

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

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

**MEETING OF THE CITY COUNCIL  
OF HOBOKEN, NEW JERSEY  
MISCELLANEOUS LICENSING  
MARCH 3, 2010**

**TAXI, LIVERY, AND LIMOUSINE DRIVERS (SEE ATTACHED)**

**(44 ITEMS)**

**TAXI OWNERS (SEE ATTACHED)**

**12 ITEMS**

**RAFFLES:** \_\_\_\_\_ **1 ITEM**

ST. ANN'S R.C. CHURCH

OFF-PREMISE 50/50

704 JEFFERSON ST.

CASH RA1331

HOBOKEN, NJ 07030

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

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

**VENDOR** \_\_\_\_\_ **1 ITEM**

UMI INC.

UMIT AKKAYA

41 OAKDENE AVE.

CLIFFSIDE PARK, NJ 07070

LA CONCESSIONS

945 TUCK ST

LEBANON, PA 17042

## MISCELLANEOUS LICENSES

### DRIVERS

(44 ITEMS @ \$75.00)

ANGELICA ROSA	1302 WASHINGTON ST, HOB, NJ	LIMO
NATIVIDAD CHAVARRO	1217 WASHINGTON ST, HOB, NJ	LIMO
ROBERT REYES	819 6 <sup>TH</sup> ST, U.C, NJ	TAXI
EDWIN FIGUEROA-GOMEZ	103 CONGRESS ST, JC, NJ	LIMO
GAMAL BESHAI	102 OAKLAND AVE, JC, NJ	TAXI
RAMON MANCI	62 WASHINGTON ST, HOB, NJ	LIMO
ABDELGHANI KHELIFI	112 ROMAINE AVE, JC, NJ	LIMO
YNOCENCIO BESCOSME	121 STORMS AVE, JC, NJ	LIMO
MOHAMED AMIN	28 LINCOLN PKWY BAY, NJ	LIMO
RADAMES CABRAL	69 STORMS AVE, JC, NJ	LIMO
MENA BEBAWY	7-11 TONNELE AVE	TAXI
MOAWAD HANNA	163 W. 19 ST, BAY., NJ	TAXI
ADA RAMOS	312 12 <sup>TH</sup> ST, UC, NJ	TAXI
TOMAS PUJOLS	327 COLUMBIA AVE, JC, NJ	LIMO
ANDRES DIAZ	519-3 ST, UC, NJ	TAXI
CAMILO MARTE	519-3 ST, UC, NJ	TAXI
TAMER ISKANDAR	70 TONNELLE, JC, NJ	TAXI
SAMIR KASSAB	128 LEONARD ST, JC, NJ	TAXI
GERONIMO PENA	407-4 <sup>TH</sup> ST, UN, NJ	LIMO
SHAH KHAN	625 KENNEDY, NB, NJ	TAXI
PASCAUL LUGO	410-7 <sup>TH</sup> ST, UC, NJ	LIMO
MAGED ANDRAWIS	725 NEWARK AVE, JC, NJ	TAXI
VICTOR GATTAS	7027 GRAND AVE, NB, NJ	LIMO
OSMAN FUENTES	219 HANCOCK AVE, JC, NJ	TAXI
EHAB GENDY	21 FERNCLIFF RD, JC, NJ	TAXI
ABDELARDO FLORES-DAVILA	1409 MANHATTAN, UC, NJ	LIMO
FRANCISCO OLIVO	84 RESERVOIR AVE, JC, NJ	TAXI
GEORGIOS KONTOGIANNIS	82 HAGUE ST, JC, NJ	TAXI
SHADY GOBRIL	52 TONNELLE AVE, JC, NJ	TAXI
MOUSTAFA HUSSEIN	681 MONTGOMERY, JC, NJ	TAXI
OSCAR PAGAN	1713 PALISADE AVE, UC, NJ	LIMO
ADEL IBRAHIM	86-84 HIGHLAND AVE, JC, NJ	TAXI
MATHAIS GONZALEZ	38 HANCOCK, JC, NJ	LIMO
FELIX ALICEA	10 CARLEN CT, FAIRVIEW, NJ	LIMO
AYMAN ABDELMASIH	155 W 29 ST, BAY, NJ	TAXI
JEAN ELLAMEH	100 GLENWOOD AVE, JC, NJ	TAXI
EMAD ABDELMALAK	1016 BROADWAY, BAY, NJ	TAXI
SERGIO REYES	197 NY AVE, JC, NJ	LIMO
HELMY ABDŌU	29 VAN WAGENEN AVE, JC, NJ	LIMO
EMEL ESKANDER	758 AVE E., BAY, NJ	TAXI
SABRY BAKET	87 W 20 ST, BAY, NJ	TAXI

## MISCELLANEOUS LICENSES

### OWNERS

(12 ITEMS @ \$750.00)

