.

Objectives | **Scope of Services** | **Narrative Forms**

Current Objectives:

Number	Short Description	Detailed Description	Methods	Performance Measure(s)	Grant Program Component
1	Expand programming for children with special needs	The "HoBoK-ONE" program will expand the current level of recreational programming for children with special needs residing in the City of Hoboken. Through "HoBoK-ONE", children with special needs will have the opportunity to participate in numerous recreation activities, as "HoBoK-ONE" staff will be available to assist each child in their participation.	The City of Hoboken will expand the "HoBoK-ONE" program to include an adapted soccer, arts and crafts, and music program. The adapted program will also include an enhancement as three field trips during the year will supplement the weekly program activities.	This objective will be measured in two distinct ways: (1) quantitatively through the number of enrolled program participants, average weekly attendance and field trip participation; and, (2) qualitatively through exit surveys completed by parents of program participants.	
2	Hire program staff	The City of Hoboken will contract with four individuals to fill the positions of Program Assistant (two positions), Inclusion Coordinator and Transition Coordinator.	The Project Director will assume additional responsibilities aside from his current role as Director the Department of Human Services. He will be responsible for advertising the available positions and hiring staff members based on their individual qualifications with respect to the position descriptions.	This will be evaluated by the amount of months it takes to hire and contract with qualified staff, the number of years of collective experience working with children with disabilities, and by ensuring all four positions are filled throughout the duration of the program.	
3	Provide enhanced experiences	The "HoBoK-ONE" program will seek to enhance the experience for program participants above the weekly meeting times.	There will be three field trips offered by the City of Hoboken: (1) a trip to Monroe Center to meet with artists and do more advanced arts	This will be evaluated quantitatively by the number of enrolled program participants who attend each field trip offering.	

projects, (2) a trip to a New York Red Bulls game to watch live professional soccer, and (3) a trip to the New Jersey Performing Arts Center to experience a live music or theater performance.

			Grant #: 2014-05157-0104-00 Grantee: Hoboken City Status: Grant Executed Access Level: Grant Administrator		
Start Menu	Agency Info	Grant Menu	User: George DeStefano  Help Logout		
Back to Grant Menu			GRANT CONDITIONS		
Grant Conditions					
There are no conditions defined for this grant.					
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Grant #: 2014-05157-0104-01
Grantee: Hoboken City
Status: Grant Executer
Access Level: Grant Administrator

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GRANT REPORT PERIOD

Instructions: Please complete the information below. For further instructions, please click the **Help** icon in the upper right hand corner of the page.

Current Grant Report Periods:

Report	Start Date	End Date	Due Date
<input type="radio"/> Final Program Report	1/1/2014	6/30/2014	7/31/2014
<input type="radio"/> Progress Report	9/1/2013	12/31/2013	1/31/2014
<input type="radio"/> Progress Report	1/1/2014	3/31/2014	4/30/2014
<input type="radio"/> Progress Report	4/1/2014	6/30/2014	7/31/2014



Grant #: 2014-05157-0104-00
Grantee: Hoboken City
Status: Grant Executed
Access Level: Grant Administrator

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GRANT CONTRACT INFORMATION

Instructions: Please complete the information below. For further instructions, please click the **Help** icon in the upper right hand corner of the page.

Grant Contract Information

Fidelity Bonding Required Yes Amount: \$0.00
 No

Insurance(s) Required (check one or more)
 General Liability
 Auto Liability
 Worker's Compensation
 No Other Additional Insurance Required
 Other Additional Insurance Required (specify)

Maximum Advance Percentage 0.00%

Advance Payment Yes Amount: \$0.00
 No

Payment Type Reimbursement (of Expenditures per Approved Expenditure Report)
 Monthly Quarterly Annually Other:
 Other (specify)

Final Payment Withheld Yes Amount: \$0.00
 No
 Other (specify)

Project Income Not Applicable
 Add to Project Funds
 Return to DCA
 Deduct from total to determine Net
 Use to meet cost sharing/matching requirement

Performance Reports Monthly Quarterly Annually
 Other: tri-annual

Audit Required Yes No

Audit Payment (Source) This Agreement Other Recipient funding source Not Applicable

Additional Audit Schedules Required Yes Specify:
 No

DAG Signature Required Yes No

Federal Funds of \$100,000 or more Yes No

High Risk Recipient Yes No

High Risk Reason
 History of Unsatisfactory Performance
 Unstable Financial Condition
 Management System Substandard
 Nonconformance to Previous Awards Terms and Conditions
 Other Irresponsibility

High Risk Conditions
 Payment will be made on Reimbursement Basis
 Authority to Proceed Withheld - Evidence of Performance
 Additional, More Detailed Financial Status Reports Required
 Additional Project Monitoring to be Performed
 Technical or Management Assistance Required
 Additional Prior Approvals Required

GRANT/LOAN AGREEMENT

BETWEEN THE

**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS**

AND

City of Hoboken

GRANT/LOAN AGREEMENT NUMBER: 2014-05157-0104-00

PROGRAM NAME: Recreational Opportunities for Individuals with Disabilities 2014

A grant/loan contractual agreement with the New Jersey Department of Community Affairs is composed of two major parts: the General Terms and Conditions for Administering a Grant/Loan and the individual Grant/Loan Agreement document which includes the cover page, the signature page, the Agreement Data Sheet and the following sections:

- A. Specific Terms and Conditions;
- B. Agreement Budget;
- C. Work Plan; and
- D. Program Provisions.

By signature on this Grant/Loan Agreement, the above-named Recipient agrees to the specific provisions stated in the four sections of this Grant/Loan Agreement. In addition, the Recipient agrees to comply with all provisions of the State of New Jersey, Department of Community Affairs, General Terms and Conditions for Administering a Grant/Loan - Issue Date: February, 1998. The General Terms and Conditions for Administering a Grant/Loan are incorporated in this Grant/Loan Agreement by reference. The Recipient hereby acknowledges receipt of the General Terms and Conditions for Administering a Grant/Loan document or understands that a copy of the General Terms and Conditions for Administering a Grant/Loan may be obtained upon request to the Division funding this grant and/or loan.

RECIPIENT-AND DEPARTMENT AUTHORIZED SIGNATURES

The Recipient named below agrees to perform the services as described in the Scope of Services, Section C. of this Grant/Loan Agreement. The provisions of this Grant/Loan Agreement, as well as the provisions of the General Terms and Conditions for Administering a Grant/Loan, incorporated into this agreement by reference, including any subsequent amendments, shall constitute the terms and conditions of the agreement between the New Jersey Department of Community Affairs and the Recipient.

If this Grant/Loan Agreement including the General Terms and Conditions for Administering a Grant/Loan correctly states the Recipient's understanding of the terms and conditions of this award from the New Jersey Department of Community Affairs, please indicate concurrence with these terms and conditions by having the appropriate officer sign as ACCEPTED AND AGREED below and return it to the Department.

