

C. Elston & Associates, LLC
Law Office

3350 Route 138 (Exit 98 GSP)
Building 2, Suite 121
Wall, New Jersey 07719
Office (732) 280-6911
Fax (732) 280-6955
mpatel@elstonlaw.com

October 12, 2010

New Jersey Civil Service Commission
Division of Merit Systems Practices & Labor Relations
Merit System Board Services - Unit H
P.O. Box 312
Trenton, New Jersey 08625-0312

Re: William D. Campbell v. City of Hoboken¹

Dear Sir/Madam:

Please be advised that this office represents Appellant, William D. Campbell ("Appellant" or "Campbell"), in the above-captioned appeal. Kindly accept this letter brief, in lieu of a more formal submission, in support of Appellant's Notice of Appeal from his recent layoff from the permanent position of Assistant Public Information Officer in the Department of Administration for the City of Hoboken ("the Respondent" or "the City").

¹ Please note that unless otherwise specified, all exhibits are attached to the enclosed Certification of Counsel.

For the reasons set forth below, *inter alia*, the City's bad faith in adopting and applying an inconsistent and hypocritical layoff plan; Appellant prays for relief reinstating his employment with the City under the appropriate title of "Assistant Public Information Officer" and providing appropriate back pay for the wrongful termination. In the alternative, Appellant respectfully requests that the Commission take account of his seniority for layoff rights pursuant to N.J.A.C. 4A:8-2.1 et seq.

Please note that appellant respectfully reserves his right to supplement the record due to the City's violation of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., by failing to produce documents requested, which are paramount to this appeal. **(Exhibit A)** The City's refusal to provide the documentation may necessitate further OPRA requests and/or an action in Superior Court to compel production.

STATEMENT OF FACTS/PROCEDURAL HISTORY²

1. On June 24, 2002, William D. Campbell ("Appellant" or "Campbell") was provisionally hired as a Public Information Officer. He held a provisional title because his permanency was contingent upon satisfying the education requirement at the time, which required a Bachelor's Degree. In early 2006,

² The Statement of Facts and Procedural History are consolidated for the Commission's convenience.

Campbell passed an examination that downgraded his title to that of an Assistant Public Information officer because he did not obtain the degree necessary for the former title. From 2006 up until the effective date of his layoff, September 24, 2010, Appellant worked under the title of an Assistant Public Information Officer. **(Exhibit B)**

2. Campbell has over twenty-five (25) years of experience and knowledge in the areas of media relations and journalism. He was a valuable resource to the two (2) prior Administrations. **Id.**

3. The New Jersey Civil Service Commission ("the Commission") defines an Assistant Public Information Officer as "[u]nder direction, assists in performing the work involved in collecting and disseminating informative materials designed to aid the public information and publicity program of the unit; does related work as required." **(Exhibit C)**

4. On February 3, 2008, Campbell suffered a stroke and was bed-ridden in Hoboken University Medical Center for seven (7) days. Thereafter, he had outpatient rehabilitation for a month. He also went through extensive physical therapy to learn to walk again. He was on disability leave from work for approximately six (6) months. In that period, Campbell received New Jersey Disability Compensation for six (6) months then used sick leave for the additional days off. **(Cert. of W. Campbell)**

5. On July 31, 2009, Hoboken City Council President Dawn Zimmer ("Mayor Zimmer") was sworn in as Acting Mayor. Thereafter, in late 2009, Mayor Zimmer appointed twenty-five (25) year old Daniel Bryan as her "Confidential Assistant." Subsequently, on or about May 2010, she appointed Juan Melli ("Melli") as Confidential Aide³. Melli is dubbed the City's "spokesperson" by the media. Melli was assigned to essentially the same job functions Appellant has performed for years with the two (2) prior Administrations. Although Melli holds a Doctorate in mechanical and aerospace engineering, he has relatively little experience, if any, in the field of "Public Information." Meanwhile, Appellant's career has revolved around media relations and journalism. **(Exhibit B)**

6. On or about August 2009, Mayor Zimmer scheduled a personal meeting with Campbell to question his friendship with various developers in the City. **(Cert. of W. Campbell)** The Fiscal Monitor, Judy Tripodi, was present during the meeting. Id. Mayor Zimmer questioned Campbell's loyalty and stated that these relationships with developers "are not acceptable in this Administration." Id. She further advised Campbell not to have lunch with developers because it did not benefit the City. Id.

³ This information was provided by the Civil Service Commission. However, upon information and belief, the City appointed Juan Melli under the title of a "Public Information Officer."

7. On July 21, 2010, the Zimmer Administration announced the proposed layoffs of thirty-six (36) employees. This included eighteen (18) layoffs from the Police Department that would occur after nineteen (19) senior officers were demoted. An additional eighteen (18) layoffs were planned in other departments within the Administration. **(Exhibit D)** Mayor Zimmer was quoted saying "[t]he individuals affected are hardworking public servants who are victims of a fiscal climate not of their own making. This has been an extraordinarily difficult decision that had to be made, and my Administration proceeded with extreme care to ensure that we have a responsible plan." Id.

8. On August 2, 2010, the Police Unions emphasized the City's fiscal hypocrisies regarding the layoffs. **(Exhibit E)** In the same week Mayor Zimmer announced layoffs, her spokesman Juan Melli received a \$15,000.00 raise and Mayoral Aide Daniel Bryan received a \$12,000.00 raise. Id. The City also has a budget surplus of \$19,975,580.49, which was revealed in the city's year-end financial statement. **(Exhibit F, Sheet 21)**

9. On August 6, 2010, Campbell received a layoff notice from the City that stated "you will be laid off from your permanent position of Public Information Officer⁴, Department of

⁴Appellant stipulates that his position was that of "Assistant Public Information Officer" and that the mistitling in the City's layoff notice was an inadvertent clerical error.

Administration, effective at the close of the working day on September 24, 2010." **(Exhibit G)** On the same day, Campbell received a letter from Mayor Zimmer that was also circulated to all department personnel. **(Exhibit H)** In the letter, Mayor Zimmer apologized for not providing advance notice to city employees affected by the layoffs. Id. Mayor Zimmer also stated that "[a]ll of you are victims of tough economic times that forced me to make this most difficult decision in the best interest of all Hoboken residents." Id.

10. On August 26, 2010, Hoboken Policemen's Benevolent Association President Vince Lombardi made stern comments against Mayor Zimmer's layoff plan "[c]iting the City's alleged \$20 million budget surplus." **(Exhibit I)** He ended stating "[w]e again call upon Mayor Zimmer and the city council to rescind their layoff plan and stop playing politics with the safety of the City of Hoboken." Id.

11. On September 1, 2010, over 100 police supporters rallied at City Hall protesting the Mayor's layoff of City Police. **(Exhibit J)**

12. On September 15, 2010, the Police Unions and supporters marched on Washington Street to protest Mayor Zimmer's layoff plan. **(Exhibit K)** Upon information and belief, the Police Unions and supporters also planned a full scale

protest of the layoff plan, including picketing at Mayor Zimmer's upcoming fundraiser.

13. On September 20, 2010, Campbell received a letter from the Commission validating his layoff from the title of Assistant Public Information Officer, effective on close of business September 24, 2010. The Commission also noted that "there are no displacement rights that can be afforded to you."

14. On September 24, 2010, Mayor Zimmer announced that the City's police layoffs are rescinded, but that the layoffs of the other City workers would proceed. **(Exhibit L)** During a press conference, Mayor Zimmer explained that the police layoffs were rescinded because attrition would achieve the Administration's financial objectives, since several officers already accepted retirements or submitted written retirement commitments. Id. Upon information and belief, City Hall is also affected by attrition, on a greater scale than the Police force.⁵

15. Thereafter, on September 28, 2010, Mayor Zimmer yet again reduced the number of layoffs from eighteen (18) to thirteen (13) because several workers in the layoff unit would have bumping rights to positions to which they were not qualified. **(Exhibit M)**

⁵ The Undersigned submitted an OPRA request to the City to furnish this information. To date, the requested information has not been provided. (See Exhibit A)

LEGAL ARGUMENTS

I

BAD FAITH APPEAL

THE CITY'S \$20 MILLION BUDGET SURPLUS, AND MAYOR ZIMMER'S ARBITRARY AND CAPRICIOUS APPLICATION OF THE LAYOFF PLAN SUBSTANTIATES BAD FAITH IN THE APPLICATION OF THE SAME.

In a good faith appeal, the employee must prove by a preponderance of the evidence that the layoff was instituted for a reason other than economy, efficiency or other related reason. N.J.S.A. 11A:8-4; N.J.A.C. 4A:8-2.6(a)(1); Emily Graham-Weber v. County of Essex, OAL DKT. NO. CSV 11094-91, 1998 N.J. AGEN LEXIS 8, *10-11. Appellant's burden is substantial because the appointing authority is vested with a presumption of validity. Id. at 11. "A public employer is not, however, exempt from scrutiny merely because it states that economy was the motivating factor for the layoffs." Id. Instead, where bad faith and not economy is the principal motivating factor and where it is established there was little or no connection between the need for economy and the layoff, the Civil Service law applies to provide the employee vindication. Id. at 14.