HAMZA CORP # 13	2828 KENNEDY BLVD, JC, NJ	TAXI OWNER
ABOBKR S. CORP # 18	2828 KENNEDY BLVD, JC, NJ	TAXI OWNER
SAHM CORP # 21	497 WESTSIDE AVE, JC, NJ	TAXIOWNER
GRACIAN LISBOA # 16	109 NORTH ST, JC, NJ	TAXI OWNER
SPEEDY TAXI # 47	14 COLONIAL DR, BAY.,NJ	TAXIOWNER
SHAWKI KHALIL # 30	12 COLONIAL DR, BAY.,NJ	TAXIOWNER
SONIA KHALIL # 45	12 COLONIAL DR, BAY.,NJ	TAXI OWNER
3M TAXI CORP # 11	12 COLONIAL DR, BAY.,NJ	TAXI OWNER
3M TAXI CORP # 28	12 COLONIAL DR, BAY.,NJ	TAXI OWNER
3M TAXI CORP # 41	12 COLONIAL DR, BAY.,NJ	TAXI OWNER
TOWER TOWER # 2	455-9 <sup>TH</sup> ST, HOBOKEN, NJ	TAXI OWNER
WAJIE ELQUMOS # 52	558 RYDER LAND, E.BRUNSWICK,NJ	TAXI OWNER

**12 TAXI OWNERS**

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

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

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

**RESOLUTION REGARDING POLICE AUDIT**

**WHEREAS**, a preliminary review of the staffing levels and organizational structure for the City of Hoboken's Police Department (the "Police Audit") has been prepared by the New Jersey Division of Local Government Services ("DLGS") and received by the City on February 19, 2010; and

**WHEREAS**, the City Council is appreciative of the effort expended by the DLGS on behalf of the City of Hoboken in preparing the Police Audit; and

**WHEREAS**, the City Council is appreciative of the efforts made by Mayor Dawn Zimmer and Lori Grifa, the new Commissioner of the New Jersey Department of Community Affairs, in facilitating the release of the Police Audit; and

**WHEREAS**, ensuring the public safety of Hoboken's citizens through the maintenance of an efficient, effective and affordable Police Department is of the highest priority; and

**WHEREAS**, the Police Audit makes numerous recommendations toward the goal of making our Police Department more efficient, effective and affordable including changes in deployment, civilianization of certain positions, significant reduction in staffing levels and increased working hours; and

**WHEREAS**, the Police Audit specifically recommends that the Mayor consider whether to raise with labor negotiators the cost effectiveness of an increase in working hours from 35 hours per week to 40 hours per week; and

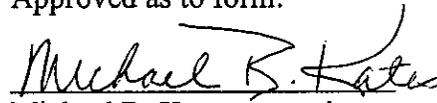
**WHEREAS**, the Police Audit recognizes that there exist a variety of alternatives to implement the suggested reduction in staff, including attrition, lay-offs and elimination

**WHEREAS**, the City Council recognizes the seriousness of the Police Audit and wishes to work with the Administration to evaluate the alternatives so that we can move forward with implementation of the recommendations in a responsible and expeditious manner;

**NOW THEREFORE**, the City Council having given careful consideration to the foregoing, **RESOLVES** as follows:

1. That the Administration work together with the DLGS and the Public Safety Subcommittee of City Council to expeditiously develop the best possible approach to implement the recommendations contained in the Police Audit while ensuring the public safety of our citizens in the most efficient, effective and affordable manner possible; and
2. That the Hoboken City Council urges the Mayor and Hoboken's Fiscal Monitor to follow the Police Audit's recommendation and raise the issue of increasing working hours from 35 hours per week to 40 hour per week with labor negotiators.

Approved as to form:



Michael B. Kates  
Corporation Counsel

Date of Meeting: March 3, 2010

CITY OF HOBOKEN

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

A RESOLUTION APPROVING THE APPLICATION PROCESS FOR THE FY2010  
PORT SECURITY GRANT PROGRAM THROUGH THE U.S. DEPARTMENT OF  
HOMELAND SECURITY.

WHEREAS, the City of Hoboken is interested in participating in the US Department of Homeland Security's FY 2010 Port Security Grant Program., and

WHEREAS, the City of Hoboken agrees to utilize the grant funding award (if approved), for the procurement and implementation of video surveillance and monitoring equipment to be utilized along the city's waterfront, and

WHEREAS, the City of Hoboken is currently operating a city-wide video surveillance program, which will be enhanced and completely interoperable with these proposed additions ,and

WHEREAS, the Hoboken City Council has reviewed the accompanying guidance and application kit and has approved participation in the application process, and

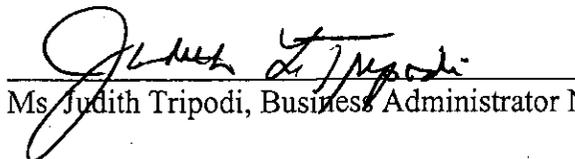
NOW, THEREFORE, BE IT RESOLVED, by the Hoboken City Council that:

- 1) The Mayor or his designee is authorized to execute the above referenced grant application process, and all other documents to fulfill the intent of the application.
  