FOR RECIPIENT USE ONLY:

ACCEPTED AND AGREED TO FOR RECIPIENT:

BY: The Honorable Dawn Zimmer
Mayor
Hoboken City

FOR NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS APPROVAL ONLY:

DEPARTMENT FISCAL APPROVAL OFFICER CERTIFICATION:

BY: Cindy McDowell
Director of Fiscal Services

I attest that sufficient funds have been appropriated by the State Legislature and are available for this grant/loan award.

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS GRANT APPROVAL OFFICER:

BY: Richard E. Constable, III
Commissioner

AGREEMENT DATA SHEET

(X) GRANT () LOAN

PROJECT INFORMATION

FUNDING PROGRAM NAME: Recreational Opportunities for Individuals with Disabilities 2014
 PROJECT TITLE: HoBoK-ONE
 SERVICE AREA(S): City of Hoboken

RECIPIENT INFORMATION

AGENCY NAME: City of Hoboken
 ADDRESS: 94 Washington Street
Hoboken, New Jersey 07030-4556

CHIEF FINANCIAL OFFICER: Mr. George DeStefano
 VENDOR ID #: V-226001993-99
 TELEPHONE NUMBER: (201) 420-2013
 CHARITIES REGISTRATION #: EX0000000
 (Nonprofit Agencies Only)

STATE INFORMATION

DEPARTMENT: NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
 DIVISION: Division of Housing and Community Resources
 ADDRESS: 101 South Broad Street, 5th Floor
PO Box 806
Trenton, NJ 08625-0806

CONTACT PERSON: Patricia Swartz
 TELEPHONE NUMBER: (609) 984-6654

FUNDING AMOUNT AND SOURCE OF FUNDS

	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>	<u>CFDA #</u>
1 (State Funds)	2014-100-022-8050-035-F157-6120	\$10,000.00	

SUBTOTAL		\$10,000.00	
OTHER FUNDS		\$5,000.00	
TOTAL		\$15,000.00	

GRANT/LOAN AWARD PERIOD

GRANT/LOAN AWARD PERIOD: September 01, 2013 THROUGH: June 30, 2014
 LENGTH OF AWARD PERIOD: 0 Year, 10 Months
 LIQUIDATION OF OBLIGATIONS MUST BE MADE BY: September 28, 2014

PURPOSE OF GRANT/LOAN

This award will provide funding to enable Hoboken's children with special needs to participate in athletic activities.

Section A SPECIFIC TERMS AND CONDITIONS

By virtue of the execution of the Grant/Loan Agreement, the Recipient agrees that all of the terms and conditions set forth in the General Terms and Conditions for Administering a Grant/Loan are incorporated herein. The specific Grant/Loan Agreement provisions are detailed as follows:

1. BONDING AND INSURANCE

Fidelity Bonding:

- Fidelity Bonding with the limit of liability of at least \$ 0.00 shall be maintained by the Recipient until all financial transactions under this Grant/Loan Agreement are completed.
- No Fidelity Bonding shall be required.

Insurance(s):

The Department must be provided with current certificates of insurance for all coverage and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be cancelled for any reason except after 30 days written notice to the New Jersey Department of Community Affairs.

- Comprehensive General Liability policy as broad as the standard coverage form currently in use in the State of New Jersey which shall not be circumscribed by any endorsements limiting the breadth of coverage. The policy shall include an endorsement (broad form) for contractual liability and shall include the State of New Jersey as a named insured. Limits of liability shall not be less than \$1 million per occurrence for bodily injury liability and property damage liability.
- Comprehensive Automobile Liability policy covering owned, non-owned, and hired vehicles with minimum limits of \$1 million per occurrence for bodily injury liability and property damage liability.
- Workers' Compensation Insurance applicable to laws of the State of New Jersey and Employers' Liability insurance with a limit of not less than \$100,000.
- Additional Insurance Coverage(s) required:
- No Additional Insurance shall be required.

2. METHOD OF PAYMENT

Advance Payment

- An Advancement of Funds in the amount of \$ shall be made.
- No Advancement of Funds shall be made.

Payment Type

Payments shall be made as indicated below:

- Reimbursement payments based on the actual rate of disbursement shall be made
 - Monthly
 - Quarterly
 - Other:
- Other:

Final Payment Withheld

- Final payment of \$0.00 shall be withheld pending receipt of final reports.
- No Final payment shall be withheld.
- Other:

3. BUDGET VARIANCE FLEXIBILITY

Variance of expenditures from budgeted amounts is permitted without a formal amendment to the Grant/Loan Agreement within the following limitations:

- There is no permitted budget flexibility variance between major budget cost categories.
- Within major budget cost categories, there is a maximum allowable budget line item flexibility of 10%. No individual line item expenditures may exceed the amount budgeted for that line item by an amount in excess of 10% of the budgeted amount.
- Under no circumstances may total expenditures exceed the total grant/loan award amount.

Expenditures that exceed these limitations must be authorized via a budget revision approved by the Department. Expenditures incurred that exceed the permitted budget variance flexibility prior to Departmental approval of a revised budget are at risk for being disallowed by the Department.

4. PROJECT INCOME

Project income, if any, shall be:

- Added to project funds to further eligible program objectives; or
- Deducted from Recipient's payment request for allowable costs; or
- Used for the cost-sharing or matching requirement; or
- Returned to the Department.
- Not Applicable.

5. FINANCIAL AND PERFORMANCE REPORTING

Financial Reports - A Fiscal Monitoring Report comparing the Recipient's actual expenditures of the project with the approved Budget included in this Grant/Loan Agreement shall be submitted with each request for payment, except for advance funding, if any. The Fiscal Monitoring Report shall be certified by the Recipient's Chief Financial Officer and submitted to the Department with the State voucher requesting payment.

Performance Reports - A Performance report(s) indicating the progress of the project shall be submitted:

- Monthly
- Quarterly
- Annually
- Other: tri-annual

Final Report - A final report shall be submitted to the Department no later than 60 days after completion of the grant/loan award period or termination of this Grant/Loan Agreement. Extensions to reporting due dates may be granted upon written request to the Department.

6. AUDIT REQUIREMENTS

- Audit Required.
- Audit Not Required. Recipient must submit to the Department supporting documentation for all grant/loan expenditures.

Audit Costs - The pro rata share of the cost of any required single audit or the cost of a program-specific audit, financial statement audit, or other limited scope audit shall be paid from funds:

- Provided for by this Grant/Loan Agreement.
- Provided by the Recipient from other funding sources.
- Not Applicable.

Additional Schedules - Additional schedules may be requested by the Department, if funding is made available to pay for such additional schedules.

- Additional Supplemental Schedules required as listed below:
- No Additional Supplemental Schedules required.

7. GRANT ADMINISTRATION AUTOMATION

The recipient acknowledges that this agreement is recorded within and administered utilizing DCA SAGE, the DCA System for Administering Grants Electronically (<https://njdcasage.state.nj.us/portal.asp>). The recipient agrees to establish SAGE access for recipient staff in sufficient quantity and with sufficient authority to fulfill the requirements of the SAGE system and to assign relevant staff to the SAGE system grant record corresponding to this grant agreement document.