An employer's claim of "economy and efficiency" in implementing a layoff plan can be overcome by proofs of a budget surplus, pay raises, and ill-will motives to layoff a specific employee. See In the Matter of Anthony Saccaro & Charles Cutler, Twp. of Allamuchy, DOP Docket No. 1999-3327, OAL Docket No. CSV 3590-99, OAL Docket No. CSV 3591-99, 2003 N.J. AGEN LEXIS 1235, *6. For example, In the Matter of Anthony Saccaro & Charles Cutler, the Office of Administrative Law ("OAL") found that "the layoffs [of appellants] were motivated by the 'real objective' of removing appellant Cutler, and not for the 'stated objective' of economy and efficiency as claimed by Allamuchy." Id. at 4. The Merit Board agreed. Id. Allamuchy decided to layoff of its Construction Department and outsource its construction needs, which would result in increased services at a reduced rate to residents. Id. at 2. The Township's layoff plan was approved by the Department of Personnel ("DOP") as a cost-cutting stratagem, but the OAL still found bad faith that warranted immediate reinstatement of the aggrieved appellants. Id. at 4.

Specifically, the Saccaro Court found that the cumulative evidence in the record established the ill-will of Allmauchy towards appellant Cutler, which "overcame the presumption of good faith ordinarily accorded an appointing authority's layoff." Id. The record showed that Cutler was at odds with

various members of the Town Council over matters involving zoning ordinances. Id. at 5. The Council also passed a resolution reducing Cutler's workweek and the newly elected Mayor directly told Cutler that "[t]hey were getting old and had to think about the future." Id. The Court considered the totality of these facts and found ulterior motives behind the layoff plan. Id.

Moreover, the Saccaro Court also found the following evidence significant to prove that the layoffs were not affected for reasons of economy and efficiency: "Allamuchy had budget surpluses of over one million dollars for each of the years 1997 and 1998; in 1998 pay raises of 20 percent were approved for the Township Council, and other raises were approved for the Township Clerk and fire code inspection..." Id. at 6. Notwithstanding the bad faith motives for removal of appellants, the Saccaro Court found that the budget surpluses and pay raises further confirmed that economy and efficiency were not the true objectives of the layoff plan.

A layoff plan implemented with political motivations constitutes bad faith. For example, in In Re City of Orange Layoffs Appeal, Alvenia Jones, was one of several appellants that filed a good faith appeal opposing the City's layoff plan. CSV 11828-94 and 11467-94, 97 N.J.A.R.2d(CSV) 639, 1997 N.J. AGEN LEXIS 311, *1. Ms. Jones contended that her layoff was

politically influenced because a more junior employee in her title had a close political relationship with the mayor, while she was perceived to have a negative political relationship with the mayor. Id. The City claimed there was nothing improper with regards to Ms. Jones' layoff, however, the OAL found that the City had a preference for her counterpart and she was described as being indispensable to the Department. Id. The OAL suspected that the City's characterization of the employee as indispensable implied that she was more valuable than Ms. Jones, and therefore played a key factor in the elimination of her position. Id. The Board adopted the OAL's finding that "[t]he changing of titles and the elimination of positions in this particular instance does more than just raise the specter of favoritism, it seems to underline it." Id. Regardless of the fact that the City endured economic instability, the OAL still found bad faith in Ms. Jones' layoff. Id.

An employer's lack of zeal to wane the impact of a layoff on an employee that has provided years of dedicated service also suggests bad faith. For instance, also In Re City of Orange Layoffs Appeal, the OAL also found it distressing that Ms. Whitted had more than twenty (20) years of service with the City, yet no effort was made to help her survive the layoff. Id. at 15-16. This was another factor considered in the cumulative evidence that weighed in favor of the appellant. The

Board adopted the OAL's findings of bad faith and reversed the layoffs of appellants Ms. Jones and Ms. Whitted. Id. at 17.

In the within matter, Campbell was employed by the City for over eight (8) years under two (2) analogous titles, Public Information Officer and Assistant Public Information Officer. Though at the time, he did not fulfill the educational requirements for a permanent Public Information Officer title, he performed satisfactory on an exam for the assistant position and has held the same since 2006. Further, he has extensive knowledge and experience in the areas of media relations and journalism, which made him a valuable commodity to the two (2) prior Administrations he served. (See Exhibit B) In fact, he was titled in an Assistant position, but has accumulated significant years of experience to hold a permanent title as a Public Information Officer under the exception in lieu of education⁶. (See Exhibit C)

As In the Matter of Anthony Saccaro & Charles Cutler, here, the City implements a layoff plan on account of "economy and efficiency," yet it is inundated with similar hypocrisies and ill-will motives for Campbell's removal. In Saccaro, the Court found that Cutler was at odds with various Council members that hinted bad faith in his layoff. Similarly, Campbell was at odds

⁶ At this time, Appellant does not contest his layoff rights determination, but merely highlights that his years of experience qualified him for a permanent title as a Public Information Officer.

with Mayor Zimmer, who questioned his loyalty due to his casual lunches and social relationship with developers. (Cert. of W. Campbell) In one instance, Mayor Zimmer grilled Campbell as to why he continues to befriend developers and that the relationship was not to the benefit of the City. Id. Campbell advised her that he did not have any negative intentions. Id. Even more telling is the fact that Campbell was removed from his position, which he has held under two (2) prior administrations, yet the newly appointed confidential aide to the Mayor performed Campbell's job functions and was not only bypassed for the layoff, but given a significant pay raise in the same week the layoffs were announced.

In fact, even more egregious than Saccaro, here, the City's budget hypocrisies are well documented and utterly disingenuous. Specifically, in the same week Mayor Zimmer announced the potential layoffs of thirty-six (36) city workers, including appellant, because of economic constraints, she provided her Confidential Aide and Confidential Assistant 25% and 27% pay raises, respectively. Upon information and belief, on the same Month as the layoff announcements, pay raises were also approved for several other City workers. In Saccaro, the Court also took light of the fact that in the same year the layoffs were announced, 20% pay raises were approved for the Township Council and other raises for specific employees. Here, on the same week

the layoffs were announced, Mayor Zimmer approved over 20% pay raises for her close cabinet, yet she made several inconsistent statements emphasizing that the layoffs were brought as the consequences of the dire economic situation. Thus, it is illogical as to how the economy in one instance justifies layoffs, while simultaneously providing for significant pay raises.

Moreover, Allamuchy had only a one million dollar budget surplus, which the Court still found as evidence that the layoffs were not affected for reasons of economy and efficiency. Here, there is a whopping twenty million dollar budget surplus, which directly contradicts Mayor Zimmer's claim of economy necessitating the layoffs.

In the within matter, the political influences that affected the application of the City's layoff plan is patently obvious. Similar to Ms. Jones In Re City of Orange Layoffs Appeal, Campbell is also relatively disfavored in comparison to his counterpart, Melli, who played a key role in Mayor Zimmer's election campaign. Now, conveniently, Melli is bypassed for a layoff due to his title of "Confidential Aide" though he performs predominantly the same job functions as Campbell. The record also shows that Mayor Zimmer had animosity towards Campbell due to his friendship and casual lunches with certain City developers.

Even if the above facts are deemed trivial, Mayor Zimmer's political influences in applying the layoff plan are also quite obvious. Initially, Mayor Zimmer was steadfast that the layoffs could not be averted due to the City's economic woes. (Exhibit D) In fact, the Police initially attempted to engage in dialect with Mayor Zimmer to forestall the layoffs, but to no avail.

Thereafter, the Police Unions took to the streets in protest publicizing the inconsistencies of the Mayor's layoff plan due to the City's immense budget surplus and more insulting fact that the Mayor approved \$27,000.00 pay raises to her cabinet in the same week she announced the layoffs. (Exhibit E, Page 2) On September 1, 2010, over 100 police supporters packed City Hall for a late-night protest against the police layoffs. (Exhibit J) The Police Unions also engaged in several subsequent rallies and protests against the Mayor's layoff plan. The supporters also threatened to picket at the Mayor's upcoming fundraiser. Under immense political pressure, Mayor Zimmer suddenly acknowledged that a redeployment plan could avert layoffs of police officers. (Exhibit L)

The Police were able to convince Mayor Zimmer, through various organized protests and emotional rallies, to rescind the layoffs of police officers. Mayor Zimmer weighed the political implications of her layoff plan and decided to side with the Police force, which is now miraculously saved from layoffs due

to attrition. However, City Hall is affected with attrition on a larger scale than that of the Police. Under Mayor Zimmer's reasoning, attrition should also secure the jobs of Appellant and various other city workers affected by the layoffs. Therefore, the reasons of economy and efficiency are red herrings instituted to remove Campbell via a layoff and circumvent the civil service system.

What is also alarming is the fact that appellant's seniority and years of dedicated service were simply overlooked. (Exhibit B) This situation is akin to both Ms. Jones and Ms. Whitted in In Re City of Orange Layoffs Appeal because the foregoing facts evidence ulterior political motives that pressured Campbell's layoff. The record reveals that Mayor Zimmer questioned Campbell's integrity and loyalty to the Administration. (See Cert. of W. Campbell) Meanwhile, Mayor Zimmer appointed Melli, who began performing Campbell's job functions. Also similar to Ms. Whitted, Campbell has many years of service with the City, yet no proactive measures were taken to help preserve his employment.

The foregoing facts clearly illustrates that politics conditioned Mayor Zimmer's layoff plan, not economy or efficiency. Appellant concedes that the mayor is entitled to managerial prerogative to ensure the fiscal stability of the City. It is quite obvious that the nation as a whole faces

economic devastation. However, a dire economic situation does not in turn grant a public entity blanket powers to arbitrarily implement and apply a layoff plan without any accountability. In Emily Graham-Weber v. County of Essex, the OAL emphasized that an employer cannot overcome its burden by a mere recitation of economy or efficiency. Here, Mayor Zimmer defies the OAL's holding in Emily Graham-Weber by merely reciting economy as a justification for the layoff, while the cumulative record confirms otherwise.