- 2) As a matter of public policy, the City of Hoboken, wishes to participate to the fullest extent possible with the application process of the U.S. Department of Homeland Security FY2010 Port Security Grant Program .

Approved as to Form:



Michael Kates, Corporation Counsel



Ms. Judith Tripodi, Business Administrator N.J. State Fiscal Monitor

Dated:

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

Cosponsored By: \_\_\_\_\_

**RESOLUTION NO:**

**AUTHORIZING THE SUBMISSION OF A PROPOSAL FOR INCLUSION IN THE 2010-2011 URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO HUD**

**WHEREAS**, Title 1 of the Housing and Community Development Act of 1974 provides for substantial Federal funds being made available to certain urban counties for use therein; and

**WHEREAS**, this act establishes certain criteria which must be met in order for a county and its participating communities to be the recipient of said funding; and

**WHEREAS**, the City of Hoboken and the County of Hudson entered into an agreement in cooperation with other municipalities in Hudson County for the carrying out of the Hudson County Community Development Urban County Program under the provisions of the Interlocal Services Act; and

**WHEREAS**, the City of Hoboken and the County of Hudson have further agreed to cooperate in the carrying out of Community Development Block Grant activities and to undertake or assist in the implementation of programs and projects that better the community.

**BE IT RESOLVED**, by the Mayor and the Council of the City of Hoboken that the 2010-2011 proposal for the City of Hoboken's continued participation in the Urban County CDBG Program is hereby approved for submission to the Hudson County Office of Community Development.

**BE IT FURTHER RESOLVED**, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal.

**BE IT FURTHER RESOLVED**, that Mayor or her designee is hereby authorized to:

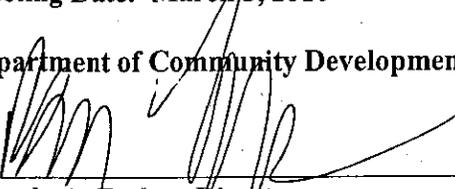
- (a) make application for such a grant; and
- (b) provide additional application information and furnish such documents as may be required; and
- (c) act as the authorized correspondent of the City of Hoboken.

**BE IT FURTHER RESOLVED**, that:

1. Should funding be awarded, the Mayor or her designee is hereby authorized to execute an agreement thereto with the County of Hudson; and
2. The City Clerk is authorized to affix the City seal to documents related to this application; and
3. This resolution shall take effect immediately.

Meeting Date: March 3, 2010

Department of Community Development

  
\_\_\_\_\_  
Brandy A. Forbes, Director

Approved as to form:

  
\_\_\_\_\_  
Michael Kates, Corporation Counsel

**CURRENT COMMUNITY DEVELOPMENT BLOCK GRANT RECIPIENTS FUNDING BREAKDOWN**

HC COMMUNITY DEVELOPMENT FUNDS      MISCELLANEOUS PROGRAM INCOME FUNDS

ALL PUBLIC SERVICE PROVIDERS ARE REQUIRED. LOW/MODERATE CLIENTS

TOTAL NOTES      CLIENTS ANNUAL AVERAGE

**CHILD CARE SERVICES**

**DAY CARE 100**

Provides infant, preschool & after school services to an ethnically diverse group of clients. Mandatory quarterly reports submitted to the City for the program year 08/09 provided the following: a total of 130 youngsters served - 15 White, 30 Black, 85 Hispanic; 126 of the participants from Female Headed Households; Family size of 109 of the participants was 1-4 and family size of 21 of the participants was 5 or more. Income levels were as follows: 61 at 30% of median, 40 at 50% of median, 16 at 80% of median 1 DYFS referral, 12 were above median.

\$25,000

\$5,508

\$30,508 Day Care 100 receives free rent at 124 Grant Street

130

**HOPES HAD START**

Provides preschool and after school services to an ethnically diverse group of clients. Mandatory quarterly reports submitted to the City for the program year 08/09 provided the following: a total of 83 youngsters were served - 17 White, 11 Black, 50 Hispanic, 2 Asian, 3 Other; 43 of the participants were from Female Headed Households; Family size of 75 of the participants was 1-4 and family size of 8 of the participants was 5 or

\$25,000

\$25,531

\$50,531 Head Start organizations receive 1 large Federal Grants

83

more. Income levels were as follows:  
 57 were at 30% of median, 7 were at  
 50% of median, 6 were at 80% of  
 median, 8 were Abbott District referrals,  
 5 were above median.

HC COMMUNITY  
 DEVELOPMENT  
 FUNDS

MISCELLANEOUS  
 PROGRAM  
 INCOME FUNDS

TOTAL NOTES

CLIENTS S  
 ANNUALLY  
 AVERAGE

\$25,000

\$57,818

\$82,818

65

**MILE SQUARE DAY CARE**  
 Provides infant, preschool & after school  
 services to an ethnically diverse group  
 of clients. Mandatory quarterly reports  
 submitted to the City for the program year  
 08/09 provided the following: a total of  
 65 youngsters were served - 27 White, 6  
 Black, 27 Hispanic, 2 Asian, 3 Other; 64  
 of the participants were from Female  
 Headed Households; Family size of 59  
 of the participants was 1-4 and family  
 size of 6 of the participants was 5 or more.  
 Income levels were as follows: 23 were  
 at 30% of median, 12 were at 50% of  
 9 were at 80% of median, 21 were above  
 median.

