

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



**DAWN ZIMMER**  
Mayor

**BRANDY FORBES**  
Director

***MEMORANDUM***

DATE: March 12, 2010

TO: Hoboken City Council

CC: Dawn Zimmer, Mayor  
Judy Tripodi, State Fiscal Monitor  
Nick Trasente, Finance Director  
Michael Kates, Corporation Counsel

FROM: Brandy Forbes, Community Development Director *BF*

RE: Redevelopment Attorneys

At the City Council meeting on Wednesday, March 17, 2010 there will be an agenda item to select redevelopment counsel for the City. As the Redevelopment Agency, the City Council makes this selection.

**NECESSITY OF THIS SERVICE**

This professional service is essential for protecting the municipality's interests in redevelopment processes. Right now we are faced with several urgent issues regarding redevelopment for which we need to be coordinating and receiving advice from redevelopment counsel. Some examples of pressing issues include the following:

**Monroe Center**

The Monroe Center site is currently in bankruptcy court. However, it is in a redevelopment area. Thus there are legal issues we must address (i.e., at what point is a redeveloper designated, does that hinder the bankruptcy sale, are the existing redevelopment agreements then still active or are there changes that need to be made since there are likely going to be different owners for different phases of the project, etc.).

Although our bankruptcy attorney can address the typical bankruptcy law issues, that attorney does not have the background in redevelopment law to ensure that we proceed

properly. Thus, we need to have redevelopment counsel on board as soon as possible to resolve these issues with the bankruptcy attorney.

### **Western Edge**

This redevelopment area has been designated; however a redevelopment plan (i.e., land use/zoning regulations for the area) has not been adopted. There was a plan drafted, but much public concern that the plan did not reflect the public input and desires for that area.

There is no adopted redevelopment plan, yet applications are coming to the zoning board for this area that may not necessarily reflect the community's vision of this redevelopment area. We need to move forward to get a revised plan adopted to ensure that the redevelopment area is effectively developed to meet the needs of the community. If zoning approvals move forward, the ability to leverage for public benefits in this area will be diminished.

In addition to bringing in redevelopment counsel in this process, we will also be bringing in a planner to work on this in-house. As I mentioned during the budget hearings, the planner will be scheduled to come in and work a set number of hours in the Community Development department to work on projects as directed by me as the Director. This will ensure that the planner's projects are prioritized and focused on the more urgent and important matters such as this. Rather than hiring an employee directly with less experience or who needs to be trained and for whom we will need to provide benefits, we will be pursuing a consultant with experience in municipal projects such as this in order to streamline the work.

### **Northwest Redevelopment & Water Music**

Although much of the Northwest Redevelopment Area has been redeveloped, there are some sites that have yet to go through that process. One is the Water Music site. Although there are conceptual ideas for that site, we need redevelopment counsel to assist in designating the redeveloper and negotiating a redevelopment agreement. The owner is very interested in moving forward with the development of that property, but we are now at a place in the process where redevelopment counsel is needed for working on the legal agreements.

### **NJ Transit**

NJ Transit has expressed interest to the Mayor that they want to revive the redevelopment process for the rail yard site. This time around the City should be in the driver's seat, as the redevelopment process is managed by the City Council as the Redevelopment Agency. It is imperative that we have redevelopment counsel on board in order to advise the City on what it can and cannot do in this process in order to maintain control over this redevelopment project.

### **Southwest**

Although we are just embarking on the study of an area in need of redevelopment for this area, as we approach the public hearings and any potential future steps in the redevelopment process for this area, we will need redevelopment counsel for guidance. As you are aware, this area had been designated an area in need of redevelopment, but that was remanded back to the Planning Board on a technicality—that the professionals

weren't sworn in when providing testimony. We need to ensure that we comply with the appropriate public notice requirements and public hearing proceedings and other redevelopment procedures appropriately. It is important to have good redevelopment counsel, current on the issues and case decisions on redevelopment, to provide that guidance.

### **REVIEW PROCESS**

To assist in the process of hiring redevelopment counsel, the Administration put out requests for qualifications per the "fair and open" process of the New Jersey Pay-to-Play laws and the City of Hoboken's Professional Services Contracts ordinance. Qualifications were received by the deadline of December 9, 2009.

We received qualifications from several firms as follows:

#### **Request for Qualifications Results- December 9, 2009**

##### **Redevelopment:**

- Weiner Lesniak, LLP
- Ansell Zaro Grimm & Aaron
- McManimon & Scotland, LLC
- Joseph A. Manfredi & Associates, P.C
- Lite DePalma Greenberg & Rivas, LLC
- Wilentz, Goldman & Spitzer
- Mariniello & Mariniello, P.C
- Florio Perrucci Steinhardt, Fader, LLC
- Odonnell McCord & DeMarzo, P.C
- Maraziti Falcon & Healey, LLP
- Parker McCay
- Eric Bernstein & Associates LLC

Corporation Counsel Michael Kates and I did a review of all of the submittals. Many of the firms either did not have a significant emphasis in redevelopment law, or they had only one individual with significant experience but the other attorneys on the team held an emphasis in something other than redevelopment.

After completing our review, Corporation Counsel and I found that there were two firms who stood head and shoulders above the others in regards to redevelopment law. Both McManimon & Scotland and Maraziti, Falcon & Healey are incredibly reputable firms in redevelopment law. I am excited for the possibility to work with firms of this caliber, as they are knowledgeable in both the historical background and current issues of redevelopment law, as well as being very thorough in their processes. In addition, each firm has several attorneys who have an emphasis in redevelopment law. Copies of the submittals from these firms were provided via email to each of you and are available in my office for review.

As we know, there can be conflicts of interest on cases and projects, especially in the active City of Hoboken. That is why we are recommending that the City Council select these top two firms for redevelopment work for the City. To be clear, we will not be

using both for each project, but rather we can select one firm for a particular project, based on which has the greater experience on similar projects. And if one firm has a conflict of interest on a project, we can utilize the other. As a project arises, we will specify which firm will be working on that particular project.

In addition, we are recommending to contract with Ansell, Zaro, Grimm & Aaron in order to finish out the sale of the municipal garage. Gordon Litwin from this firm served as our redevelopment counsel previously. Thus, for continuity purposes we would like to have him conclude the redevelopment property transfer for the municipal garage site.

### **RECOMMENDATION FOR AWARD**

Corporation Counsel and I are recommending the award of three contracts. We will distribute the work according to the specialties/experience of each firm and to address any conflicts of interest. The contracts are with the following firms:

- McManimon & Scotland
- Maraziti, Falcon & Healey
- Ansell, Zaro, Grimm & Aaron

The contracts are set for a not to exceed amount of \$25,000 each. This is within the budgeted amount for redevelopment counsel. Since each firm will be working on specific, ongoing projects, this will allow us the flexibility of initiating the contracts and not restricting the advancement of the projects, while still maintaining close oversight of the contracts. As you can see, per the City Council's prior requests regarding contracts, the following have been included in the contracts:

- Pay to Play regulation compliance
- Explanation of the professional services covered
- At 85% of the not to exceed amount the consultant must contact the City for re-evaluation of the contract amount.

Professional services contracts are for no more than a one year period, at which time they can be renewed. Thus, do bear in mind that this will be an annual contract before you.

When we do evaluate the renewal of contracts it will be good that you as the Redevelopment Agency will have had an opportunity to work with the redevelopment attorneys to recognize their abilities.

If you have any questions regarding the need for this service or the qualifications of any of the firms, please feel free to contact me at 201-420-2233 or via email at [bforbes@hobokennj.org](mailto:bforbes@hobokennj.org).

Thank you.