It is axiomatic that the Police Unions' political influence played a significant factor in the Mayor's decision to retract their layoffs. The other eighteen (18) city Workers, including Campbell, with less political clout, were unable to convince the Mayor to secure their posts. The City's subsequent oversight yet again reduced the layoff numbers from eighteen (18) to thirteen (13) city workers. (Exhibit M) Unfortunately, Campbell was still affected by the layoff. The Commission can easily extrapolate bad faith from the ample record of the Zimmer Administration's numerous hypocrisies, missteps and Mayor Zimmer's personal animosity against Campbell. Therefore, Appellant respectfully requests an immediate reinstatement to his position as Assistant Public Information Officer.

CONCLUSION

For the foregoing reasons, Appellant, William D. Campbell, respectfully requests that the Commission grant this Notice of Appeal and Order reinstatement of employment due to the City's bad faith in implementation and application of the layoff plan. Appellant also requests appropriate back pay and reimbursement for counsel fees incurred to annul this wrongful termination.

Respectfully Submitted,

C. ELSTON & ASSOCIATES, LLC
Attorney for Appellant,
William D. Campbell

By: 
MITESH M. PATEL, ESQ.

Dated: October 12, 2010

C. Elston & Associates, LLC
3350 Route 138 (Exit 98 GSP)
Building 2, Suite 121
Wall, New Jersey 07719
(732) 280-6911
Attorneys for Appellant, William D. Campbell

WILLIAM D. CAMPBELL

NEW JERSEY CIVIL SERVICE
COMMISSION

Docket No.:

Appellant,

CERTIFICATION OF WILLIAM D.
CAMPBELL IN SUPPORT OF NOTICE
OF APPEAL

v.

CITY OF HOBOKEN

Respondent.

I, WILLIAM D. CAMPBELL, of full age, being duly sworn according to law, upon his oath, hereby certifies as follows:

1. I am an Appellant in the above-captioned layoff appeal. As such, I have personal knowledge of all the facts and information set forth herein.

2. I was hired provisionally by the City of Hoboken (hereinafter "the City") on June 24, 2002, under the civil service title of "Public Information Officer" ("PIO"). The permanency of the title was contingent upon my attainment of a Bachelors Degree to satisfy the education requirement at the time. I performed functions under the PIO title from the years 2002 to 2005. Thereafter, in early 2006, my position

transitioned into an "Assistant Public Information Officer" ("APIO") because I did not complete the education requirements for the former title. I satisfied an examination to obtain my new position as an APIO.

3. I have worked under the title of an APIO from 2006 up until my layoff, effective September 24, 2010. Although, I was re-titled an APIO, I continued to perform essentially the same job functions that I did in my former title as a PIO. Specifically, I used my knowledge and experience as a journalist and publicist to manage and coordinate public relations and public information for the City. I coordinated, managed and oversaw all aspects of public relations for the City, including the Office of the Mayor, City Directors and Department heads. I was also responsible for daily media activity, including planning, strategy and execution, writing and dissemination of information to local and regional media outlets. I was responsible for daily press briefings, press conferences, press releases, news conferences, spot news and media pitching.


4. On February 3, 2008, I suffered a stroke and was bed-ridden in Hoboken University Medical Center for seven (7) days. Thereafter, I had outpatient rehabilitation for a month. I had to undergo extensive physical therapy to learn to walk again. I was out from work on disability leave for a total of six (6) months. I was approved for New Jersey Disability Compensation

for a period of six (6) months. Thereafter, I used sick leave for additional days off to fully recuperate.

5. On or about August 2009, Mayor Zimmer scheduled a personal meeting with me to question my friendship with various developers in the City. The Fiscal Monitor, Judy Tripodi, was present during the meeting. Mayor Zimmer advised me that I was not to have lunch with developers and that it did not benefit the City. She concluded the meeting stating that "this is not acceptable in this Administration."

6. After Mayor Zimmer appointed Juan Melli ("Melli") to her cabinet, he began performing my job functions, while I was given more limited assignments.

7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


WILLIAM D. CAMPBELL

Dated: 10/12/10

C. ELSTON & ASSOCIATES, LLC
3350 Highway 138
Building 2, Suite 121
Wall, New Jersey 07719
(732) 280-6911 fax (732) 280-6955
Attorneys for William D. Campbell

William D. Campbell

Appellant,

v.

City of Hoboken

Respondent.

NEW JERSEY CIVIL SERVICE
COMMISSION

DIVISION OF MERIT SYSTEMS
PRACTICES & LABOR RELATIONS

Docket No.

Civil Appeal

CERTIFICATION OF COUNSEL

I, MITESH M. PATEL, of full age, certifies and says:

1. I am an attorney at law of the State of New Jersey and the attorney principally charged with the handling of the within matter.

2. Attached are true and complete copies of the following:

Exhibit A: September 29, 2010 OPRA request to The City of Hoboken (unanswered)

Exhibit B: William D. Campbell's Resume

Exhibit C: New Jersey Civil Service Commission Job Specification for "Assistant Public Information Officer"

Exhibit D: July 21, 2010 news article "City

of Hoboken Announces Demotions and Layoffs; Estimates \$2.5 Million in Yearly Savings"

- Exhibit E:** August 2, 2010 news article
"Hoboken Police Unions' point out city's fiscal hypocrisies regarding layoffs"
- Exhibit F:** Annual Financial Statement For the SFY Year 2010; Post Closing Trial Balance - Current Fund (Sheet 3); Surplus - Current Fund Year 2010 (Sheet 21)
- Exhibit G:** August 5, 2010 layoff notice from the City to W. Campbell
- Exhibit H:** August 6, 2010 letter from Mayor Zimmer to City workers
- Exhibit I:** August 26, 2010 news article
"Hoboken police union fires back against Mayor Zimmer's redeployment plan"
- Exhibit J:** September 2, 2010 news article
"Cops vs. Zimmer: Layoffs, veiled threats, and late-night Hoboken drama"
- Exhibit K:** September 15, 2010 news article
"Hoboken police unions and supporters march on Washington Street"
- Exhibit L:** September 24, 2010 news article
"Police officers, union leaders respond to Zimmer's layoff recall, 'Keep Hoboken Safe' campaign suspended"
- Exhibit M:** September 28, 2010 news article
"Hoboken lays off 13 city workers, not 18 as originally planned"

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: 
Mitesh M. Patel, Esq.

Dated: October 12, 2010

EX. A

9/29/10

CITY OF HOBOKEN

MUNICIPAL BUILDING
94 WASHINGTON STREET
HOBOKEN, NEW JERSEY 07030

REQUEST FOR PUBLIC RECORDS

Name: Mitesh M. Patel, Esq.
Address: 3350 Rt. 138 Bldg 2, Ste. 121
Wall, NJ 07719
Telephone [day] (732) 280-6911 ; Fax (732) 280-6955

Information Requested:

Copy of Minutes [specify board or entity, date, topic or other identifying information]

Copy of Ordinance or Resolution [specify date, number, or other identifying information]

Police Accident Report Fee: _____

Date & Location of Accident _____

Other [specify] (Please see attachment)

License Information [Specify] _____

Information on a Specific Property Address _____

Municipal Lien Search Block _____ Lot _____ Fee \$10.00

Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in J.J.S.A. 54:5-11, et seq.

List of Property Owners within 200' Fee: _____
As provided in N.J.S.A. 40:55D-12, the fee is greater of \$0.25 per name or \$10.00

** For Municipal Use Only**

The information requested will be ready on _____

Estimated Number of Pages _____ Estimated Cost _____

Deposit _____

[required where the anticipated cost of reproduction exceeds \$5.00]

①

CITY OF HOBOKEN

REQUEST FOR PUBLIC RECORDS

Name: Mitesh M. Patel, Esq.
Dated: September 29, 2010
Via Facsimile: (201) 420-2085

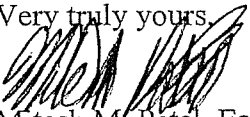
Information Requested:

Other [specify]:

- (1) The hiring dates, hiring titles, and hiring salaries of city employees Juan Melli, Dan Bryan, and Arch Listan. The Current base salaries of all three employees, segregating any supplemental income received by them and dates of same.
- (2) "Department of Administration Employee Action Forms" from January 2010 to July 2010 regarding any salary increases and approvals for salary increases.
- (3) Any and all documentation regarding City Employees that are scheduled to retire or have submitted notification of retirement.
- (4) Any salary ordinances, which had 1st or 2nd readings in July 2010. Also, include any salary ordinance plans.
- (5) City of Hoboken Job Descriptions for: (1) Confidential Aide to the Mayor; (2) Communications Manager; and (3) Public Information Officer.

Thank you for your courtesy and anticipated cooperation in providing the above-requested information.

Very truly yours.



Mitesh M. Patel, Esq.

Reply to:

Wall Office
3350 Route 138
Bldg. 2, Suite 121
Wall, New Jersey 07719
Telephone: (732) 280-6911
Facsimile: (732) 280-6955



Fax

CONFIDENTIALITY NOTE

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

To: Hoboken City Clerk	From: C. Elston & Assoc., LLC Mitesh M. Patel, Esq.
Fax: (201) 420-2085	Pages: 3 Including cover sheet
Phone:	Date: September 29, 2010
Re: City of Hoboken OPRA Request	File #:

Urgent For Review Please Comment Please Reply Please Recycle

***IF YOU DO NOT RECEIVE THE ENTIRE DOCUMENT**

PLEASE CALL 732-280-6911

MESSAGE:

Per your request, please find enclosed a letter from Kwik Mortgage Corp. authorizing usage of the POA and recording of the same. Thanks.

