

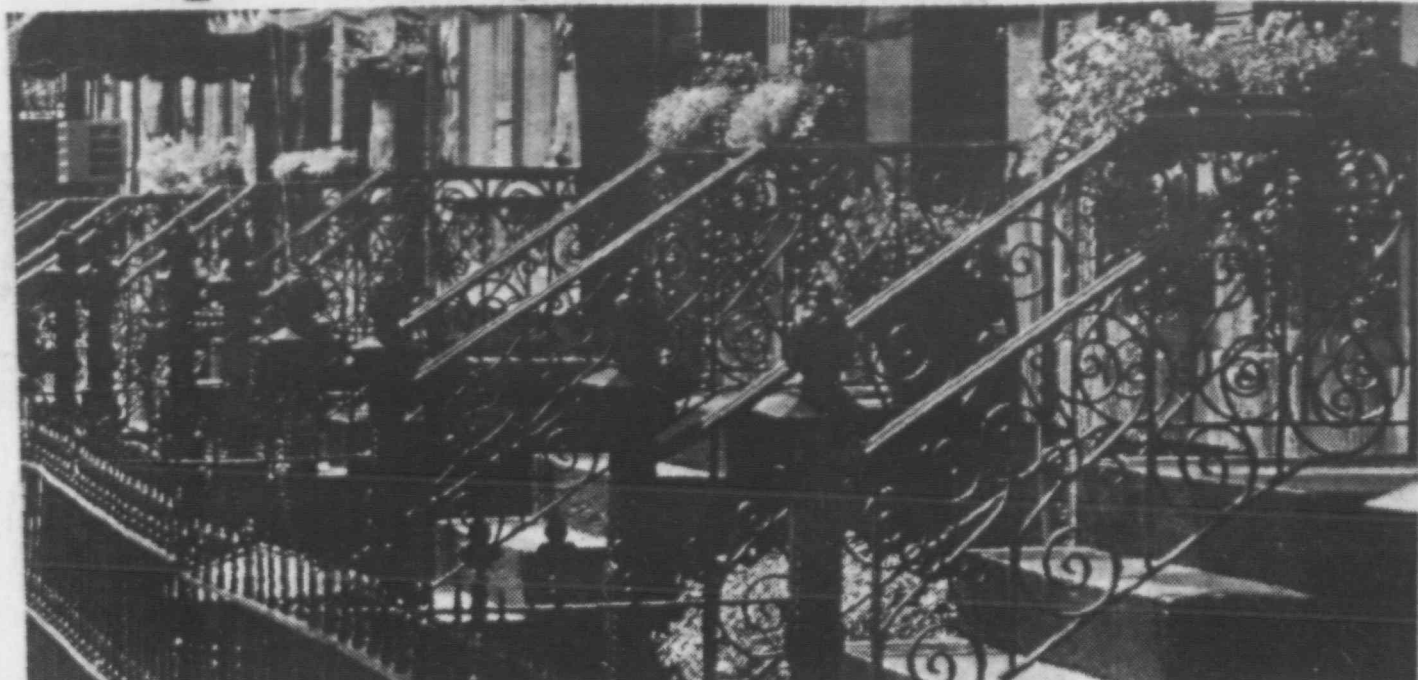
Leadership key Fifth Ward issue

The Jersey Journal recently invited the two Fifth Ward candidates, Council President E. Norman Wilson and Helen Manogue, to express their views on a number of important issues facing the ward and the entire city. Here are their responses:

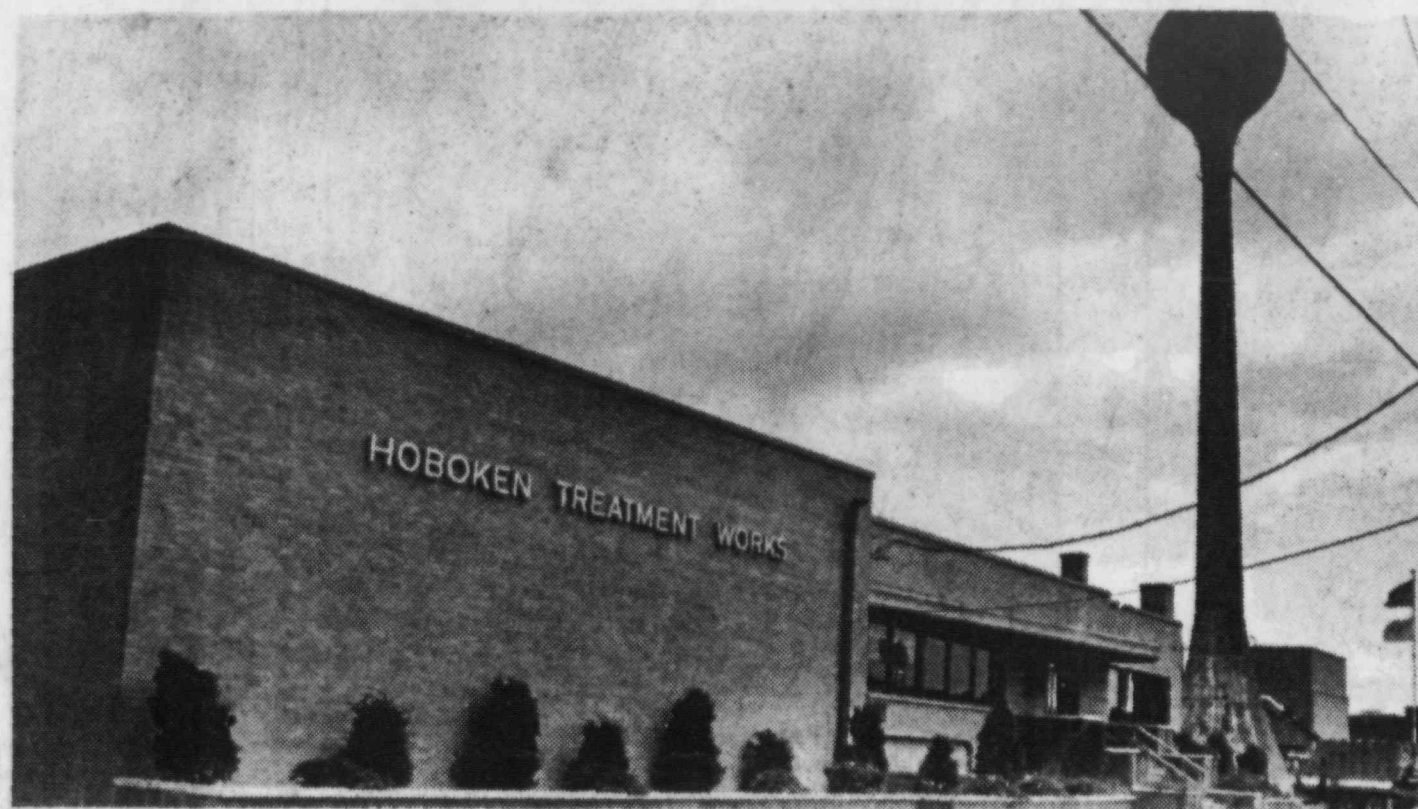
What is the biggest issue facing the Fifth Ward in this election and in the next four years?

MANOGUE: I think it's housing, and housing holds with it the idea of development as well. Right at the moment there are something like 50 buildings in the Fifth Ward that are either going through condo conversion or where people are being forced out of their homes. I think it's a major problem. We've already lost hundreds of people in the Fifth Ward and I don't think there's been too much done to really try to save them or to help them. From what I understand pleas for help have gone out and nothing has been done. The time has come when we really have to start doing something. We most certainly can encourage tenants to organize so that they understand what their rights are, and we have to let the landlords know what the rules and regulations and laws are. There are rights on both sides, but I think we have to clearly explain that to everybody. One of the things that I would like to do is see that the city provides some funds to the Campaign for Housing Justice because you already have an organization set up in town that is doing this. They're doing it pro bono and why not give them some grant money so that they can really get out there and start helping some more people?