\$25,000

\$11,143

\$36,143 Receives funding from Hispanic  
 Affairs

58

**NUESTROS NINOS**  
 Provides preschool services to an  
 ethnically diverse group of clients.  
 Mandatory quarterly reports submitted  
 to the City for the program year 08/09  
 provided the following: a total of 58  
 youngsters were served - 5 White, 5  
 Black, 43 Hispanic, 2 Asian, 3 Other;  
 46 of the participants were from Female  
 Headed Households; Family size of 53 of

the participants was 1-4 and family size of 5 of the participants was 5 or more. Income levels were as follows: 34 were at 30% of median, 17 were at 50% of median, 4 were at 80% of median, 3 were above median.

HC COMMUNITY DEVELOPMENT FUNDS

MISCELLANEOUS PROGRAM INCOME FUNDS

TOTAL NOTES

CLIENTS SERVED ANNUALLY/AVERAGE

**TOTAL DAY CARE FUNDING**

\$100,000

\$100,000

\$200,000

336

**BOYS & GIRLS CLUB**

Provides preschool services to an ethnically diverse group of clients.

\$10,000

\$2,000

\$12,000

233 served  
58 in counsel

Mandatory quarterly reports submitted to the City for the program year 08/09 provided the following: a total of 58 youngsters were served - 10 White, 21 Black, 26 Hispanic, 1 Other; 46 of the participants were from Female Headed Households. Family size of 52 of the participants was 1-4 and family size of 6 of the participants was 5 or more. Income levels were as follows: 40 were 30% of median, 12 were at 50% of median, 5 were at 80% of median, 1 was above median.

**FAMILY PLANNING**

Provides preschool services to an ethnically diverse group of clients. Mandatory quarterly reports submitted to the City for the program year 08/09 provided the following: a total of 216 clients were served - 59 White, 44

\$20,000

\$3,000

\$23,000

216

	HC COMMUNITY DEVELOPMENT FUNDS	MISCELLANEOUS PROGRAM INCOME FUNDS	TOTAL	NOTES	CLIENTS SERVED ANNUALLY/ AVERAGE
<p>Black, 107 Hispanic, 6 Other; 216 were from Female Headed Households; Family size of 201 participants was 1-4 and family size of 15 of the participants was 5 or more. Income levels were as follows: 153 were at 30% of median, 63 were at 50% of median.</p>					
<p><b>UNITED CEREBRAL PALSY</b> Located at the Hoboken Elk's Club, UCP serves between 6 &amp; 10 individuals with Cerebral Palsy and other disabilities training/assisting these individuals to achieve independence.</p>	\$2,000		\$2,000		6-10
<p><b>JUBILEE CENTER</b> Provides afterschool recreational services to an ethnically diverse group of clients. Mandatory quarterly reports submitted to the City for the program year 08/09 provided the following: a total of 84 individuals were served - 59 Black, 25 Hispanic; 83 were from Female Headed Households; Family size of 68 participants was 1-4, 16 of the participants was 5 or more. Income levels were as follows: 34 were at 30% of median, 21 were at 50% of median, 7 were at 80% of median, *22 were above median.</p>	\$25,000		\$25,000		92

\* addresses of these 22 individuals,

Hoboken Housing Authority would indicate that some or all of these individuals would qualify as low/moderate income; however, since the organization was unable to provide incomes for these individuals, I have counted them as above median.

	HC COMMUNITY DEVELOPMENT FUNDS	MISCELLANEOUS PROGRAM INCOME FUNDS	TOTAL	NOTES	CLIENTS SERVED ANNUALLY/AVERAGE
Y M C A NEW PROGRAM	\$25,000		\$25,000		Estimated 125
The Hoboken YMCA will begin a teen center providing afterschool programs to youngsters ages 13-17. Activities will include indoor basketball, karate, fitness center and cardio machines as well as recreational swim time.					
TOTALS	\$157,000	\$105,000	\$262,000		

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

Co-Sponsored By: \_\_\_\_\_

RESOLUTION #: \_\_\_\_\_

**AUTHORIZING A DISCRETIONARY APPLICATION TO THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR FUNDING FOR PEDESTRIAN SAFETY  
IMPROVEMENTS TO THE PATH AREA**

**WHEREAS**, the City of Hoboken wishes to undertake a Safe Streets to Transit Project in the area of the PATH station; and

**WHEREAS**, a portion of the funding has been received through a New Jersey Department of Transportation Safe Streets to Transit funding award in the amount of \$80,000.00; and

**WHEREAS**, the Safe Streets to Transit funding award is not sufficient to cover the cost of the preferred proposed improvements; and

**WHEREAS**, the New Jersey Department of Transportation has suggested that the City of Hoboken submit a discretionary funding application for their consideration for the additional amount necessary to accomplish the proposed project, \$106,588.13 (engineer's estimate attached):

**NOW, THEREFORE, BE IT RESOLVED**, that such discretionary application be submitted to the New Jersey Department of Transportation.