Section B Agreement Budget

Budget Detail

Hoboken City

Budget Category	DCA Funds Requested	Funds From Other Sources	Total
PROGRAM - Personnel			
Salaries/Wages			
Program Assistant (2 positions)	\$4,656.00		\$4,656.00
Inclusion Coordinator	\$448.00	\$2,000.00	\$2,448.00
Transition Assistant	\$2,448.00		\$2,448.00
Transition Coordinator	\$2,448.00		\$2,448.00
Minor Category Sub-Total	\$10,000.00	\$2,000.00	\$12,000.00
Major Category Sub-Total	\$10,000.00	\$2,000.00	\$12,000.00
PROGRAM - Other			
Other			
Program Activities		\$3,000.00	\$3,000.00
Minor Category Sub-Total	\$0.00	\$3,000.00	\$3,000.00
Major Category Sub-Total	\$0.00	\$3,000.00	\$3,000.00
Total	\$10,000.00	\$5,000.00	\$15,000.00

Section C Hoboken 2014 Scope of Services

1. Hoboken (hereafter the Grantee) shall administer and perform the obligations set forth in this grant agreement with the New Jersey Department of Community Affairs (hereafter the Department).
2. The Grantee shall use an amount not to exceed \$10,000 for comprehensive year-round recreational programs serving children and adults with disabilities in both inclusive and specialized settings.
3. Application #2014-05157-0248 by reference is hereby made part of this contract.
4. The Grantee shall maintain a program file containing copies of letters, memos, bulletins, announcements, newsletters, mailings and reports, on activities leading up to and including the recreation programs.
5. The Grantee shall maintain a list of all participants and activities funded under this contract. Total unduplicated participants in all programs shall be submitted. Total numbers served (can include same person counted more than once due to his/her participation in multiple activities) shall also be maintained.
6. The Grantee shall document compliance with each of the objectives identified in the application. The Grantee shall submit performance and financial reports as required in the contract detailing program accomplishments and an accounting of program expenses.
7. The Grantee shall submit a final report to the Department no later than 60 days after the ending date of the Grant Agreement. The final report should describe with sufficient detail the specific actions taken to achieve program objectives. A comparison of the program objectives and actual results also should be provided. All reports, manuals, training and program material produced shall be included.
8. The Department reserves the right to conduct observational site visits of any ROID-funded programs. The Grantee must communicate the dates, times, and locations of program activities to the Department prior to the occurrence of such events.
9. The Department reserves the right to conduct monitoring visits, if necessary, to review the progress of the program and to ensure that all applicable terms and conditions of the grant are being met.
10. In accordance with the Handicapped Recreational Opportunities Act of 1978 (NJSA:52:27D-174 b), each municipality or county receiving funds from the Recreational Opportunities for Individuals with Disabilities Program must provide matching funds equal to at least 20 percent of the amount of the grant. The Grantee will provide and document matching funds expenditures equal to 20 percent of the State grant award in their fiscal reports. In-kind local match is NOT allowed nor accepted. Local match expenditures must comply with allowable ROID grant costs (i.e. recreation related program expenditures).
11. The Grantee must receive pre-approval for all budget changes outside the 10 percent allowed flexibility. The Grantee must receive pre-approval for all changes to their scope of service and program. Failure to receive pre-approval may result in fiscal expenditures not being approved and reimbursed.
12. The Grantee shall designate an individual to administer the grant and serve as the liaison between the Grantee and the Department.
13. The Grantee shall hire staff. Job descriptions, job announcements, and resumes of hired staff and instructors shall be available for review by the Department personnel.
14. The Grantee will provide adapted soccer, arts and crafts, and music program. The adapted program will also include three field trips.

Section C continued

15. The program will serve as the mechanism to assist children with special needs in their transition to non-adapted organized athletics, arts and music activities. The program offerings will allow children with disabilities the opportunity to play soccer, do arts and crafts and learn how to play music. The transitional focus of the program supports the goal of creating an adapted recreation program to prepare children with disabilities for participation in non-adapted recreation programs.

16. The Grantee will serve 25 children with disabilities.

17. The Grantee shall evaluate the programs and have the evaluation tool and results available for review by the Department personnel.

SECTION D - Recreational Opportunities for Individuals with Disabilities (ROID)

SUPPLEMENTAL PROVISIONS

The Grantee hereby represents that it has and will continue to perform its duties and discharge its obligations in the implementation of its recreational program for individuals with disabilities in accordance with and as delineated by the statutory provisions of the HANDICAPPED PERSON RECREATIONAL OPPORTUNITIES ACT (P.L. 1977, c. 379) and the regulations adopted pursuant thereto (N.J.A.C. 5:51-1-1/et seq.).

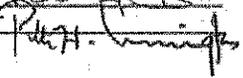
The Grantee agrees that it will provide, as a minimum, a non-State match to the State funds provided under this Agreement in ratio of 5 dollars (State) to 1 dollar (non-State). The Grantee will only be obligated to provide the minimum match indicated above.

The Grantee shall provide and document matching funds expenditures equal to 20 percent of the State grant award in their fiscal reports. In-Kind local match is not allowed nor accepted. Local match must comply with allowable RODI grant costs (i.e. recreation related program expenditures).

No disbursements of grant funds shall be made to the Grantee pursuant to this Letter Agreement until such time as the Grantee submits documentation satisfactory to the Department indicating that the Grantee has appropriated the necessary funds to satisfy the matching funds requirement established under N.J.S.A. 52:27D-174(b). Such documentation may consist of either a copy of a resolution adopted pursuant to N.J.S.A. 40:4-87 providing for the insertion of a special item of revenue in the Grantee's budget for 2011 further indicating that the Grantee has also made the appropriation necessary to satisfy said requirement; or any other alternative documentation deemed acceptable by the Department.

It is understood that neither the State of New Jersey nor the Grantee intend in any way, either through the provisions of this agreement or by any other means, to confer upon any other party the status of a third party beneficiary to this contract. This agreement is intended solely for the benefit of the State of New Jersey and the Grantee.

The parties hereto recognize and agree that continuation of funding under this grant agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenue or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this agreement because of the absence of available funding appropriations. In addition, the Grantee shall not anticipate future funding from the Department beyond the duration of the time period set forth in this agreement and in no event shall this agreement be construed as a commitment by the Department to expend funds beyond the termination date set forth herein.

Introduced by: 
 Seconded by: 

CITY OF HOBOKEN
 RESOLUTION NO. _____

**RESOLUTION TO AUTHORIZE SUBMISSION OF THE ATTACHED
 GRANT APPLICATION FOR THE FY2014 NJ DCA ROID GRANT AND
 ACCEPTANCE OF ANY SUBSEQUENT ROID GRANT AWARD**

WHEREAS, the City of Hoboken desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000.00 to carry out a project to provide children with special needs living in Hoboken with adapted recreation programs; and

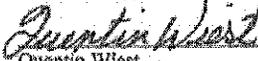
WHEREAS, dependent on the NJ DCA's final determination of the application, there may be matching funds from the City required for acceptance of this grant.