WILSON: I think that the biggest complaint confronting people right now is the high taxes. They affect the small homeowner and they are also affecting tenants because this is an automatic pass-on. The tenants are getting hit with huge rent increases. We have to start expanding our ratable base. There is too much land that is not being utilized or is under-utilized, producing little or nothing for the city in revenue. Little or nothing is going on along the entire waterfront. The whole Port Authority area is producing nothing for the city, the Hobo-



The Fifth Ward includes some of the more residential areas of the city, such as this section of Bloomfield Street, above, and the industrial tract, where the municipal sewage treatment plant is located.



ken Shipyards are tied up in bankruptcy. We have a lot of open land in the northwest industrial section, which is in the Fifth Ward. There are a lot of car barns, parking lots and U-Haul lots that are not producing many ratables. Movement has to take place in '88 and '89.

MUNICIPAL ELECTION '87

What sort of development would you like to see in the industrial section?

WILSON: I wouldn't want to see the whole area go residential. There is a need for some type of commercial and industrial development, something to provide employment. That's the type of thing I see in that area, an industrial zone or industrial park type complex. We have to devote a certain section of the city to those uses, we have to provide employment for the people who are moving here. We do not want just one big bedroom community.

MANOGUE: I am very much in favor of preserving the industrial sector, in fact I'm sitting on the city's committee which is dealing with that northwest industrial section. I have for many years thought that that's what we ought to be doing in there, trying to get real businesses in there, light industrial or office space. Stevens is talking about having a (business) incubator up there, and I think all of this is a good idea. We really ought to be moving ahead more rapidly on this than we are. Our goal is job creation for people in our city, for the people who need to be retrained or have lost their jobs. Also, this means ratables. There is also an opportunity to create recreation space around the periphery.

What are your views on the type of development the city should be attracting? There are plans to allow highrise in certain areas, such as the Observer Highway corridor.

MANOGUE: Obviously, we need development because we need the ratables and we need housing at prices that people can live with. My feeling about Observer Highway in particular is that we've got to be very careful about what goes in there. We have to know what it is going to cost us in services to those buildings, because we're talking about garbage collection, dumping, sewerage systems, sewage treatment and water. I don't think that (highrise) buildings would

be appropriate in that area. Observer Highway is the main entrance to the waterfront area and we could in fact be limiting ourselves on waterfront development if we overdevelop the Observer Highway area and put in too many units down there. One of the things I am proposing is that we hire an economic and environmental analysis staff for the city so that we're not dependent upon the developers' so-called experts. Most of the time the developer's expert is going to say everything is fine and dandy, and he's also not going to look at the surrounding area or the rest of the city.

WILSON: We have to preserve and protect the heart of city. I do not want to see huge structures destroying the neighborhoods, the reason people have stayed in this city in the first place. But I think that on the northern and southern boundaries, we can afford to build a little higher. The design is important, it has to be sensitive so that it doesn't just seal off the city and throw it into darkness. I'm not sure that the waterfront is the place for highrise development, however. I see a mixture of residential and commercial development, and also some recreation space.

Helen, you are a member of the Mayor's Waterfront Advisory Committee, a group that opposes any waterfront development with the P.A. What are your personal views on the P.A. as a developer?

MANOGUE: I don't think I'm extreme as a lot of the other members of WAC simply because I think there always has to be a done when you sit down and coolly look at something and say, "How do we get out of this mess?" Frankly, we're in a mess, there's not doubt about it. I think the P.A. has not proven itself to be a friend of Hoboken. The original lease they had on the table would have been a grade-A takeover. It would have put us into a worse situation than what we had with the 1952 lease. If one is on the council, it does not behoove us at this point to say either that we're strongly anti-P.A. or that we're pro-P.A. Eventually all of this is going to come to the council, and it we have to sit down and negotiate between now and the end of December, we're going to have to go in there and give it a good faith try. If we're sitting here right now and saying we're 100 percent against the P.A., I want the sons-of-guns out of there, then down the line, where does that leave you? It makes it look like you had a predetermined notion before you had anything on the table even to talk about. I don't trust the P.A., I don't think anybody in New Jersey trusts the P.A. We've got to be just as clever and just as smart and clever as they are. I think we can do it.