**FURTHER RESOLVED**, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the New Jersey Department of Transportation.

**FURTHER RESOLVED**, that Mayor or her designee is hereby authorized to:

- (a) Provide additional application information and furnish such documents as may be required; and
- (b) Act as the authorized correspondent of the City of Hoboken.

**FURTHER RESOLVED**, that:

1. Should funding be awarded, the Mayor or her designee is hereby authorized to execute an agreement thereto with the New Jersey Department of Transportation; and
2. The City Clerk is authorized to affix the City seal to documents related to this application; and
3. This resolution shall take effect immediately.

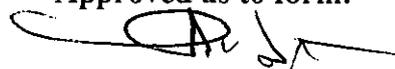
**Meeting Date: March 3, 2010**

**Department of Parking & Transportation**



**Ian Sacs, P.E.**  
Director

**Approved as to form:**



**Michael B. Kates**  
Corporation Counsel

**City OF HOBOKEN  
TAX COLLECTOR'S OFFICE  
MEMORANDUM**

**Date:** 2/8/2010

**To:** Mr. Michael <sup>KATES</sup>~~KATZ~~, Corporation Counsel

**From:** Sharon Curran, Tax Collector 

**Subject:** Resolution Authorizing the 6% Penalty Charge on Delinquent Taxes to be Repealed

As per our previous conversation enclosed is a copy of a resolution repealing the 6% penalty on delinquencies in excess of \$10,000.00 at the end of the fiscal year.

On July 1, 2009 a resolution was passed fixing the interest rate charges on non-payment of taxes including the 6% penalty in error. I would like to repeal this portion of the resolution as it is an unnecessary burden on the tax payers of the city of Hoboken, NJ. The city of Hoboken is a fiscal city which holds an accelerated tax sale of delinquent taxes at the end of the fiscal year. This penalty would not benefit the city because 99% of our delinquencies are sold to lien holders. The only beneficiaries of the 6% penalties are the third party lien holders.

I have attached a copy of the resolution to repeal the 6% penalty and the resolution fixing the rate of interest which was passed in July of 2009.

**Cc:** Judy Tripodi, Fiscal Monitor  
Nick Trasente, Director of Finance

Sponsored by: [Signature]

Seconded by: [Signature]

**CITY OF HOBOKEN  
RESOLUTION NO.: 08-215**

**RESOLUTION AUTHORIZING THE 6% PENALTY CHARGED ON DELINQUENT  
TAXES TO BE REPEALED**

**WHEREAS**, the rate of additional interest penalty on delinquent taxes and assessments on real property in excess of \$10,000.00 is 6% if delinquent at the close of the fiscal year, and

**WHEREAS**, in accordance with NJSA 54:4-67 and previously adopted resolution of the City Council, the Tax Collector must begin to accrue said penalty as of June 30, 2008, and

**WHEREAS**, in accordance with NJSA 54:4-67, the City Council, recognizing that taxpayers face a significant tax increase in the 2008 taxes, desires to repeal the 6% penalty for Fiscal Year 2008.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, that the Tax Collector be and is hereby authorized to repeal the 6% penalty for fiscal year 2008.

Approved:

[Signature]

Date of Meeting: 06/18/08

Approved as to Form:

[Signature]  
Steven Kleinman, Corporation Counsel

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

6-18-08  
[Signature]

**CITY CLERK**

Introduced by: [Signature]  
Seconded by: [Signature]

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

**RESOLUTION FIXING THE INTEREST RATE  
CHARGES ON NON-PAYMENT OF TAXES**

WHEREAS, the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1500.00 of taxes becoming delinquent after the due date, and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after the due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond June 30, an additional penalty of 6% shall be charged against the delinquency; and,

WHEREAS, effective July 1, 2009, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order; and,

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the paragraphs above; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