TRANSACTION REPORT

TX (MEMORY)

SEP-29-2010 WED 04:03 PM

#	DATE	START TM	RECEIVER	COM TIME	PGS	TYPE/NOTE	DEPT	FILE
1	SEP-29	04:02 PM	12014202085	0:00:37	3	SG3 OK		785
TOTAL				0:00:37	3			

Reply to:

Wall Office
 3350 Route 138
 Bldg. 2, Suite 121
 Wall, New Jersey 07719
 Telephone: (732) 280-6911
 Facsimile: (732) 280-6955



Fax

CONFIDENTIALITY NOTE

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

To: Hoboken City Clerk

From: C. Elston & Assoc., LLC

Mitesh M. Patel, Esq.

Fax: (201) 420-2085

Pages: 3 Including cover sheet

Phone:

Date: September 29, 2010

Re: City of Hoboken
OPRA Request

File #:

- Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

*IF YOU DO NOT RECEIVE THE ENTIRE DOCUMENT

EX. B

William D. Campbell

808 Kennedy Boulevard #2
Union City, New Jersey 07087
Phone: 201-637-3695
Email: billcampbell1234@aol.com

PROFESSIONAL EXPERTISE

CITY OF HOBOKEN, PUBLIC INFORMATION OFFICER - As Hoboken's Public Information Officer since 2002, I have utilized my more than 25 years of full-time experience as a journalist and publicist to manage and coordinate public relations and public information for the City of Hoboken. I have previously worked as a reporter and editor for print media outlets, directly serving the New York metropolitan area. I have had a long-standing relationship with current reporters and editors serving this community.

As a private sector publicist and founder of a public relations agency, I was responsible for managing all media content and strategy for multiple accounts, including national and international campaigns. As an agency owner, I was responsible for human resources, finance, and client services and media relations. I've worked closely and have maintained relationships with New York metropolitan print, broadcast and electronic media outlets.

EMPLOYMENT HISTORY

City of Hoboken

Hoboken, New Jersey
Public Information Officer
June 2002- present

Manage, coordinate and oversee all aspects of public relations for the City of Hoboken, including the Office of the Mayor, City Directors and department heads.

Responsible for daily media activity including planning, strategy and execution, writing and dissemination of information to local and regional media outlets.

Responsible for daily press briefings, press conferences, press releases, news conferences, spot news and media pitching.

Oversee mayoral staff in all forms of media activity with print, broadcast and cable outlets.

This position also encompasses speech writing, processing Open Public Records Act requests from residents and organizations, and serving as City's designated spokesperson, website management (www.hobokennj.org), and when necessary, acting as Mayor's designated replacement at meetings.

Campbell & Fitzgibbons, Inc.

Jersey City, New Jersey
Co-Owner/Co-Founder/Treasurer
January 1996 - June 2002

Co-founded agency and managed in-house and freelance staff, transforming a start-up public relations agency into a full-service, generalist agency.

Managed day-to-day business development and long and short term financial planning.

Developed client relations and created and developed client media strategy and obtained media placements for a wide range of clients, corporate (publicly traded OTC companies), municipal clients, including Urban Enterprise Zones and municipalities throughout the state of New Jersey; professional services; tourism and hospitality, including the New Jersey Restaurant Association.

Maintained relations with media, with strong contacts in the New York metropolitan area and regional, national and international markets.

Rubenstein Associates, Inc.

New York, New York

Account Executive

February 1994 - January 1996

Supervised, created and directed media strategy for a variety of regional, national and international accounts, including investor relations.

Wrote and edited press material, press kits and deadline material; pitched breaking news and feature stories to print and electronic media outlets. Consulted with client on strategy and account management.

Directed and managed national and regional media tours, including projects in Asia and Europe.

Managed numerous accounts with publicly traded companies which included arranging investor "road shows," analyzing proxy statements managing investor relations.

Worked directly and managed accounts and campaigns with a wide range of high-profile clients, including Donald Trump, the Port Authority PBA and "Crazy" Eddie Antar, among others.

Worked back up with colleagues on media pitch to regional, national and international media outlets.

The Jersey Journal

Jersey City, NJ

Business Editor

Reporter

Bureau Chief

January 1986 - February 1994

Wrote, edited and developed business news and feature stories on a variety of regional topics, including banking, retailing, transportation, corporate profiles, municipal finance, commercial and residential real estate and politics.

As Sunday Editor, developed, assigned and managed staff for the Monday paper, as well as copy editing.

Evaluated and determined spot news coverage and coordinated with photo and general editorial staff.

Served as Bureau Chief in the Hoboken, NJ, office in 1987, responsible for political, spot news and lifestyle coverage; supervised and managed news staff in bureau and served as liaison with Journal Square office.

The Hudson Reporter

Hoboken, New Jersey

Editor-in Chief

November 1984 - December 1985

Wrote, edited and reported for a group of 133,000 circulation weekly newspapers in Hudson County, NJ area on a variety of topics, including politics, lifestyle and entertainment.

As Editor-in-Chief, responsible for news content, including assignment of stories, hiring of reporters and directing editorial staff and freelance writers.

Edited, reported and wrote news and feature stories for all editions.

EX. C



You are reading the State of New Jersey Job Descriptions. This is **not** a Job Vacancy Announcement.

Job Specification 00668

ASSISTANT PUBLIC INFORMATION OFFICER

DEFINITION

Under direction, assists in performing the work involved in collecting and disseminating informative materials designed to aid the public information and publicity program of the unit; does related work as required.

NOTE: The definition and examples of work for this title are for illustrative purposes only. A particular position using this title may not perform all duties listed in this job specification. Conversely, all duties performed on the job may not be listed.

EXAMPLES OF WORK:

Assists in gathering informative materials concerning the current and proposed programs of the unit and assists in putting the collected data into useable form.

Assists in performing work involved in the preparation and distribution of news releases, speeches, radio scripts, films, feature news stories, telecast scripts, bulletins, pamphlets, circulars, and other informative materials designed to acquaint the general public with the functions, aims, programs, regulations, policies, and procedures of the unit.

Compiles, writes, edits, and prepares drafts of materials to be used in house papers and bulletins designed for employees of the unit.

Assists in preparing posters, charts, graphs, exhibits, and other visual aid materials as may be required.

Assists in performing the work involved in collecting, compiling, tabulating, and interpreting statistical and other information and putting it into understandable form for the use of the general public.

Attends meetings, conferences, committee hearings, and other group meetings pertinent to the work of the unit and makes full reports of the thinking and conclusions of the group.

Makes speeches and gives talks before adult and school groups.

Prepares correspondence concerning the public information and publicity activities of the unit.

Prepares reports and records.

Will be required to learn to utilize various types of electronic and/or manual recording and computerized information systems used by the agency, office, or related units.

REQUIREMENTS:

EDUCATION:

Graduation from an accredited college or university with a Bachelor's degree.

NOTE: Applicants who do not meet the above educational requirements may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

EXPERIENCE:

Two (2) years of experience in work involving the collection, analysis, and dissemination of information in the field of news media, public relations, publicity, and/or advertising.

LICENSE:

Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

KNOWLEDGE AND ABILITIES:

Knowledge of methods and techniques involved in collecting and analyzing factual data and its interpretation and publication through the media of print, radio, and television.

Knowledge of the rules, regulations, policies, procedures, and methods of the unit and their applications to specific cases after a period of training.

Knowledge of the sources from which significant information may be obtained.

Ability to prepare informative articles and news releases for publication via the media of print, radio, and television.

Ability to review and edit written material and to proofread copy.

Ability to utilize available media for the dissemination of news and information.

Ability to give talks before groups of varied ages.

Ability to promote cooperation with the aims of the unit.

Ability to maintain essential records and files.

Ability to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

Ability to read, write, speak, understand, or communicate in English sufficiently to perform the duties of this position. American Sign Language or Braille may also be considered as acceptable forms of communication.

Persons with mental or physical disabilities are eligible as long as they can perform the essential functions of the job after reasonable accommodation is made to their known limitations. If the accommodation cannot be made because it would cause the employer undue hardship, such persons may not be eligible.

CODES: LG-00668 CAH 11/12/96

This job specification is for local government use only.

EX. D

City of Hoboken Announces Demotions and Layoffs; Estimates \$2.5 Million in Yearly Savings

Hoboken, NJ - Wednesday, July 21st, 2010



As the City of Hoboken moves forward to address its financial challenges while ensuring that the City's public safety and quality of life are protected, the Zimmer Administration today announced the proposed layoffs of 36 employees. If approved by the State of New Jersey Civil Service Commission, the personnel changes are projected to save taxpayers a net \$2.5 million per year.

Recommendations for 36 layoffs of employees will be submitted for approval to the Civil Service Commission. This includes 18 layoffs from the Police Department that will occur after 19 senior officers are demoted. An additional 18 layoffs are planned in other departments within the Administration.

"As we make this difficult decision, my Administration is committed to protecting the public safety of our community," said Mayor Dawn Zimmer, who is working closely with Police Chief Falco. "Through redeployment and civilianization, there will be no reduction in the number of patrol officers policing Hoboken's streets."

The police reductions are informed by the findings of the Police Department audit prepared by the State of New Jersey, Division of Local Government Services ("DLGS") as well as recommendations by Arch Liston, the City's Business Administrator, who has 25 years of experience in public safety. The DLGS audit found that the Police Department "contained more superior officers than was necessary to maintain essential police services" and that "more patrol officers can be placed on the street" by civilianizing several positions.