What specific measures can the council take to help lower the skyrocketing tax rate?

MANOGUE: We have to take a look at the school budget and start working more closely with the Board of Education. We have to try to get our costs

down there while at the same time trying to improve the quality of education. It sounds impossible but I've talked to a number of the people on the board and they seem to feel it is possible. We just have to get rid of some of the extra fluff that's in the budget. I know the Board of Ed keeps saying there isn't any, but in every budget there is. There's always something you can cut, and with the state overseeing things now since we're in Level Three observation, I think we should be able to come out with a pretty good system that is well-oiled and spare.

WILSON: There is a hidden problem in this budget because it does not include any monies or consider the expired union contracts. The way it came down from the mayor's office, there was no anticipation of any raises or settlements what's ever. If that's the fact the administration is going to take, everything is fine, but if the administration turns around and awards increases, we wind up with a deficit in the budget. We'd be faced with cutting a large sum of money. We'd have to then review the report of the mayor's budget committee, see what their recommendations are, what is feasible and what is not. With the kind of money people are paying in taxes now, we can't cut services any more. The services being provided now are substandard.

Helen, you have spoken of your background as a financier and said the experience would help you on the council. Since your bank deals with many developers and other cities, do you foresee any possible conflicts between your private career and your duties as councilwoman?

MANOGUE: I wouldn't say there would be a conflict of interest. There might be a time when my bank would be involved in possibly doing a loan or something of that sort for a developer. City Federal does a lot of loans, we do a lot of that work. Obviously if that came up in anything that came in front of the council, I would have to step aside and not say anything about it. That would be a conflict. Even if we were financing a deal, the developer is the one who really bears the responsibility, and he'd probably be out looking for financing at the time that he's coming to get his permits from the city anyway. We probably wouldn't be involved that early on. I still would be very involved in making decision about waterfront development and things like that because the financing comes later. The bank wants to see that a developer has permits before giving him a loan.

Norman, several of your opponents and other members of the council have charged that you have been a weak City Council president who has often let the crowd take charge of the meeting and has given little direction to the council.

WILSON: When you look at the task that I had as council president, I was not sitting with a majority of coun-

cil people in my support. You had the council shifting from month to month, not only in political allegiances but even in personalities, as far as who was on council. Trying to work and put together just five votes for normal business was a task, mainly because of some problems coming down from the executive branch. There have been mixed signals, and it has been extremely difficult as council president to go ahead with legislation if one day the mayor is wholeheartedly for point A and the next day I'm reading through his spokesman that he's now for point C. I think the city council has had to assume a lot more responsibility.

How can you improve relations with the Vezzetti administration if you're re-elected?

WILSON: All the administration has to do is establish a firm policy as to where they are going with various pieces of legislation, what the game plan is. When something comes before the council, at least we'd have something to work on and compromise on if there was a disagreement. When we don't know what the plan is or the goal is, we can't. One of the biggest problems is that the we don't get to communicate with the man directly. The mayor does not come to the council meetings even when important issues like the P.A. settlement or Hoboken Shipyard settlement are being discussed.

What makes you a better qualified candidate than your opponent?

WILSON: I know the city of Hoboken, I've seen the changes it's gone through. I've had to make the tough decisions, I've taken my stands and I've remained independent. I opposed Mayor Cappiello when his administration was in power and I've spoken out against Vezzetti when he's done things I didn't think were right. Apparently the public appreciates this. I did finish first, and I had no organized support. I must be doing some right.