BE IT THEREFORE RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Hoboken and the New Jersey Department of Community Affairs.

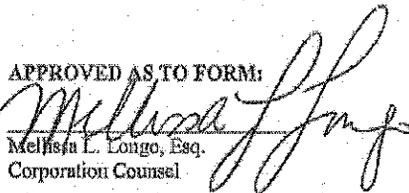
- A. The Mayor, Dawn Zimmer, is hereby authorized to submit the grant application and any subsequent grant acceptance documentation;
- B. This resolution shall take effect immediately upon passage.

Meeting date: September 3, 2014

APPROVED:


 Quentin West
 Business Administrator

APPROVED AS TO FORM:


 Melissa L. Longo, Esq.
 Corporation Counsel

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Peter Cunningham	/			
James Doyle	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo	/			
President Jon Giattino	/			

CERTIFICATION:

I, James Farina,, the City Clerk of the City of Hoboken hereby certify that at a meeting of the Governing Body held on September 3, 2014, the above RESOLUTION was duly adopted.

MUNICIPAL SEAL


 SIGNATURE OF JAMES FARINA, RMC

State of New Jersey
Department of Community Affairs
and
Hoboken City

Grant/Loan Agreement Number: 2014-05157-0104-00

Recreational Opportunities for Individuals with Disabilities 2014

RECIPIENT AND DEPARTMENT AUTHORIZED SIGNATURES

The Recipient named above agrees to perform the services as described in the Scope of Services, Section C. of this Grant/Loan Agreement. The provisions of this Grant/Loan Agreement, as well as the provisions of the General Terms and Conditions for Administering a Grant/Loan, incorporated into this agreement by reference, including any subsequent amendments, shall constitute the terms and conditions of the agreement between the New Jersey Department of Community Affairs and the Recipient.

If this Grant/Loan Agreement including the General Terms and Conditions for Administering a Grant/Loan correctly states the Recipient's understanding of the terms and conditions of this award from the New Jersey Department of Community Affairs, please indicate concurrence with these terms and conditions by having the appropriate officer sign as ACCEPTED AND AGREED below and return it to the Department.

Is Legal Approval required?

No

Approval Date:

Legal Approval Secured By Ms. Sarah Seigel, Supervisor , Contract Processing Unit DCR (11/19/2013 5:02PM)

**THIS AGREEMENT WILL BE EXECUTED CONTINGENT UPON THE APPROVAL
AS TO LEGAL FORM AND FUNDING AVAILABILITY.**

DIVISION DIRECTOR APPROVAL AND CERTIFICATION:

Approved By Manuel Garcia Deputy Director (09/17/2014 10:40AM)

For Recipient use only:

- Grant Agreement between DCA and Agency
- Federal Lobbying Certification for Contracts, Grants, Loans, and Cooperative Agreements
- Certification Regarding Debarment and Suspension

Accepted and Agreed to for Recipient:

Approved By Dawn Zimmer, Mayor (09/19/2014 11:36AM)

For New Jersey Department of Community Affairs Approval Only:

FISCAL APPROVAL OFFICER CERTIFICATION:

Approved By Michael Kozar, Fiscal Administrator on behalf of Cindy McDowell, Director of Fiscal Services (09/19/2014 12:05PM)

**I attest that sufficient funds have been appropriated by the
State Legislature and are available for this grant/loan award**

New Jersey Department of Community Affairs Grant Approval Officer:

Approved By Renee Formica, Assistant to the Chief of Staff on behalf of Richard Constable, Commissioner (09/22/2014 9:07AM)



Grant #: 2014-05157-0104-00

Grantee: Hoboken City

Status: Grant Executed

Access Level: Grant Administrator

[Start Menu](#)[Agency Info](#)[Grant Menu](#)

User: George DeStefano



Help

[Logout](#)[Return to Grant Menu](#)**Scope Of Services**

Instructions: Please complete the information below. For further instructions, please click the **Help** icon in the upper right hand corner of the page. Scope Of Services should be specific, measurable, attainable, realistic, and time oriented.

[Objectives](#) [Scope of Services](#) [Narrative Forms](#)

Current Scope Of Services:

Scope Of Service

- The "HoBoK-ONE" program was implemented by the City of Hoboken, Department of Human Services, Division of Recreation in May 2011 via a partnership with the New York Red Bulls soccer team. The Red Bulls' TOPSoccer program (The Outreach Program for Soccer), offered under the umbrella of US Youth Soccer, is designed to allow any child the opportunity to learn and play soccer, specifically those who have a mental or physical disability.

Despite Hoboken's rich athletic history as the birthplace of baseball, the Recreation Division never created nor implemented programs that incorporated children with special needs. Following the overwhelming success of the Red Bulls partnership, a broad consensus has developed among residents and employees of the city that more programming targeting children with special needs is not only necessary, but will serve to strengthen youth and families for many years to come.

Based on this premise, the City of Hoboken will expand upon the Red Bulls partnership to create an adapted recreation program for children with disabilities. This expansion-based approach ensures that the participants will have the opportunity to grow and develop alongside their peers from the social aspects, teamwork and group dynamics of organized recreation programming. While not all children enrolled in the program will be capable of making a full transition to non-adapted programs, the model supports the transition of those children who are ready to join non-adapted programs.

The "HoBoK-ONE" program will serve as the mechanism to assist children with special needs in their transition to non-adapted organized athletics, arts and music activities. The initial program year offerings will allow children with disabilities the opportunity to play soccer, do arts and crafts and learn how to play music. The transitional focus of the program supports the goal of creating an adapted recreation program to prepare children with disabilities for participation in non-adapted recreation programs.

The first goal of the grant program will be to designate a Transition Coordinator to work with the Project Director in leading "HoBoK-ONE" activities. Under the direction of the Transition Coordinator, two (2) Project Assistants, one (1) Inclusion Coordinator and (1) Transition Assistant will assist in leading program activities. Participants will have the opportunity to play soccer, do arts and crafts and play music for one hour in each activity on a weekly basis. Thus, the total weekly program activities will be for the duration of three (3) hours. The activities will be adapted and tailored to accommodate the participants with special needs. All program staff will all be qualified to work with this demographic on an individual basis.

The second goal is to provide social outlets and unique experiences to program participants. In addition to weekly program activities during the scheduled academic year, the participants will take part in three (3) field trips to enhance their experience in the adapted program. The trips will include a visit to Monroe Center, a modern arts community in Hoboken, where youth will have the opportunity to interact with freelance artists and work on more advanced arts and crafts projects. Participants will also attend a New York Red Bulls soccer game in Harrison, NJ and a live music or theatre performance at the New Jersey Performing Arts Center in Newark, NJ. The trips are designed to introduce children with disabilities to new experiences within the social context of group activities and will help develop the individual communication and self-expression skills that are critical to their transition to non-adapted programs as they progress through the program.