APPROVED:  
[Signature]  
Judith L. Tripodi, Fiscal Control Officer

APPROVED AS TO FORM:  
[Signature]  
Steven Kleinman, Corporation Counsel

Meeting Date: July 1, 2009

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  
appearing on the attached list totaling **\$ 17,842.86**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO BANK, NA WELLS FARGO HOME MORTGAGE MAC X2301-03B/ARU 1 HOME CAMPUS DES MOINES, IA 50328	21/8/C00C1	307 FIRST ST	4/09	\$ 5,446.07
ASTORIA FEDERAL SAVINGS 1216 CHARLES ST 2 <sup>ND</sup> FLOOR ELGIN, IL 60120	25/1/	101-33 MARSHALL/ 120-6 HARRISON	4/08	\$ 2,933.23 EXCEL I
SHUTT, ANITA 405 FOURTH ST #1 HOBOKEN, NJ 07030	51/20/C001A	405 FOURTH ST	1/10	\$ 1,253.33
MITACEK, STEPHEN 800 JACKSON ST UNIT 613 HOBOKEN, NJ 07030	86/1/C0613	800-830 JACKSON	3/09	\$ 136.92
WILLIAMS, ALEXANDRA & GILES ALDERSON 816 WILLOW AVE #2L HOBOKEN, NJ 07030	160/13/C002L	816 WILLOW AVE	4/09	\$ 2,066.18
HAWISZCZAK, JASON 123 WASHINGTON ST #2R HOBOKEN, NJ 07030	212/9/C002R	123 WASHINGTON ST	4/09	\$ 350.00
WRIGHT, KARYN 1500 WASHINGTON ST #8S HOBOKEN, NJ 07030	268.1/2/C008S	1500 WASHINGTON ST	1&2/09	\$ 3,180.76

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
FIRST AMERICAN REAL ESTATE TAX SERVICE P O BOX 961230 FT WORTH, TX 76161-0230	268.1/2/C012J	1500 WASHINGTON ST	4/09	\$1,731.33
SOCCI, ANTHONY J & KRISTIN 1125 MAXWELL LANE #571 HOBOKEN, NJ 07030	261.03/1/C0571	1125 MAXWELL LANE	3&4/09	\$ 745.04

Meeting: MARCH 3, 2010

Approved as to Form:



CORPORATION COUNSEL



Sharon Curran

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

RESOLUTION AWARDING A CONTRACT FOR A TEN (10) YEAR LEASE  
OF TWENTY (20) PARKING SPACES IN MUNICIPAL GARAGE "B".

WHEREAS, a lease agreement was received for a ten (10) year lease of twenty (20) parking spaces to the United States Government in municipal garage "B" of the City of Hoboken; and,

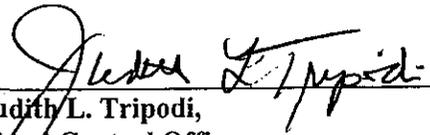
WHEREAS the lease is at a rate of \$350 per space per month for the term of the lease, to commence on May 1, 2010

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of Hoboken, County of Hudson, State of New Jersey that:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The lease shall include a rental increase clause whereby the City of Hoboken may increase the monthly rent per space, upon 6 months notice to the United States Government, whenever the City shall increase monthly rental rates to residents parking in the same garage.
3. The council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Mayor, or his designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above referenced lease to the United States Government.

Approved:

Approved to Form:

  
\_\_\_\_\_  
Judith L. Tripodi,  
Fiscal Control Officer

  
\_\_\_\_\_  
Michael B. Kates,  
Corporation Counsel

Date: March 3, 2010

# CITY OF HOBOKEN

## Office of Corporation Counsel

94 Washington Street, Hoboken, NJ 07030  
(201) 420-2057 Fax (201)792-1858

**DAWN ZIMMER**  
Mayor



**MICHAEL KATES**  
Corporation Counsel

## MEMORANDUM

**TO:** Members of the City Council

**FROM:** Michael B. Kates, Corporation Counsel

**DATE:** March 3, 2010

**SUBJECT:** Bids Rejected

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All bidders consented to extend the time for awarding bids to March 3, 2010. Appended hereto is our memorandum on the statutory justifications for rejecting the lowest bidder and rejecting all bids. I am holding in my office the bid specifications and submissions for each of you to have the opportunity to review prior to the meeting. This will also give me the opportunity to focus on whatever concerns you had which prompted the original tabling of these bids. Reproduction and distribution would be too costly and time consuming.

A handwritten signature in black ink, appearing to be "M. Kates", is written over a horizontal line.

MK:ew

To: Michael Kates  
 From: Alysia Smickley  
 Re: Rejecting Bids  
 Date: February 23, 2010

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### **Rejecting the Lowest Bidder and Approving Another Bid**

The lowest bid may be rejected if the City determines that the lowest bidder is not "responsible." N.J.S.A. 40A:11-6.1. The courts have defined responsible as follows:

Responsibility in the sense intended by the Legislature has been succinctly and informatively defined as that characteristic the absence of which "would cause fair-minded and reasonable men to believe it was not in the best interest of the municipality to award the contract to the lowest bidder." *Arthur Venneri Co. v. Paterson Housing Auth.*, 29 N.J. 392, 402, 149 A.2d 228 (1959). Such a determination "may also involve the moral integrity of the bidder." *Id.* at 403, 149 A.2d 228.

Suburban Restoration Company, Inc. v. Jersey City Housing Authority, 179 N.J.Super. 479, 483 (App. Div. 1981). Therefore, "[t]he lowest responsible bidder must be held to imply skill, judgment, and integrity necessary to the faithful performance of the contract, as well as sufficient financial resources and ability." 10 McQuillin Mun. Corp. § 29:82 (3<sup>rd</sup> ed.).