MANOGUE: I think at this time the city is facing some brand new problems in development, sewerage, infrastructure and housing. I have experience in all of these, either through having been a citizen activist in that area and having slugged it out for 17 years on that stuff or from a business standpoint. I've been an administrator. I know how to put together a zero-based budget. I've had 56 people working for me. We can't go back and do business the way we used to do it. We can't have the backroom deals where the public doesn't find out about something for six or eight months and then it's a done deal. We have to be open in government, we have to progress so that we are moving every day with the new problems that come. I think Norman has tried over the years, but he's been in eight years and I don't see that he's done anything, particularly spectacular about parking, at least nothing that showed up until six months before the election. I don't see that he's done anything about housing, our litter problems are just as bad as they ever were, he complains about city government and the way it's set up but he hasn't done anything to try and change that. He's been the president of the city council for two years, so he has been in a leadership capacity if he would have used that leadership. I'm not sure that he's expressed any leadership for the Fifth Ward either, and that's what I intend to give.

FIFTH WARD: The candidates

By Jim DeRogatis

The campaign for Hoboken's Fifth Ward City Council seat has been the quietest and most issue-oriented of any of the current political battles.

Incumbent Council President E. Norman Wilson is being challenged in his bid for a third term by local activist Helen Manogue. Manogue forced Wilson into a runoff in the May 12 election when she finished with 568 votes to the incumbent's 604.

A second challenger, Leonard Luizzi, received 248 votes in the election, and both candidates have attempted to win over his supporters for the runoff. Luizzi has endorsed Manogue.

Located in the northwest corner of the city, the Fifth Ward encompasses some of the city's strongest residential neighborhoods as well as the industrial section. The ward is among the areas of the city hit hardest by the skyrocketing tax rate, and it has also witnessed a decline in industry, with many companies relocating in recent years.



E. Norman Wilson said, "I am the balance between the old guard and the new administration."



Helen Manogue

Wilson, 48, is the executive director of the Hoboken Organization Against Poverty and Economic Stress. He has served as Fifth Ward councilman since 1979 and as council president since 1985.

During his second term, Wilson sponsored legislation creating a municipal permit parking program. The program has not yet been put into effect, and it has been criticized as impractical by some officials. He has also worked to eliminate tax abatement loopholes and recover insurance funds owed the city by the Port Authority of New York and New Jersey.

"All my life I've been independent," Wilson said.

Manogue, 55, is making her second bid for a council seat. In the 1985 at-large council election, she ran as an independent and placed fifth out of 19 candidates.

A vice-president of one of the state's largest banks, City Federal Savings, she is also a self-described "citizen activist" who founded the Hoboken Environment Committee and works with a number of other civic organizations.

The mother of three grown sons, Manogue has lived in Hoboken since 1961. She is running with the endorsement of Mayor Thomas Vezzetti, although she said she also considers herself an independent candidate.

Water not back to normal

By Michele Drayton

Although water was expected to be back to normal on Monday, a few Hoboken and Jersey City residents still complained about its murky color yesterday.

Bob Van Ingen, spokesman for the Water Department, said Hoboken's water supply has cleared up 99 percent. The department received just a few calls yesterday, he said.

In Jersey City, Oleh Dzydzora, chief chemist for the Water Department, said a few residents from the Heights, Montgomery and Greenville sections complained. But those calls, too, were few. He said the water should be completely back to normal on Friday.

However unpleasant it may look, Dzydzora said it is safe to drink and use. The water has been chlorinated and continuously monitored, he said.

When Jersey City's main aqueduct in Boonton was closed for repairs May 26, water for Jersey City and some surrounding areas was temporarily supplied from the Passaic Valley Water Authority and Newark. The sediment which results from normal erosion of the pipes usually settles and is not carried to the faucets.

However, the shut-off at Boonton caused the sediment to dry up. When the Boonton facility was switched back on, the sediment was picked up, causing discoloration. The aqueduct supplies water to Jersey City, North Caldwell, Lyndhurst and Hoboken, Dzydzora said.

Since then the water has been flushed continuously, although discoloration has lingered in some areas longer than others, Dzydzora said.

Boiling will clear the water but will leave a residue. Dzydzora suggested straining or filtering the water with gauze or towels. He also said if there is concern about the water's safety, residents can buy bottled water.

3 councilmen explain naves on PA accord

By JANET WILSON
Staff Writer

HOBOKEN—Stung by accusations that their votes against the Port Authority settlement last week hurt taxpayers here because of the loss of \$5 million in "instant" revenue, three councilmen are fighting back.