Throughout the first year of the program, the staff will act as a liaison between the parents and Project Director. They will disseminate information, make recommendations and discuss the youth participant's progress in the various activities. Following the initial year of "HoBoK-ONE," the program staff will meet to discuss which participants have been adequately prepared for transition into non-adapted programs. Upon consultation with the parents of the identified children, the Transition Coordinator and Inclusion Coordinator will assist in making the arrangements for the child's transition. The program staff will also discuss which non-adapted recreation programs could be expanded under the "HoBoK-ONE" program and attempt to further expand the program in the next year.

Funding made available under this grant will cover the expenses of the Transition Coordinator and four Transition Assistants who are qualified to work with children with special needs in an adapted setting. The program will run for thirty (30) weeks, for a total of ninety (90) hours of programmatic activities in the calendar year. Additionally, the field trips are estimated to last for approximately four (4) hours, for an additional time commitment of twelve (12) hours. The total time spent on programmatic activities will be 102 hours per Transition Coordinator/Assistant or 510 hours collectively. The City of Hoboken will assume the costs of planning for program implementation, transportation expenses, admission costs and t-shirts for each of the enrolled

program participants as part of the required 20 percent matching funds. There will be 25 program slots available in order to maintain 5 to 1 disabled participant to recreation attendant ratio for each program activity.

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

Inserting a Special Item of Revenue into the CY 2014 Municipal Budget

**AMENDED HOBOKEN POST-SANDY COMMERCIAL
REVITALIZATION PROJECT CY 2014**

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

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

WHEREAS, by resolution dated September 3, 2014 the Council of the City of Hoboken adopted a resolution requesting the insertion of items of revenue and appropriation in the budget of the year CY 2014 in the sum of \$799,455.00 for Post-Sandy Commercial Revitalization Project CY 2014, and

WHEREAS, the Administration has received additional information from the New Jersey Economic Development Authority of an additional award of \$79,946.00 and wishes to amend its CY 2014 Budget to include this amount as revenue as well as to provide a City match of \$46,000.00 for the total Project award;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$79,946.00
This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:
Post-Sandy Comm. Revit. O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$79,946.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by

Revenues:

Post-Sandy Comm. Revit. O/E

Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

Meeting date: October 1, 2014

APPROVED:

APPROVED AS TO FORM:

Quentin Wiest
Business Administrator

Mellissa L. Longo, Esq.
Corporation Counsel

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

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION No. _____

RESOLUTION RESCINDING PETTY CASH FUND

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Purchasing Department, Arch Liston be rescinded in the amount of \$500.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

MEETING DATE: October 1, 2014

REVIEWED BY:

APPROVED BY:

Quentin Wiest
Business Administrator

Mellissa Longo
Corporation Counsel

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



State of New Jersey
Department of Community Affairs
Division of Local Government Services
Bureau of Financial Regulation and Assistance
Petty Cash

Municipality: Hoboken City
County: Hudson
MuniCode: 0905

Received	Approved	Office	Custodian	Amount	Bond
23/08/96	10/07/96	Environmental Services	Director, Environmental Services	\$150	\$100,000
23/08/96	20/10/08	Fire	Fire Chief	\$300	\$100,000
23/08/96	10/07/96	Library	Director of Library	\$150	\$100,000
23/08/96	10/07/96	Police	Chief of Police	\$500	\$0
18/05/11	28/09/11	Purchasing Department	Arch Liston	\$500	\$1,000

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION No. _____

RESOLUTION RESCINDING PETTY CASH FUND

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Director of Library be rescinded in the amount of \$150.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

MEETING DATE: October 1, 2014

REVIEWED BY:

APPROVED BY:

Quentin Wiest
Business Administrator

Mellissa Longo
Corporation Counsel

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



State of New Jersey
Department of Community Affairs
Division of Local Government Services
Bureau of Financial Regulation and Assistance
Petty Cash

Municipality: Hoboken City
County: Hudson
MuniCode: 0905

Received	Approved	Office	Custodian	Amount	Bond
23/08/96	10/07/96	Environmental Services	Director, Environmental Services	\$150	\$100,000
23/08/96	20/10/08	Fire	Fire Chief	\$300	\$100,000
23/08/96	10/07/96	Library	Director of Library	\$150	\$100,000
23/08/96	10/07/96	Police	Chief of Police	\$500	\$0
18/05/11	28/09/11	Purchasing Department	Arch Liston	\$500	\$1,000

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION No. _____

RESOLUTION ESTABLISHING PETTY CASH FUND

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any municipality, by application and resolution; and,

WHEREAS, it is the desire of the City of Hoboken, within the County of Hudson to establish such a fund for the Chief of Police within the Department of Public Safety, in the amount of \$500.00; and

WHEREAS, the custodian for this fund is the Chief of Police, who is bonded for in the amount of \$100,000.00; such custodian shall be required to maintain records for this fund in a manner conducive to proper accounting and auditing procedure;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Hoboken, County of Hudson, State of New Jersey, hereby authorizes said establishment of a Petty Cash Fund for the Chief of Police within the Department of Public Safety; and,

BE IT FURTHER RESOLVED, two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval, and one copy shall be forwarded to each of the following City Officials: CFO, Director of Finance, Director of Public Safety, and Chief of Police.

MEETING DATE: October 1, 2014

REVIEWED BY:

APPROVED BY:

Quentin Wiest
Business Administrator

Mellissa Longo
Corporation Counsel

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

BUDGET FORM

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

APPLICATION TO ESTABLISH A PETTY CASH FUND

CITY OF HOBOKEN COUNTY OF HUDSON

Pursuant to the provisions of N.J.S. 40A:5-21 application is hereby made for permission to establish a petty cash fund for the following office or department and amount:

CHIEF OF POLICE \$ 500.00

The petty cash fund will be used by the aforementioned office or department to pay claims specifically described as follows:

SUPPLIES & ACCESSORIES NOT TO EXCEED \$100.00

It is estimated that the maximum amount of such claims to be paid in any one month will be \$ It is estimated that the maximum amount of such claims to be paid in any fiscal year will be \$

Certification is hereby made that the person having custody of the fund will be bonded with corporate surety in an amount not less than \$1,000 or the amount of the fund, whichever is greater.

The custodian of such fund and the amount of surety bond will be as follows:

\$ 100,000.00

Petty Cash Funds Currently In Existence and Approved By The Division of Local Government Services

Table with 2 columns for dollar amounts and 3 rows for data entry.

This application was authorized at a meeting of the CITY COUNCIL MEETING of the CITY of HOBOKEN, County of HUDSON held on the 1 day of OCTOBER, 2014 and upon approval of the Director of Local Government Services, authorization will be given for the issuance of a check to the fund custodian in the amount set forth in the application.