The City's proposed demotions reflect the DLGS audit which recommended that the superior officer structure be modified from 1 Chief, 4 Captains, 18 Lieutenants and 30 Sergeants to 1 Chief, 3 Captains, 12 Lieutenants and 26 Sergeants.

"Layoffs create real hardship for employees and their families, and I recognize that this decision has serious consequences for them," said Mayor Dawn Zimmer. "The individuals affected are hardworking public servants who are victims of a fiscal climate not of their own making. This has been an extraordinarily difficult decision that had to be made, and my Administration proceeded with extreme care to ensure that we have a responsible plan."

"We have a responsibility to use our resources more efficiently," added Mayor Zimmer. "By civilianizing non-police functions and moving Police from behind desks and out on our streets, we can improve efficiency and maintain the exceptional level of public safety our Police Department has always provided our community."

Mayor Zimmer will brief the press at 2:00pm today in her office at City Hall.

###

Get the latest Hoboken news:

Email & text updates | Facebook | Twitter | RSS

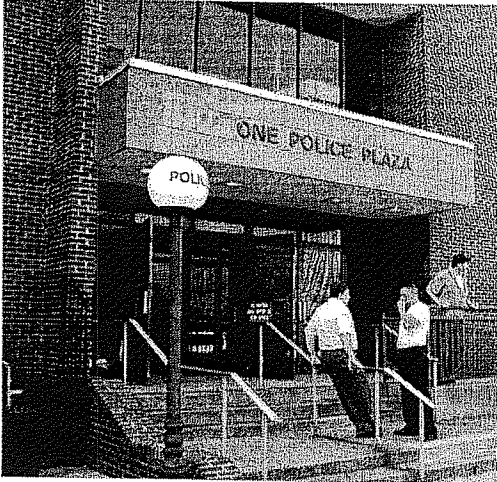
EX. E

print

Hoboken Police Unions point out city's fiscal hypocrisies regarding layoffs

Say plan is bad for town; claim city spokesman got \$15K raise, mayoral aide \$12K during same week as layoffs announced

08.02.10 - 03:37 pm



HOBOKEN -- D.B.Ross, Jr., Esq., the attorney for the Hoboken PBA and PSOA, issued a "statement of position" this afternoon regarding the proposed layoffs and demotions in the Hoboken Police Department.

The position decries the layoff plan and also says that the city has wasted money in other areas that could be used to save police personnel.

The release notes: " It is essential that the residents, taxpayers, local business

people and city officials fully understand the facts before the lives of 37 police officers are irreparably altered and the level of police services is substantially reduced. At the center of this matter of vital importance to Hoboken is the true motivation of the City--is it fiscal responsibility or animosity toward the police department?"

They noted:

1) If there are 19 demotions, the City may save \$220,000 and 18 layoffs may save \$990,000 in salary and benefits for a total of \$1.21 million. That's a \$75 per year savings for each of the City's 16,000 taxpayers. That equates to approximately \$1.50 per week. If this cut in policing causes a crime increase, property values will decline much more than \$75. Some who would destroy the department made claims on their websites earlier this year that the police demotions would save \$5.2 million. That is simply not true. As stated, the fact is that the savings would approximate only \$220,000.

2) The Mayor has asserted since her first mayoral campaign in the Spring of 2009 that demotions would take police officers away from their desks and put them on the streets. She has further represented that layoffs and demotions will not reduce the numbers of officers patrolling the streets. It must be observed that 15 of the 19 officers being demoted perform their supervisory duties on the streets while on patrol.

Only 4 of the 19 are in administrative/staff positions. Laying off 18 officers and possibly putting four more officers on the streets is still

a NET LOSS of 14 officers working on the streets of Hoboken.

3) Patrol to supervisor ratios are tabulated by calculating first line supervisors to patrol officers. Administrators, managers and other upper level supervisors are excluded from these ratios.. For example, the Chief does not supervise the dispatchers. An Army General does not supervise those who recently completed basic training. A CEO in a company does not supervise the mailroom. We have 97 patrolmen and 30 sergeants which is a 3.3 to 1 ratio. The table of organization calls for 120 patrol officers and 30 sergeants. That is a 4 to 1 ratio. Every police administration book suggests anywhere from a 3 to 5 officer to 1 supervisor ratio. We are well within that range. However, the Mayor and Director Alicea insist on suggesting that we have a 2 to 1 ratio number. This is obviously intended to rally residents against us. Alicea went further and commented on Hoboken Patch that they are following the police audit's recommendation of a 4 to 1 ratio. That is simply and undeniably false. The City's audit calls for 60 patrol officers and 26 sergeants--a 2.2 to 1 ratio. Based on that premise, the auditor, former Maplewood Chief Richardella is lowering our ratio, which means he concluded that the department is not "top heavy."

4) On the same day that Mayor Zimmer announced layoffs, spokesman Juan Melli received a \$15,000 raise and Mayoral Aide Daniel Bryan received a \$12,000 raise.

5) Hoboken's Parking Utilities have been hiring new employees regularly and ordering expensive equipment while the police department has suffered cuts to offset those costs. Where are the City's priorities?

6) Attrition brings a gradual decline in staffing numbers so that there is no sudden impact on the level of public safety. If the City's plan is implemented 37 officers will be laid off or demoted. In short, 24% of the department will be affected by the cuts.

7) The Memorandum of Agreement which was negotiated with and approved by the State Fiscal Monitor after more than two years of difficult but good faith negotiations would have resulted in 9 givebacks, including a change in healthcare coverage, change in prescription coverage, a reduction in salary differentials at the supervisory and managerial levels, and elimination of many days off. These changes would have saved the City nearly a million dollars per year. Why did the mayor and REVOLT so vigorously oppose an agreement that was settled with a state monitor? One can only conclude that they were motivated by a lack of knowledge and animosity towards the police. So here we sit nearly a year later in binding interest arbitration, creating more legal costs for the taxpayers, an agreement that will not be concluded for another year or two, facing 4 to 5 years worth of retroactive payments, no changes

in healthcare, and 37 officers being cut instead. Again, where are the City's priorities?

8) We understand that the Rockefeller group has been trying to make contact with the Mayor since November without a response. Their development would likely bring an additional \$9 million dollars in tax revenue to Hoboken. It appears that Rockefeller was compelled to go to the media due to the lack of response by Mayor Zimmer.

9) The St. Patrick's Day Parade and 4th of July were events in which our officers acted professionally and proficiently. There has not been to this date one note of recognition by the Mayor. Both days resulted in incidents where the HPD was forced to request more than 50 officers for mutual aid because there were insufficient HPD personnel working due to budget cuts. On St. Patrick's Parade Day, HPD officers issued over \$300,000 worth of fines that have been collected to date, with many cases still not resolved. The combined total cost for police overtime was \$150,000.

10) The Hoboken population appears to far exceed the 38,000 reported in the 2000 Census. There are 28,000 residential units in the city and few would conclude that the ratio is less than 1.5 persons per unit. There are 16,000 property owners. Also, there are 130,000 commuters daily when considering all modes of transportation through the City.

11) Again, if the plan is implemented, our total number of officers will go from 153 to 135. We were at 185 six years ago, which helped the department to reduce our violent crime index and to operate our specialized units such as community policing, school resource officers, anti-crime units, traffic bureau, housing bureau, P.A.L., and bike patrol unit just to name a few. We may be headed to a level that is 27% lower than in the early 2000s. It ignores reality to think that service levels will not suffer when such draconian cuts are made.

12) The Public safety Committee Chairman is Ravi Bhalla. Since assuming that position, he has never met with any police union official.

13) Juan Melli states in the Hoboken Reporter that he disputes PBA President Lombardi's comments because we have to understand that the city is "a hard-working family and tough choices had to be made." We suppose that it was an equally tough choice for him to accept a \$15,000 raise during the same week.

14) The police audit calls for the elimination of the Public Safety Director's position. That has yet to occur and we doubt that it will ever occur.

15) Have City officials and certain residents chosen to ignore the

violent crime indices of Jersey City and Union City as compared with Hoboken? While Jersey City and Union City hire more cops (which may have the effect of displacing crime because it can never be eliminated), the city that borders to the east, north and south of those cities (Hoboken) is cutting police. Is this really in the best interest of Hoboken's residents and taxpayers?

16) The HPD has confronted a difficult public perception problem due to the SWAT/Hooters case. That incident occurred five years ago and the two people held responsible for the incident are no longer with the department. It is time for members of the administration and a certain few members of the public to move on and move away from their anti-police agenda.

17) On Wednesday, July 14, 2010, the PBA presented each member of the City Council with its own professional analysis from Northeast Labor Consultants which clearly points out many factual data errors, miscalculations and omissions in the state audit. It appears that the Mayor, City Council members, Business Administrator, Public Safety Director and Chairman of the Public Safety Committee Bhalla have purposely and deliberately ignored the PBA expert's findings and recommendations. At the council meeting, PBA Present Lombardi pleaded with the council members and the mayor to read the report and contact him with any questions or concerns. This has not happened. It is becoming apparent that the Mayor will proceed with police layoffs and demotions, regardless of what actual factual data is presented to her. As Mr. Lombardi has stated, "cuts are what she wants, but not what the city needs."

The PBA and PSOA are convinced that these actions were motivated by personal and political animosity toward the police unions and their members – not by fiscal necessity.