Councilmen David Roberts, Patrick Pasculli and Council President E. Norman Wilson said yesterday they sat down after last week's meeting and rewrote the controversial agreement.

"We took the loopholes out, we're protecting the taxpayers," said Roberts. The new agreement, unlike the previous one, would bring at least \$7.3 million in a lump sum into city coffers, rather than having the money coming in at various stages for specific expenses. The trio of councilmen threw out a challenge to the Port Authority of New York and New Jersey as well, saying if they did not accept the new version, it would show the authority "was trying to get us all along, and fully intended to hold us for ransom down the line," according to Roberts.

Pasculli said he had also spoken to state Sen. Christopher J. Jackson, D-West New York, and received the legislator's assurance that \$1.5 million in emergency funds would be given to the city in time to be used for this year's budget.

Several politicians here, including members of Pasculli's Young Democratic Club, worked hard for Jackson in his successful primary race against Councilman Robert A. Ranieri last Tuesday.

If additional revenues are not added to this year's budget, Hoboken taxpayers could face up to \$40 additional taxes per \$1,000, bringing the tax rate to an all-time high of \$275. Mayor Thomas F. Vezetti last week declared a state of fiscal crisis, saying the council's rejection of the Port Authority settlement was a "travesty" against homeowners here.

Pasculli, Roberts, and Wilson have submitted their reworked agreement to Law Director William Graves, and asked him to have a legally phrased version ready for an emergency council caucus later this week. At last week's council meeting, numerous members of the voluntary Waterfront Advisory Committee harshly criticized the previous agreement, signed by Vezetti and a high-ranking Port Authority officer, as being loosely worded and full of loopholes.

The settlement stemmed from a continuing lawsuit by a citizens group against the authority for nearly \$10 million insurance money and interest from a 1980 fire on a pier owned by the city and rented by the agency. The old agreement would have given the city a possible total of \$8.3 million, with a structured schedule for various portions of the money.

Roberts said he would recommend that, if the new agreement succeeded, that part of it be used to lower taxes this year, but that "the lion's share" be put in accelerated interest accounts that could "double or triple the money within a few years."

Water expected to be OK today

Water in Jersey City, Hoboken and Lyndhurst is expected to be back to normal today after residents experienced three days of discolored water and spotty pressure.

Several areas in Jersey City reported water back to normal last night, but it's expected that water pressure will have to be built and then the system flushed before it's back to normal in the three communities, a Jersey City Water Department spokesman said.

Water pressure in the municipalities dropped from the normal 40 pounds per inch in the water lines to 11 psi, causing water to dwindle to a mere trickle Friday morning.

The reason for the sudden drop, according to Water Department officials, was that while the Jersey City's Aqueduct System in Clifton underwent repairs beginning May 26, the city purchased water from the Passaic Valley Water Authority and Newark but could not keep up with demand.

A water department spokesman said that engineers claim the discolored water flowing from faucets in Jersey City and Hoboken was safe. He said residents just shouldn't wash white clothes in it.

Callers to The Jersey Journal, however, didn't use the word discolored to describe the water. They said it looked like Coca-Cola, that it was dark brown or even pitch black. Some blamed it for diarrhea and nausea.

Many Jersey City and Hoboken residents weren't taking chances. Local grocery stores reported a run on bottled water. Quik Check in Hoboken ran out early in the afternoon; at one of Hoboken's Food Towns, sales were reportedly 300 times normal, selling 1,500 cases instead of a typical 50.

The A&P on Tonnelle Avenue in Jersey City reportedly limited buyers to two bottles each on Sunday, after exhausting supplies Saturday evening.

The Pathmark supermarket on Route 440 in Jersey City sold about 168,000 gallons — they unloaded four trailers each with 700 cases. Normally they sell 150 cases. Six one-gallon bottles make up a case.

"It's not a good sign to see when you have to pull people back to get the cases through to the shelves," a Pathmark spokesman said. "They attack you trying to get it. We have a register exclusively for water. In one hour we sold 700 cases."