I hereby certify that the above charges are for emergency purchases and are not of such nature that should be processed through an encumbrance system. [Signature] 10/1/2014 CFO Date

I hereby certify that this application was authorized by the governing body as indicated in the application. [Signature] Date Clerk Date

Approved by: [Signature] Duly Appointed Designee of the Director, Division of Local Government Services Date

Introduced By: _____

Seconded By: _____

CITY OF HOBOKEN
RESOLUTION No. _____

RESOLUTION RESCINDING PETTY CASH FUND

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Director of Environmental Services be rescinded in the amount of \$150.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

MEETING DATE: October 1, 2014

REVIEWED BY:

APPROVED BY:

Quentin Wiest
Business Administrator

Mellissa Longo
Corporation Counsel

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



State of New Jersey
Department of Community Affairs
Division of Local Government Services
Bureau of Financial Regulation and Assistance
Petty Cash

Municipality: Hoboken City
County: Hudson
MuniCode: 0905

Received	Approved	Office	Custodian	Amount	Bond
23/08/96	10/07/96	Environmental Services	Director, Environmental Services	\$150	\$100,000
23/08/96	20/10/08	Fire	Fire Chief	\$300	\$100,000
23/08/96	10/07/96	Library	Director of Library	\$150	\$100,000
23/08/96	10/07/96	Police	Chief of Police	\$500	\$0
18/05/11	28/09/11	Purchasing Department	Arch Liston	\$500	\$1,000

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 **\$3,284.23**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
CAPPIELLO, PATRICK 96 GARDEN STREET HOBOKEN, NJ 07030	203/12	423 BLOOMFIELD ST	1/14	\$3164.28
DUHAYER, FLORENCE 1125 MAXWELL LANE #334 HOBOKEN, NJ 07030	261.03/1/CP356	1125 MAXWELL LANE	1/14	\$ 119.95

Meeting: October 1, 2014

Approved as to Form:

CORPORATION COUNSEL

Sharon Curran

Sponsored by: _____

Seconded by: _____

City of Hoboken

Resolution No. _____

RESOLVED, that filed minutes for the Hoboken City Council **Regular meeting of September 3, 2014** have been reviewed and approved by the Governing Body.

Approved as to form:

Meeting Date: October 1, 2014

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

Introduced by: _____
Seconded by: _____

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,000,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$5,000,000.

Section 3. The sum of \$5,000,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$5,000,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$5,000,000 is hereby

authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$900,000.

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

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$5,000,000	\$0	\$5,000,000	10 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$5,000,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this

Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

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

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

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

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

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

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 1, 2014

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2014

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-
 Approved by the Mayor
On the ____ day of ____, 2014

Dawn Zimmer, Mayor

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on October 1, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____, 2014 at _____ o'clock __M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$5,000,000	\$0	\$5,000,000	10 years

Appropriation: \$5,000,000
 Bonds/Notes Authorized: \$5,000,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$900,000
 Useful Life: 10.00 years

JAMES J. FARINA, RMC, City Clerk

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

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$5,000,000	\$0	\$5,000,000	10 years

Appropriation: \$5,000,000
 Bonds/Notes Authorized: \$5,000,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$900,000
 Useful Life: 10.00 years

JAMES J. FARINA, RMC, City Clerk

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

SPONSOR: Mason

SECOND: Castellano

**CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY
ORDINANCE NO.: ____**

**AN ORDINANCE PROHIBITING AUTOMATED RED LIGHT CAMERAS
WITHIN THE CITY OF HOBOKEN**

WHEREAS, in 2007, the Council of the City of Hoboken adopted Ordinance DR-332, which authorized an automated red light and stop sign photographic system within the City of Hoboken; and,

WHEREAS, that Ordinance is now codified at Section 145-25 of the Code of the City of Hoboken; and,

WHEREAS, although the City of Hoboken has not yet implemented such a program, it has been implemented in other municipalities, including, but not limited to, Jersey City; and,

WHEREAS, in the municipalities where such a program has been implemented, it has proven highly controversial and substantial questions have been raised whether it is merely a revenue generating device rather than a method of improving public safety; and,

WHEREAS, there have also been substantial questions raised as to whether red light cameras are accurate, which is especially problematic because drivers are not made aware they may have allegedly committed a red light violation until they receive a ticket in the mail, making it difficult to mount an effective defense, contrary to principles of due process; and,

WHEREAS, for example, just last year red light camera programs were suspended in municipalities throughout New Jersey because of concerns that yellow light timing issues were resulting in the unfair and illegal issuance of violations; and,

WHEREAS, although these concerns are now being raised at the state-wide level, this Council believes it too should address this issue and to assure the public that a red light camera program will never be implemented within the City of Hoboken.

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

SECTION ONE:

The existing language of Section 145-25 of the Code of the City of Hoboken, "Penalties for automated red light and stop sign photographic system violations," is deleted in its entirety. Instead, it shall be replaced as follows:

Section 145-25: Automated red light and stop sign photographic systems prohibited.

The City of Hoboken shall not implement any automated red light and/or stop sign photographic system on any public street anywhere within the boundaries of the City.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

The Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, in the manner 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.

Introduction:

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

Final Reading:

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

CITY OF HOBOKEN

Dawn Zimmer, Mayor

ATTEST: _____
James Farina, City Clerk

Introduced: _____, 2014

Adopted: _____, 2014

SPONSOR: Mason

SECOND: Castellano

**CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY
ORDINANCE NO.: ____**

**AN ORDINANCE TO ESTABLISH MANDATORY SICK LEAVE FOR EMPLOYEES
OF BUSINESSES WITHIN THE CITY OF HOBOKEN**

WHEREAS, many workers in Hoboken will at some time during each year need limited time off from work to take care of personal health needs or the health needs of family members; and,

WHEREAS, nationally, nearly forty percent of private sector workers are without access to any paid sick time, and many workers who do have access to paid sick time are disciplined for using it, or cannot use that time to care for sick children; and,

WHEREAS, the Council is aware that this nationwide concern affects employees working in the City of Hoboken as well; and,

WHEREAS, low-income workers are significantly less likely to have access to paid sick time than other members of the workforce, and nationally, only one in five of the lowest-income workers (21 percent) has access to paid sick time; and,

WHEREAS, guaranteeing workers a minimum amount of time off to attend to their own health care and the health care of family members will ensure a healthier and more productive workforce in Hoboken; and,

WHEREAS, paid sick time will have a positive effect on the individual and public health of Hoboken by allowing workers to earn a limited number of hours per year to care for themselves or a close family member when illness strikes or medical needs arise, reducing recovery time, promoting the use of regular medical providers rather than hospital emergency departments, and diminishing the likelihood of people spreading illness to other members of the workforce and to the public; and,

WHEREAS, paid sick time is known to reduce health care expenditures by promoting access to primary and preventive care, which, if implemented nationwide, would result in \$1.1 billion in annual savings in hospital emergency department costs, including more than \$500 million in savings to publicly-funded health insurance programs such as Medicare, Medicaid and SCHIP; and,

WHEREAS, paid sick time will allow parents to provide personal care for their sick children, making recovery faster and preventing future health problems, given that

parents who do not have paid sick time are more than twice as likely as parents with paid sick days to send a sick child to school or daycare, and five times more likely to report taking their child or a family member to a hospital emergency room because they were unable to take time off work during their regular work hours; and,