EX. F

ANNUAL FINANCIAL STATEMENT FOR THE SFY YEAR 2010
(UNAUDITED)

POPULATION LAST CENSUS 39,853 (2005)
NET VALUATION TAXABLE 2010 2,940,460,490
MUNICODE

FIVE DOLLARS PER DAY PENALTY IF NOT FILED BY:
MUNICIPALITIES - AUGUST 10, 2010

ANNUAL FINANCIAL STATEMENT REQUIRED TO BE FILED UNDER NEW JERSEY STATUTES ANNOTATED 40A:5-12, AS AMENDED, COMBINED WITH INFORMATION REQUIRED PRIOR TO CERTIFICATION OF BUDGETS BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

CITY of HOBOKEN, County of HUDSON

SEE BACK COVER FOR INDEX AND INSTRUCTIONS.
DO NOT USE THESE SPACES

	Date	Examined By:	Remarks
1		Preliminary Check	
2		Examined	

I hereby certify that the debt shown on Sheets 31 to 34, 49 to 51 and 63 to 65 are complete, were computed by me and can be supported upon demand by a register or other detailed analysis.

Name [Signature]
Title AUDITOR

(This MUST be signed by Chief Financial Officer, Comptroller, Auditor or Registered Municipal Accountant.)

REQUIRED CERTIFICATION BY THE CHIEF FINANCIAL OFFICER:

I hereby certify that I am responsible for filing this verified Annual Financial Statement, ~~(which I have prepared)~~ or (which I have not prepared) [eliminate one] and information required also included herein and that this Statement is an exact copy of the original on file with the clerk of the governing body, that all calculations, extensions and additions are correct, that no transfers have been made to or from emergency appropriations and all statements contained herein are in proof; I further certify that this statement is correct insofar as I can determine from all the books and records kept and maintained in the Local Unit.

Further, I do hereby certify that I, GEORGE DESTEFANO, am the Chief Financial Officer, License # _____ of the CITY of HOBOKEN, County of HUDSON and that the statements annexed hereto and made part hereof are true statements of the financial condition of the Local Unit as at June 30, 2010, completely in compliance with N.J.S. 40A:5-12, as amended. I also give complete assurances as to the veracity of required information included herein, needed prior to certification by the Director of Local Government Services, including the verification of cash balances as of June 30, 2010.

Signature [Signature]
Title CHIEF FINANCIAL OFFICER
Address 94 WASHINGTON STREET HOBOKEN, NEW JERSEY 07030
Phone Number (201) 420-2032

IT IS HEREBY INCUMBENT UPON THE CHIEF FINANCIAL OFFICER, WHEN NOT PREPARED BY SAID, AT A MINIMUM MUST REVIEW THE CONTENTS OF THIS ANNUAL FINANCIAL STATEMENT WITH THE PREPARER, SO AS TO BE FAMILIAR WITH REPRESENTATIONS AND ASSERTIONS MADE HEREIN.

NOTE THAT A TRIAL BALANCE IS REQUIRED AND NOT A BALANCE SHEET

POST CLOSING
 TRIAL BALANCE - CURRENT FUND
 AS AT JUNE 30, 2010

Cash Liabilities Must Be Subtotalled and Subtotal Must Be Marked With "C" - - Taxes Receivable Must Be Subtotalled

Title of Account	Debit	Credit
CASH	20,354,291.38	
CHANGE FUND	1,050.00	
	20,355,341.38	
DUE FROM STATE OF N.J. - SENIOR CIT. AND VETS.	45,402.35	
RECEIVABLES WITH FULL RESERVES		
2008-2009 Taxes 55,891.88		
2009-2010 Taxes 187,786.42	243,678.30	
TAX TITLE LIENS	296,562.08	
PROPERTY ACQUIRED FOR TAXES -		
ASSESSED VALUATION	2,806,900.00	
REVENUE ACCOUNTS RECEIVABLE	395,833.00	
WATER LIENS	36,499.15	
MORTGAGE RECEIVABLE	428,205.50	
DUE FROM FEDERAL AND STATE GRANT.FUND	2,593.60	
DUE FROM HUDSON COUNTY OPEN SPACE TAX	460,963.17	
DUE FROM LIBRARY	6,243.92	
Total Receivables With Full Reserves	4,677,478.72	
OVEREXPENDITURES OF APPROPRIATIONS	8,096,962.86	
Total Deferred Charges	8,096,962.86	

(DO NOT CROWD - ADD ADDITIONAL SHEETS)

SFY

SURPLUS - CURRENT FUND
YEAR 2010

		Debit	Credit
1. Balance July 1, 2009	80014 - 01	XXXXXXXX	14,110,823.66
2.		XXXXXXXX	
3. Excess Resulting from SFY 2010 Operations	80014 - 02	XXXXXXXX	6,364,756.83
4. Amount Appropriated in the SFY 2010 Budget - Cash	80014 - 03	500,000.00	XXXXXXXX
5. Amount Appropriated in SFY 2010 Budget - with Prior Written Consent of Director of Local Government Services	80014 - 04		XXXXXXXX
6.			XXXXXXXX
7. Balance June 30, 2010	80014 - 05	19,975,580.49	XXXXXXXX
		20,475,580.49	20,475,580.49

ANALYSIS OF BALANCE DECEMBER 31, 2010
(FROM CURRENT FUND - TRIAL BALANCE)

Cash	80014 - 06	20,355,341.38
Investments	80014 - 07	
Sub Total		20,355,341.38
Deduct Cash Liabilities Marked with "C" on Trial Balance	80014 - 08	8,522,126.10
Cash Surplus	80014 - 09	11,833,215.28
Deficit in Cash Surplus	80014 - 10	-
Other Assets Pledged to Surplus: *		
(1) Due from State of N.J. Senior Citizens and Veterans Deduction	80014 - 16	45,402.35
Deferred Charges #	80014 - 12	8,096,962.86
Cash Deficit #	80014 - 13	
Total Other Assets	80014 - 14	8,142,365.21
* IN THE CASE OF A "DEFICIT IN CASH SURPLUS", OTHER ASSETS	80014 - 15	19,975,580.49

WOULD ALSO BE PLEDGED TO CASH LIABILITIES.

MAY NOT BE ANTICIPATED AS NON - CASH SURPLUS IN 2011 BUDGET.

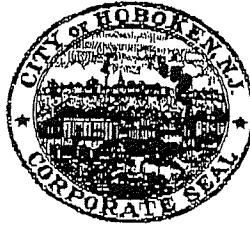
(1) MAY BE ALLOWED UNDER CERTAIN CONDITIONS.

NOTE: Deferred charges for authorizations under N.J.S. 40A:4-55 (Tax Map ect.), N.J.S. 40A:4-55 (Flood Damage, ect.), N.J.S. 40A:4-55.1 (Roads and Bridges, ect.) and N.J.S. 40A:4-55.13 (Public Exigencies, ect.) to the extent of emergency notes issued and outstanding for such purposes, together with such emergency notes, may be omitted from this analysis.

EX. G

CITY OF HOBOKEN
Department of Administration

DAWN ZIMMER
Mayor



ARCH LISTON
Business Administrator

August 5, 2010

William D. Campbell
808 Kennedy Blvd. Apt. 2
Union City, New Jersey 07087

Dear Mr. Campbell:

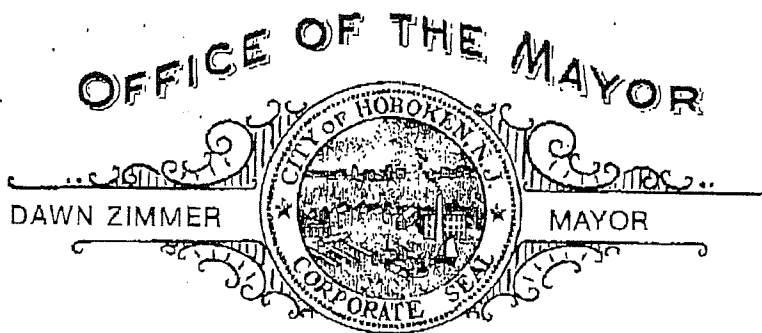
Pursuant to the provisions of N.J.S.A. 11A:8-1, this is to notify you that for reasons of economy and efficiency, you will be laid off from your permanent position of Public Information Officer, Department of Administration, effective at the close of the working day on September 24, 2010.

Since your position is subject to layoff, you may have the right to displace employees in other positions. A copy of this notice is being forwarded to the New Jersey Civil Service Commission, which will be responsible for determining your seniority, lateral displacement, demotion, and/or special reemployment rights. The Commission will notify both you and the appointment authority of its determinations prior to the effective date of the layoff action.

The procedure to be followed instituting any appeals will be outlined in the letter of notification of your layoff rights from the New Jersey Civil Service Commission.

Arch Liston
Business Administrator/Appointing Authority

EX. H



CITY HALL
HOBOKEN, NEW JERSEY

Friday, August 6, 2010

Dear Colleagues,

First and foremost, I am writing to apologize. I have worked hard to try and keep employees informed, and prevent you from having to learn about information that impacts you in the newspaper, rather than hearing it from me, your directors or union leaders.

Therefore I am very sorry that you had to read in the newspaper about specific positions proposed for the layoffs, rather than receiving a direct communication from my office. We received approval for our layoff plan on Wednesday afternoon, and were in the process of doing a final review and preparing individual notifications to employees. In the midst of this process, I truly regret that the State released our City's layoff plan approval with the titles to the press without informing my Administration. Unfortunately this meant that we could not inform each of you directly in advance of the article published online yesterday.

This morning we are doing a final review of the layoff plan, and individual notifications to employees will be delivered from the Business Administrator, as required by State law.