However, in cases where the City suggests there is a skill, ability, or integrity issue affecting the "responsibility" of the lowest bidder, a "responsibility hearing" is required to allow the lowest bidder an opportunity to be heard as to their responsibility to perform the present contract. *E.g.*, Suburban at 482. The City may escape the hearing requirement only where noncompliance with the bidding specs is the basis for irresponsibility.

The courts consistently express the character of "moral integrity" may be a factor in determining responsibility. See, *e.g.*, Suburban, *supra*; Venneri, *supra*; Poling v. Roman, 86 N.J.Super. 484 (Law Div. 1965). However, there is no case law in which the lowest bidder was rejected based solely on prior criminality.

### **Rejecting All Bids**

In rejecting all the bids, if that is the course the City wishes to take, the rejection must fall into the classifications set by the statute, or suffer the potential for litigation from bidders. The statute's classifications of approved rejections are:

A contracting unit may reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;

- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c. 198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12).

N.J.S.A. 40A:11-13.2.

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

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

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

**THIS RESOLUTION AWARDS A ONE-YEAR CONTRACT TO AUTOMATED BUILDING CONTROLS FOR H.V.A.C. SERVICES WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-03.**

WHEREAS, proposals were received on 18 December 2009 for H.V.A.C. Services, and

WHEREAS, three (3) proposals were received in good stead, these being:

<u>VENDOR</u>	<u>Straight Time</u>	<u>Overtime</u>
Pow-R-Save, Inc. Bloomfield, NJ	\$ 85.00/per hour	\$ 127.00/per hour
Binsky Service Piscataway, NJ	\$ 88.90/per hour	\$ 168.90/per hour
Automated Building Controls Neptune, NJ	\$ 85.00/per hour	\$ 100.00/per hour

**NOW THEREFORE BE IT RESOLVED** as follows:

This resolution awards a contract to Automated Building Controls, in an amount not to exceed \$25,000.00, for H.V.A.C. Services according to the specifications set forth.

- A. 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 Automated Building Controls.
- B. This resolution shall take effect immediately upon passage.

Meeting of: March 3, 2010

APPROVED:



Jennifer Maier, Director, Environmental Serv.

APPROVED AS TO FORM:



Michael B. Kates, Corporation Counsel

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

I, George De Stefano, Chief Financial Officer of the City of Hoboken, hereby Certify that \$25,000.00 is available in the following appropriations:

Buildings & Public Properties Other Expense (0-01-28-377-021). These funds, the amount within the introduced SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

H. V. A. C. Services

and awarded to the following vendor:

Automated Building Controls  
3320 Route 66  
Neptune, NJ 07753

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

  
Chief Financial Officer

Date: 2/25/2010

Introd Budget	\$345,800.00
Spent	(145,602.10)
Award	<u>(25,000.00)</u>
	\$175,197.90

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

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

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

**THIS RESOLUTION AWARDS A TWO (2) YEAR CONTRACT TO DONOFRIO AND SON FOR LANDSCAPING AND PARK MAINTENANCE WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-09.**

**WHEREAS, proposals were received on 18 December 2009 for Landscaping & Park Maintenance, and**

**WHEREAS, seven (7) proposals were received in good stead, these being:**

<u>VENDOR</u>	<u>Year #1</u>	<u>Year #2</u>
Ascape Landscape New City, NY	\$ 70,000.00	\$ 70,000.00
LTI, Inc. Roseland, NJ	\$ 87,613.56	\$ 87,613.56
Hufnagel Landscape (Incumbent) North Bergen, NJ	\$167,660.00	\$172,930.00
Andy-Matt, Inc. Mine Hill, NJ	\$ 99,999.00	\$ 99,999.00
Donofrio & Son Maplewood, NJ	\$ 49,021.00	\$ 49,021.00
Greenleaf Landscape Eatontown, NJ	\$ 74,787.00	\$ 74,787.00
Pat Scanlan Landscape New City, NY	\$100,810.00	\$100,810.00

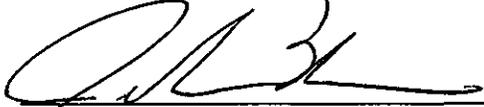
**NOW THEREFORE BE IT RESOLVED as follows:**

- A. This resolution awards a contract to Donofrio & Son, Maplewood, NJ, in an amount of \$49,021.00, For Landscaping & Park Maintenance according to the specifications set forth.
- B. Continuation of the terms of this contract beyond the fiscal year is contingent on availability of funds in the following year's budget. In the event of unavailability of such funds, the City reserves the right to cancel this contract.
- C. 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 Donofrio & Son.

D. This resolution shall take effect immediately upon passage.

Meeting of: March 3, 2010

APPROVED:

  
Jennifer Maier, Environmental Services.