WHEREAS, paid sick time will reduce the spread of contagious diseases because workers in jobs with high levels of public contact, such as restaurant workers and child care workers, are among the least likely to have access to paid sick time, and may have no choice but to go to work when they are ill, thereby increasing the risk of passing illnesses on to co-workers and customers while jeopardizing their own health; and,

WHEREAS, overall, people without paid sick days are more likely than people with paid sick days to go to work with a contagious illness like the flu, with one recent peer-reviewed epidemiological study finding that nearly one in five food service workers have come to work with vomit and/or diarrhea inducing illnesses in the past year, creating dangerous health conditions and another national survey of U.S. restaurant workers finding that two-thirds of restaurant wait staff and cooks have come to work sick; and,

WHEREAS, in the event of a disease outbreak that presents a threat to public health, for example the H1N1 outbreak of 2009, government officials may request that sick workers stay home and keep sick children home from school or child care to prevent the spread of illness, and to safeguard workplace productivity, which may not be an option for workers who lack paid sick time; and,

WHEREAS, during the height of the H1N1 pandemic, workers with lower rates of access to paid sick days were more likely than those with higher rates of access to paid sick days to go to work sick and, as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker, resulting in what is believed to be millions of additional cases of influenza-like illness; and,

WHEREAS, providing paid sick time is good for businesses because paid sick time results in reduced worker turnover, reducing costs incurred from advertising, interviewing and training new hires; and,

WHEREAS, paid sick time will reduce the risk of "presenteeism," which is when workers come to work with productivity-draining illnesses and health conditions, a problem costing the national economy \$160 billion annually; and,

WHEREAS, paid sick time will reduce the competitive disadvantage that many employers face when they choose to provide sick time to their workers.

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

SECTION ONE:

A new Chapter of the Code of the City of Hoboken, to be entitled "Paid and Unpaid Sick Leave for Employees Working in the City of Hoboken," shall be established as follows:

Chapter __, Section 1: Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

CALENDAR YEAR — A regular and consecutive twelve-month period, as determined by an employer.

DEPARTMENT — The Department of Health and Human Services.

EMPLOYEE(S) — Employee(s) as defined in N.J.S.A. 34:11-56a1(h) including an employee of a franchise(s) or business(s) owner located in Hoboken, who works in Hoboken for at least eighty (80) hours in a year. Employee(s) for purposes of this Chapter does not include any person employed by any governmental entity or instrumentality including any New Jersey school district or Board of Education.

EMPLOYER — Any entity as defined by N.J.S.A. 34:11-56a1(g) that operates as a business in Hoboken.

FAMILY MEMBER:

- (1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child of a civil union partner, or a child to whom the employee stands in loco parentis;
- (2) A biological, foster, step-parent or adoptive parent or legal guardian of an employee or an employee's spouse, domestic partner or civil union partner or a person who stood in loco parentis when the employee was a minor child;
- (3) A person to whom the employee is legally married under the laws of New Jersey or any other state or with whom the employee has entered into a civil union;
- (4) A grandparent or spouse, civil union partner or domestic partner of a grandparent;
- (5) A grandchild;

(6) A sibling; or

(7) A domestic partner of an employee as defined in N.J.S.A. 26:8A-3 et seq.

HEALTH CARE PROFESSIONAL — Any person licensed under Federal or New Jersey law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.

PAID SICK TIME — Time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in this Chapter, but in no case shall the hourly wage be less than that provided under N.J.S.A. 34:11-56a.

RETALIATION — The denial of any right guaranteed under this Chapter and any threat, discipline, discharge, suspension, demotion, reduction of hours, or any other adverse action against an employee for the exercise of any right guaranteed herein.

UNPAID SICK TIME — Time that is allowed and accrued in the same manner as paid sick time however, but for which leave an employee is neither penalized nor compensated.

Chapter __, Section 2: Definitions.

The Council finds and declares that the purposes of this Chapter are as follows:

(1) To diminish public and private health care costs and promote preventive health services in Hoboken by enabling workers to seek early and routine medical care for themselves and their family members;

(2) To protect the public's health in Hoboken by reducing the spread of contagious diseases;

(3) To promote the economic security and stability of workers and their families;

(4) To protect employees in Hoboken from losing their jobs or facing workplace discipline while they use paid sick time to care for themselves or their families;

(5) To safeguard the public welfare, health, safety and prosperity of the people of Hoboken; and

(6) To accomplish the purposes described in paragraphs (1) - (5) in a manner that is feasible for employers.

Chapter __, Section 3: Application.

This Chapter requires all those employed within the City of Hoboken to accrue either paid or unpaid sick time from their employer as mandated by this Chapter utilizing the formula applied herein.

Individuals who work for employers who employ ten (10) or more employees shall accrue compensated sick time. Individuals who work for employers who employ less than ten (10) employees shall accrue sick time, however, this sick time need not be compensated. The utilization of sick time, whether compensated or not, shall not be the basis of an adverse employment action.

A. Accrual of Paid Sick Time.

(1) Employees shall accrue a minimum of one (1) hour of paid sick time for every thirty (30) hours worked.

(2) Employers who employ ten (10) or more employees for compensation are not required to provide more than forty (40) hours of paid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, the number of employees may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

(3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of paid sick time accrual unless their normal work week is less than forty (40) hours, in which case paid sick time accrues based upon that normal work week.

(4) Paid sick time as provided in this section begins to accrue at the commencement of employment.

(5) Employees begin to accrue paid sick time on the first day of employment. Employees are entitled to use accrued paid sick time beginning on the 90th calendar day of their employment. After the 90th calendar day of employment, employees may use paid sick time as it is accrued.

(6) Paid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of paid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of paid sick time in a calendar year.

(7) Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this section that may be used for the same purposes and under the same conditions as paid sick time under this Chapter is not required to provide additional paid sick time.

(8) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick time that has not been used.

(9) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity, or location and is entitled to use all paid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued paid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued paid sick time and accrue additional paid sick time at the re-commencement of employment.

(10) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick leave previously accrued.

(11) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.

B. Accrual of Unpaid Sick Time.

(1) Employees who are not entitled to paid sick time under this ordinance shall accrue a minimum of one (1) hour of unpaid sick time for every thirty (30) hours worked.

(2) Employers who employ less than ten (10) employees for compensation are not required to provide more than forty (40) hours of unpaid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

(3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of unpaid sick time accrual unless their normal work week is less than forty (40) hours, in which case unpaid sick time accrues based upon that normal work week.

(4) Unpaid sick time as provided in this section begins to accrue at the commencement of employment.

(5) Employees begin to accrue unpaid sick time on the first day of employment. Employees are entitled to use accrued unpaid sick time beginning on the 90th calendar day of their employment. After the 90th calendar day of employment, employees may use unpaid sick time as it is accrued.

(6) Unpaid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of unpaid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of unpaid sick time in a calendar year.

(7) Any employer that voluntarily provides employees with paid or unpaid leave sufficient to meet the total annual accrual requirements of this section, which may be used for the same purposes and under the same conditions as unpaid sick time under this Chapter, is not required to provide additional unpaid sick time.