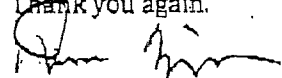
Most importantly I want to thank each and every one of you for the work that you do each day for the City of Hoboken. All of you are victims of tough economic times that forced me to make this most difficult decision in the best interest of all Hoboken residents.

With the news about Peter Cammarano once again placing our City in the spotlight I want to let you know that I truly appreciate the honest, dedicated, hard work of every city employee. This layoff is not a reflection of your work performance, but a reflection of the difficult times that we face.

Together over the last year, our City Hall employees, our Police and our Fire Departments have accomplished so much for the City of Hoboken. As I review our list of accomplishments (<http://www.hobokennj.org/news/>), I know that behind each brief description countless hours of hard work were necessary by each of you to protect our City, and provide essential services. The list of accomplishments however only provides a semblance of all of the work that has been done by each of you to help Hoboken residents whether it be during a crisis or in responding to their concerns and questions.

Going forward, I want to try and make myself more available to employees. If you are interested in meeting with me directly, then please reach out to Joanne to schedule a time (x2013). I am starting weekly office hours for employees on Monday from 4 to 6. Next week I am also starting a weekly lunch with the mayor, where employees from each dept. will be invited to have lunch with me in my conference room on Fridays. I hope that we can use this as an opportunity to share ideas and continue to bring positive change to our community.

Thank you again.



Mayor Zimmer

EX. I



Everything Jersey

Hoboken police union fires back against Mayor Zimmer's redeployment plan

Published: Thursday, August 26, 2010, 3:20 PM Updated: Thursday, August 26, 2010, 3:28 PM



Katie Colaneri/The Jersey Journal



Amy Sara Clark / Hoboken Now

Hoboken Policemen's Benevolent Association President Vince Lombardi. Vince Lombardi, president of the **Hoboken Policemen's Benevolent Association** issued a news statement today in response to **Mayor Dawn Zimmer's** recent **statement** reemphasizing her commitment to drafting

a redeployment plan.

Zimmer's statement was in response to a letter from the Hoboken NAACP, urging her to reconsider the city's layoff and demotion plan within the Hoboken Police Department.

"Yesterday, Mayor Zimmer issued another statement claiming that she is 'working to finalize a redeployment plan to ensure there is no reduction in the number of officers patrolling our streets' regarding her plan to slash 37 jobs from the Hoboken Police Department," said Lombardi in the statement. "I was appalled and disgusted to read this."

Lombardi refers to Zimmer's July 21st **announcement** of the **city's plan to layoff 18 Hoboken police officers and the demotion of 19 senior officers**. The plan was **approved** by the New Jersey Civil Service Commission earlier this month and the city will make the cuts by September 24th.

Citing the city's alleged \$20 million budget surplus, Lombardi called the plan "ridiculous" and Zimmer's claim that the layoffs will have **no affect on police patrol** on the Hoboken streets "an outrageous statement and an outright lie."

"She has less credibility talking about the public's safety in Hoboken than George W. Bush had in talking about weapons of mass destruction in Iraq."

In response to Zimmer's call to meet with police unions to discuss the layoffs, Lombardi stated that the PBA would not participate.

"We have no intention of cooperating with this obvious media publicity stunt," he stated. "We will not allow our membership to be abused in this egregious manner. Any further discussion of the city's layoff plan is absurd and we will not be a part of this nonsense.

"We again call upon Mayor Zimmer and the city council to rescind their layoff plan and stop playing politics with the safety of the City of Hoboken."

Mayor Zimmer continues to stand by her original statement.

© 2010 NJ.com. All rights reserved.

EX. J



A cop in the crowd last night in Hoboken.

Cops vs. Zimmer: Layoffs, veiled threats, and late-night Hoboken drama

By Timothy J. Carroll | September 2nd, 2010 - 5:50pm

[More](#)

HOBOKEN - Mayor Dawn Zimmer is head of a reform movement in Hoboken, a movement that has caught so much momentum that some critics have anointed her the newest political boss in Hudson County. The City Council majority is working lockstep with the administration and Zimmer's allies control the school board. She has inroads with Hudson County Executive Tom DeGise through Council President Carol Marsh and Councilman Michael Lenz.

And although she's been cozy with Gov. Chris Christie - a major leap of faith in a strictly Democratic area - she's yet to see any political retribution from the likes of Hudson heavyweight State Sens. Nick Sacco and Brian Stack.

But calling Zimmer, who lost a mayoral campaign last year before winning on the tails of Peter Cammarano's arrest, a political boss - in Frank Hague territory, nonetheless - is still a stretch.

Yes, her team ousted Hoboken Democratic Committee Chairman (and Assemblyman) Ruben Ramos and replaced him with Councilman Ravi Bhalla, an attorney, political player, and the first Sikh elected to office in New Jersey.

Yes, she's overhauled city boards and cracked down on excessive tax abatements, but her reform movement is still fledgling and vulnerable.

Last night, "Boss" Zimmer was put to the test over the pending layoffs of 18 police officers and demotion of 19 others. She's also laying off 18 municipal workers, but police argue that the city's budget surplus - \$11.8 million, most of which is earmarked for tax relief - should be enough to save jobs and preserve the high level of public safety that Hoboken enjoys.

Over 100 police supporters packed City Hall last night - donning bright yellow tee shirts with "Stop the Zimmer Police Layoffs" across the front - for a meeting that dragged on until 2 a.m.

Councilwoman Beth Mason, who ran against Zimmer for mayor last year, proposed a resolution for the administration to rescind the layoff, which was met with a "that's illegal" press release from Zimmer's administration today.

"The resolution clearly crosses the line that separates the roles of the governing body and the administration, and is a patent attempt to usurp the role of the administration," the release states. (Hoboken is a Faulkner Act city.)

And even after sitting through tear-jerking personal stories from cops facing the unemployment line, rousing counterpoints from union leaders, and some veiled and not-so-veiled threats against the administration, Zimmer didn't seem to budge according to her release today: "As Mayor, I represent everyone in Hoboken - those who were in the room last night and those who were not, and I have made these difficult decisions with the best interests of all Hoboken residents in mind."

At the meeting, state PBA President Anthony Weiner said of the 1,000 police layoffs statewide, "The last place I thought I'd be is Hoboken."

Zimmer's layoff plan is based on a state audit conducted last year recommending nearly one third of the force be eliminated.

Local PBA President Vince Lombardi said of the plan, "It's not because she has to, it's because she wants to."

"We're saving money for a rainy day," he said of the \$11 million budget surplus, a side effect of a state fiscal takeover that hiked taxes to fill a budget short fall. "Wake up. It's a thunderstorm. It's a hurricane."

Lombardi accused two councilman today of publicly linking the layoffs to ongoing contract negotiations, and said the union may file an unfair labor practice complaint.

"They basically said (layoffs) are a part of negotiations," he said. "They're tripping over (themselves)."

New Councilman David Mello, a school teacher and lawyer, said he doesn't think any of the language at the meeting crossed the line, and noted that the council isn't a party in the negotiations, as Lombardi is.

And he said Lombardi also toed the line last night with his comments.

The council stuck down a police contract negotiated by a state monitor before the state pulled out of Hoboken this year. Since then, neither side has moved much.

Lombardi's also still upset because minutes after the last labor negotiation meeting, Zimmer announced the layoff plan.

Sources in City Hall think the winds of anti-union sentiment spreading across the state may give Hoboken leverage, plus arbitration isn't what it used to be.

Mello said today that, as a school teacher, he understands why police would want more bodies to give the best protection they can; he feels the same way about schools.

But Mello said the question for the administration becomes whether the extra cops are a necessity or a luxury. Zimmer is making the case for the latter.

Although many cops who took the microphone last night argued their points in conversational tones, others became incensed and some made veiled threats at members of the administration. One policeman, in particular, was especially angry.

Josue Velez, who just returned from an Army tour in Iraq this July, is one of the cops whose jobs are on the line.

Dressed in his fatigues, he was upset that he can't marry his girlfriend because his job is up in the air. He took out his frustration on Zimmer.

"This is borderline terrorism," the obviously distraught Valez said.

"I took an oath to protect the city of Hoboken from all threats, foreign..." he said -- then pointing at Zimmer sitting a few feet behind him -- "...or domestic."

Last night, Zimmer sat through this and other accusations, an unlikely boss, but maybe a new breed.