APPROVED AS TO FORM:

  
Michael B. Kates, Corporation Counsel

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

I, George De Stefano, Chief Financial Officer of the City of Hoboken, hereby Certify that \$49,021.00 is available in the following appropriations:

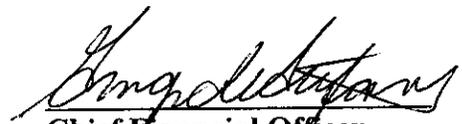
\$13,727.00 from Pier "A" O & M Fund (t-24-20-700-020) and \$35,294.00 from Parks Other Expenses (0-01-28-375-021). These funds, the amount within the introduced SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

Landscaping & Park Maintenance

and awarded to the following vendor:

Donofrio & Son  
47 Van Ness Terrace  
Maplewood, NJ 07040

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

  
Chief Financial Officer

Date: 2/25/10

Balance Trust	\$899,944.83	Introd Budget	\$171,000.00
Award	<u>( 13,727.00)</u>	Spent	( 79,174.24)
	\$886,217.83	Award	<u>( 35,294.00)</u>
			\$ 56,531.76

Introduced by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_  
**CITY OF HOBOKEN**  
**RESOLUTION NO. \_\_\_\_\_**

**THIS RESOLUTION AWARDS A CONTRACT TO ENTERPRISE CONSULTANTS FOR TELEPHONE MAINTENANCE WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-12.**

WHEREAS, proposals were received on 18 December 2009 for Telephone Maintenance,  
and

WHEREAS, one (1) proposal was received in good stead, this being:

<u>VENDOR</u>	<u>\$ AMOUNT</u>
Enterprise Consultants 11 Kensington Avenue Emerson, NJ 07630	\$ 1,740.50/Month

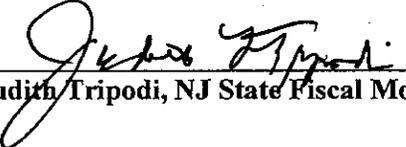
NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to Enterprise Consultants, 11 Kensington Ave, Emerson, NJ 07630, in an amount not to exceed \$30,000.00, for Telephone Maintenance according to the specifications set forth.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with Enterprise Consultants.
- C. This resolution shall take effect immediately upon passage.
- D. Continuation of the terms of this contract beyond the fiscal year is contingent on availability of funds in the following year's budget. In the event of unavailability of such funds, the City reserves the right to cancel this contract.

Meeting of: March 3, 2010

APPROVED:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Judith Tripodi, NJ State Fiscal Monitor.

  
\_\_\_\_\_  
Michael Kates, Corporation Counsel

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

I, George De Stefano, Chief Financial Officer of the City of Hoboken, hereby Certify that \$30,000.00 is available in the following appropriations:

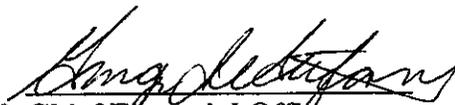
Telephone Other Expense (0-01-31-440-000). These funds, the amount within the introduced SFY 2010 budget, are sufficient to meet the contractual commitment providing for:

Telephone Maintenance

and awarded to the following vendor:

Enterprise Consultants  
11 Kensington Avenue  
Emerson, NJ 07630

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

  
Chief Financial Officer

Date: 2/25/2010

Introd Budget	\$300,000.00
Spent	(148,523.43)
Award	<u>( 30,000.00)</u>
	\$151,476.57

Introduced by: Michael Lenz

Seconded by: Ravi Bhalla

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

**RESOLUTION URGING THE STATE LEGISLATURE TO REFORM INTEREST  
ARBITRATION**

**WHEREAS**, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

**WHEREAS**, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

**WHEREAS**, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

**WHEREAS**, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

**WHEREAS**, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

**WHEREAS**, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

**WHEREAS**, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

**WHEREAS**, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

**WHEREAS**, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

**WHEREAS**, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

**WHEREAS**, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

**WHEREAS**, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the City of Hoboken in the county of Hudson, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Brian P. Stack, Ruben Ramos Jr., Caridad Rodriguez, the New Jersey State League of Municipalities and the Office of the Governor.

Approved:

\_\_\_\_\_  
Judith L. Tripodi  
Fiscal Control Officer

Approved as to form:

  
\_\_\_\_\_  
Michael B. Kates  
Corporation Counsel

Date of Meeting: March 3, 2010

PUBLIC NOTICE  
CITY OF HOBOKEN  
HUDSON COUNTY, N.J.

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE REPAIR OF THE CASTLE POINT PARK AND SINATRA PARK SECTIONS OF THE HUDSON RIVER WATERFRONT WALKWAY LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$12,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$12,000,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$12,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the repair of the Castle Point Park and Sinatra Park sections of the Hudson River Waterfront Walkway located in the City that have collapsed into the Hudson River

due to infestation of wood eating insects and deterioration of the wood base, including all work, materials and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Township. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The City reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant or other moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of

the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal

Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

### **NOTICE OF PENDING BOND ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the City Council of the City of Hoboken, in the County of Hudson, New Jersey, held on February 17, 2010. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a special meeting of said City Council to be held in the Council Chambers, City Hall, Hoboken, New Jersey on March, 10, 2010 at 7:00 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the City Clerk's office in the Municipal Building to the members of the general public who shall request the same.

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James J. Farina, City Clerk