(8) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to

all unpaid sick time accrued at the prior division, entity, or location and is entitled to use all unpaid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued unpaid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued unpaid sick time and accrue additional unpaid sick time at the commencement of employment.

(9) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick leave previously accrued.

(10) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.

C. Use of Sick Time.

(1) Sick time shall be provided to an employee by an employer for:

a. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventive medical care;

b. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; and

c. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a

communicable disease, whether or not the family member has actually contracted the communicable disease.

(2) Sick time shall be provided upon the oral request of an employee.

(3) An employee shall give an employer notice of the need to use sick time as soon as practicable.

(4) An employer may not require, as a condition of an employee's taking sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is absent.

(5) Accrued sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(6) For sick time of more than three (3) consecutive days, an employer may require reasonable documentation that the sick time has been used for a purpose covered by Section 3, Subsection (C)(1) of this Chapter. This requirement shall be satisfied by documentation signed by a licensed health care professional stating that the use of sick time was necessary. However, an employer may not require that the documentation explain the nature of the illness.

Chapter __, Section 4: Exercise of rights protected, retaliation prohibited.

A. No person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.

B. No person shall retaliate against an employee because the employee has exercised rights protected under this Chapter.

C. The rights protected under this Chapter include, but are not limited to, the right to request and use paid sick time pursuant to this Chapter; the right to file a complaint or inform any person about any employer's alleged violation of this Chapter; the right to cooperate with the Department in its investigations of alleged violations of this Chapter; the right to participate in any administrative or judicial action regarding an alleged violation of this Chapter; and the right to inform any person of his or her potential rights under this Chapter.

D. It is unlawful for an employer's absence control policy to count paid sick time taken under this Chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

E. Protections of this section apply to any person who mistakenly but in good faith alleges violations of this Chapter.

F. There is a rebuttable presumption of unlawful retaliation under this section whenever an employer takes adverse action against a person within ninety (90) days of when that person:

(1) Files a complaint with the Department or a court alleging a violation of any provision of this Chapter;

(2) Informs any person about an employer's alleged violation of this Chapter;

(3) Cooperates with the Department or other persons in the investigation or prosecution of any alleged violation of this Chapter;

(4) Opposes any policy, practice, or ordinance that is unlawful under this Chapter; or

(5) Informs any person of his or her potential rights under this Chapter.

Chapter __, Section 5: Notice and posting.

A. All employers shall give individual written notice to each of their employees at the commencement of the employee's employment (or as soon as practicable if the employee is already employed on the effective date of this law) regarding employee's rights under this Chapter. Such notice shall describe the right to paid sick time, the accrual rate and the amount of paid sick time, and the terms of its use guaranteed under this Chapter; the right to be free from retaliation for requesting use of paid sick time; and the right to file a complaint or bring a civil action if paid sick time is denied by the employer or the employee is retaliated against for requesting or taking paid sick time. Such notice shall be in English and the primary language spoken by that employee provided that the Department has made available a translation of such notice into such language.

B. Employers shall also display a poster in a conspicuous and accessible place in each establishment where employees are employed containing notice of this

Chapter. The poster shall be in English and in any language that is the first language of at least ten percent (10%) of the employer's workforce provided that the Department has made available a translation of such notice into such language.

C. The Department shall create and make available to employers individual notices and posters. Notices and posters shall be provided in English, Spanish, and any other languages selected by the Department.

D. An employer who violates the notice and posting requirements of this section is subject to a civil fine in an amount not to exceed one hundred dollars (\$100.00) for each employee who was not given appropriate notice pursuant to this section and five hundred dollars (\$500.00) for each establishment in which a poster was not displayed.

Chapter __, Section 6: Employer records.

Employers shall retain for three (3) years records documenting hours worked by employees and paid sick time taken by employees and shall allow the Department reasonable access to such records, to monitor compliance with the requirements of this Chapter. An employer's failure to maintain or retain adequate records documenting hours worked by an employee and paid sick time taken by an employee create a rebuttable presumption that the employer has violated this Chapter, absent clear and convincing evidence otherwise.

Chapter __, Section 7: Enforcement and regulations.

A. The Department shall coordinate implementation and enforcement of this Chapter and shall promulgate appropriate guidelines or regulations for such purposes.

B. The Department shall coordinate implementation and enforcement of this Chapter, including, but not limited to:

1. Establishing a system to receive complaints, in writing and by telephone, in English, Spanish, and any other language deemed appropriate by the Department regarding the employers non-compliance with this Chapter;
2. Investigating and resolving complaints received by the Department in a timely manner and keeping complainants notified regarding the status of the investigation;

3. Engaging in pro-active enforcement of this Chapter through the use of audits, on-site investigations, or other measures to ensure the employer's compliance. Investigators from the Department shall be empowered to interview employees and former employees in private outside the presence of the employer, and the power to determine whether or not employers have complied with this Chapter. The Department shall also have the power to inform residents of the City of their rights under this Chapter.

C. The Department shall maintain confidential the identity of any complaining person unless disclosure of the identity is necessary for resolution of the investigation. The Department shall, to the extent practicable, notify a complaining person that the Department will be disclosing his or her identity prior to such a disclosure.

D. The Department shall establish a system for reviewing and adjudicating complaints by employees. Any Employer or other person found to be in violation of any provision of this Chapter, shall, upon conviction thereof before the Municipal Court, be subject to a fine in a sum not exceeding one thousand dollars (\$1,000) or to a period of community service not exceeding ninety (90) days. This penalty shall apply to each individual infraction of this Chapter. This section shall not affect any mandatory minimum penalty established by any section of the Code or ordinance.

E. Any person claiming to be aggrieved by the violation of this Chapter may bring a cause of action in any court of competent jurisdiction. Submitting a complaint to the Department is neither a prerequisite nor a bar to bringing private action.

Chapter __, Section 8: Confidentiality and non-disclosure.

An employer may not require disclosure of details relating to an employee's or an employee's family member's medical condition as a condition of providing paid sick time under this Chapter. If an employer possesses health information about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

Chapter __, Section 9: Encouragement of more generous paid sick time policies; no effect on more generous policies.

A. Nothing in this Chapter shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick time policy more generous than the one required herein.

B. Nothing in this Chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

C. Nothing in this Chapter shall be construed as diminishing the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of the State of New Jersey pertaining to public employees.

Chapter __, Section 10: Effect on collective bargaining agreements.

The provisions of this Chapter shall not take effect for any employees covered by a collective bargaining agreement with an Employer that is in force on the date this Chapter becomes effective until the expiration date of that collective bargaining agreement. Upon said expiration date, the provisions of this Chapter shall be fully enforceable.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

The Ordinance shall take effect one hundred and twenty (120) days after the first publication hereof after final adoption, in the manner 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.

Introduction:

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

Final Reading:

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

CITY OF HOBOKEN

Dawn Zimmer, Mayor

ATTEST: _____
James Farina, City Clerk

Introduced: _____, 2014

Adopted: _____, 2014