EX. K



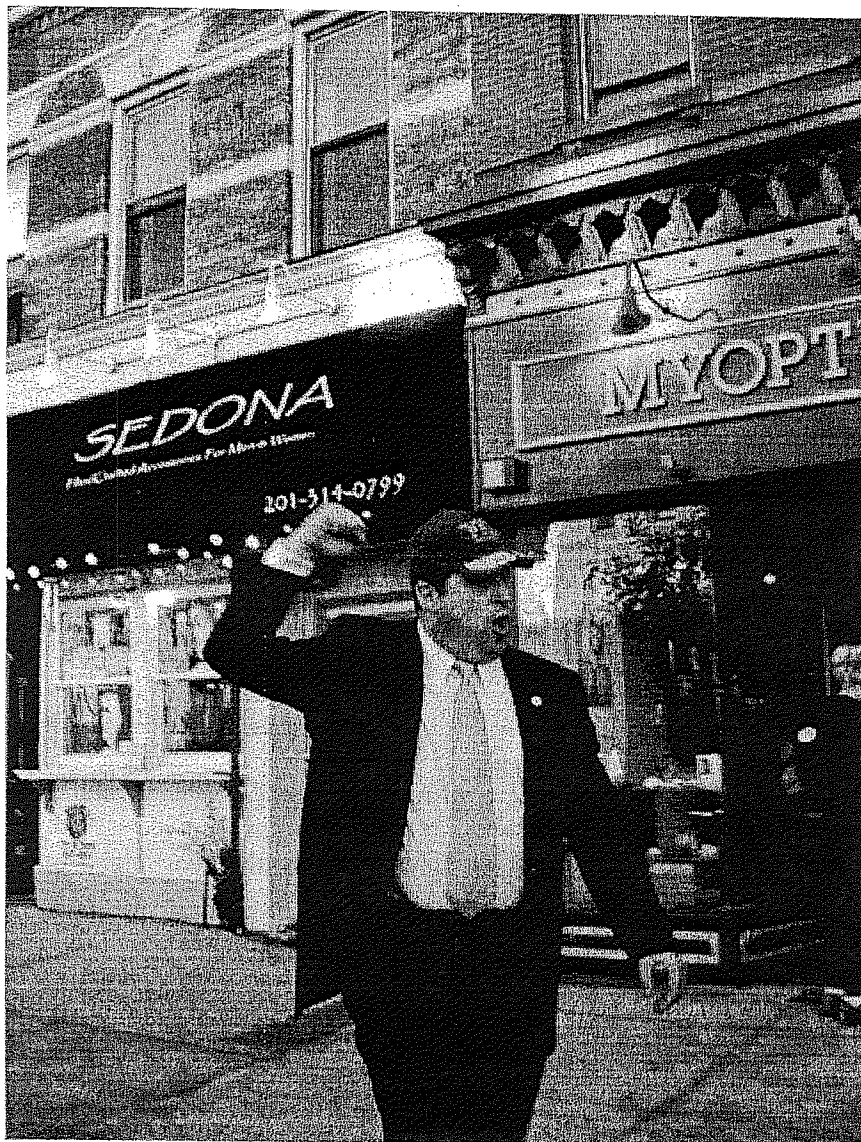
Everything Jersey

Hoboken police unions and supporters march on Washington Street

Published: Wednesday, September 15, 2010, 6:01 PM Updated: Wednesday, September 15, 2010, 11:55 PM



Katie Colaneri/The Jersey Journal



Katie Colaneri/The Jersey Journal

Tonight's rally against the police layoff plan, organized by the **Hoboken** PBA and PSOA, is in full swing. A blow-up union rat has even been erected on the corner of Washington and First Street.

"Stop police layoffs, Keep Hoboken safe!" they're now chanting outside City Hall. Other chants used tonight to keep the momentum going include, "Hey hey, ho ho, Zimmer's got to go" and "Stop police layoffs." Either way, the message is louder and clearer than ever.

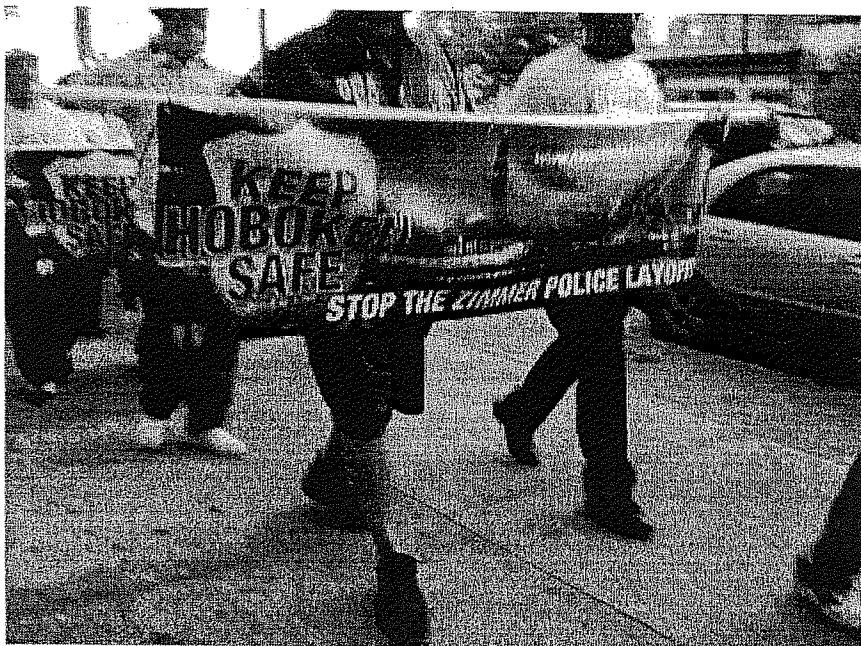
The group first gathered in front of Police Headquarters on Hudson Street and eventually marched in droves up one side of Washington Street, turning around at 7th Street and marching back toward City Hall where they are now gathering.

A busload of senior citizens sporting yellow t-shirts with the "Keep Hoboken Safe" campaign logo has also now arrived.

As they walked, people came out of their restaurants and businesses, some simply watching the crowds go by and others clapping, ushering on the protest.

"I'm all for the cops," said Craig King.

The Jersey City resident has a girlfriend in Hoboken and began dancing along to the cheers as the protesters walked by. "They do a great job out there."



Katie Colaneri/The Jersey Journal

Hoboken residents and police officers protest Mayor Dawn Zimmer's layoff plan on Washington Street.

"Mayor Zimmer in your office these are the residents of Hoboken. Listen to them!" **Vince Lombardi**, PBA president, shown above, just called from the steps of City Hall.

© 2010 NJ.com. All rights reserved.

EX. L



Everything Jersey

Police officers, union leaders respond to Zimmer's layoff recall, "Keep Hoboken Safe" campaign suspended

Published: Friday, September 24, 2010, 2:07 PM Updated: Friday, September 24, 2010, 2:30 PM



Katie Colaneri/The Jersey Journal



City of Hoboken

Hoboken Mayor Dawn Zimmer announced this morning that the layoffs of some Hoboken police officers have been rescinded and the rest have been put on hold.

At the eleventh hour, **Mayor Dawn Zimmer announced today a redeployment plan** that will put on hold, and possibly eliminate, the planned layoffs of Hoboken Police officers.

In response, the **Hoboken PBA** has suspended its "Keep Hoboken Safe" campaign led by public relations firm Vision Media which included several **public protests**, t-shirts, flyers, banners and a TV commercial. The measure also calls off a mass e-mail to Hoboken residents and yet another protest scheduled for next week.

"I think it was the right outcome and it took a while to get there," said **Vince Lombardi**, president of the PBA. "It's unfortunate we had to get the public involved."

"I'm confident that we can move forward and settle our differences."

"I could breathe, put it that way, for the men in my rank," said **Ed Drishti**, president of the PSOA, a union for superior officers. "It's because we burned the midnight oil the last couple of days."

Drishti said that he and Lombardi sat down with Zimmer this week to discuss ways to save the jobs of the

18 officers who were set to be laid off today.

"It's been a very stressful week not knowing what was going to happen," said Jonathan Mecka, 24, who addressed the City Council on Sept. 15 to plead for his job.

Mecka showed up at City Hall just after the 11 a.m. press conference concluded to shake the hands of his union leaders.

Meanwhile, **Josue Velez**, a 24-year-old Iraqi war veteran, was all smiles.



Katie Colaneri/The Jersey Journal

Josue Velez, far left, speaks to Carmelo Garcia, middle, and Vince Lombardi, right.

"I'm happy as you can imagine," he said. "I feel like a big weight has been lifted off my shoulders."

At the press conference, Zimmer spoke along with **Chief of Police Anthony Falco, Sr.** and Housing Authority Director **Carmelo Garcia** to explain the plan that takes attrition into account.

The city has accepted the retirements of five officers. Another seven have submitted written commitments that they, too, will retire by Dec. 1. One officer on disability will not be returning to the department.

Another five officers will be paid by the Hoboken Housing Authority as part of the **recently formed Housing Authority Police Beaureau.**

"Together these initiatives will enable us to achieve our financial objectives, while averting Police layoffs and making our streets safer with a 38 percent increase in patrol officers on the streets," said Zimmer.

The redeployment plan is subject to approval by the City Council, but officials are confident that there will be no police layoffs come December.

The **layoffs of 17 city employees** will go into effect as of the end of the workday today.

"I want to take the opportunity to thank those employees for their dedicated service to the City," said Zimmer.

© 2010 NJ.com. All rights reserved.

EX. M



Everything Jersey

Hoboken lays off 13 city workers, not 18 as originally planned

Tuesday, September 28, 2010

By KATIE COLANERI

JOURNAL STAFF WRITER

HOBOKEN - The number of City Hall employees laid off Friday was reduced from the original goal of 18 to 13, city officials announced yesterday.

"Due to bumping rights, some of those personnel would not have the necessary training which would create inefficiencies," city spokesman Juan Melli said in explaining the reduced number of layoffs.

"That process (the original goal of 18 layoffs) would have moved some people into positions where they didn't have the training they need," he added.

Bumping rights are part of the union agreement and give senior employees being laid off the right to replace junior employees not being laid off in positions for which they have the necessary qualifications.

Although five City Hall employees whose positions were on the chopping block got to keep their jobs, 13 other employees in three city departments cleaned out their desks Friday afternoon.

Mayor Dawn Zimmer thanked the laid off employees for their service to the city at a press conference Friday morning before announcing the redeployment plan that spared the city from laying off 18 police officers.

Yesterday, Business Administrator Arch Liston said he saw "no change whatsoever" in the running of City Hall without the employees who were laid off.

"Actually, it's opened some space for us," he said.

Several remaining city employees declined to comment.

©2010 Jersey Journal

© 2010 NJ.com All Rights Reserved.