Jersey City Mayor Anthony Cucchi said, "This is to be expected while we are rehabilitating our pipes. I'm not happy with it, either. It's not attractive-looking."

Jersey City ran quarter-page advertisements in the Jersey Journal during the week of May 25-29 publicizing the water system repair. The ads stated, "This work is necessary to ensure the integrity of the Aqueduct system, which was built in 1903," and added, "... periodic water discoloration may occur; however, it poses no health hazard."

Last week, there were sporadic reports of discolored water in Bayonne that was a result of the work being done on Jersey City's aqueducts from Bayonne.

Bayonne City Engineer Ken Rakowski explained at the time that when the connection with Passaic Valley was made and flow was increased to serve Jersey City, the increased velocity stirred up silt that affected North Jersey water customers, including Bayonne.



Stock personnel, from left, Alfredo Luyando, Louis Musella and Steve Rodriguez unload trailer of bottled water at Vitale's Foodtown supermarket in Hoboken.

Manogue seeks '1-vote' recount

By Laurie Kalmanson

The Fifth Ward council race in Hoboken, in which incumbent E. Norman Wilson won by a single vote, under scores the democratic principle that every vote counts.

"I don't really recall any time in a runoff election that someone won by only one vote," said Board of Elections staffer Maria Koein yesterday. "The people here don't recall anything like this happening. It's one for the books."

Second-place finisher Helen Manogue and her attorney said they plan to ask for a court-ordered recount.

The count Tuesday night was 732 votes for Wilson and 731 for Manogue. Unofficial reports yesterday showed each candidate gaining one vote, for a tentative final tally of 733 to 732.

Wilson lost on the voting machines but won with the addition of absentee ballots. The new tally gives Wilson 34 absentee ballots and Manogue 26.

"With an election this close, it's certainly worth checking," Manogue's attorney, Peter Van Schaick, said yesterday.

"A win is a win," Wilson commented on election night. Manogue and Wilson were in a runoff Tuesday after garnering the most votes in the May 12 ward race. No candidate received more than 50 percent of the vote May 12, forcing a runoff.

Van Schaick says he has several reasons for seeking a recount.

The tallies on the voting machine did not jibe with the number of voters who signed voting authorizations at the polls, he alleges, and the slips

of paper had misprinted numbers.

There is also the possibility, Van Schaick said, that the city may have sent absentee voters their ballots too late.

Van Schaick researched the issue and spoke with election officials in Jersey City yesterday.

In other Hoboken election developments, defeated Third Ward council candidate Anthony J. Russo said yesterday that he plans to present broad grounds in court in his quest to invalidate the May 12 election that left him out of the running.

A hearing is scheduled before Judge Dorothea O'C. Wefing next Thursday.

Russo alleges that illegal votes were cast, legal votes were turned away from the polls, and voting machines were not open for the legally required time.

Hold requested on Court Street Plaza project

By Bill Campbell J.J. 6-11-87

The attorney for the Hoboken Planning Board filed papers yesterday asking state Superior Court in Hudson County to restrain the city from granting final approval to the developers of the \$70 million Court Street Plaza project.

The board is asking that the on-again, off-again mixed use-condominium project be put on hold to allow the board to review West Bank Construction's request that the city vacate a portion of Court Street to accommodate the development.

The City Council, circumventing state law, approved ordinances authorizing the closing of the street on May 26 without Planning Board review, according to board attorney George Pappas. The action seeks to restrain the city from putting the ordinances in effect until the board has an opportunity to review them.

Daniel Gans, a partner in West Bank Construction, said the board's action may "just be procedure, but who knows what could happen."

City Attorney William Graves said he has prepared a City Council resolution granting the board its period before the ordinances become law. The council may vote on the resolution next Wednesday, he said.

According to the court papers, the Planning Board is requesting that the city "immediately cease, desist and refrain from enforcing the ordinances." The request is to be heard in the law division of Superior Court on June 26.

The board denounced the council's action during a meeting May 26.

"It's more than a matter of procedure," said Michael Ocello, board chairman. "By not following the law the council has left a way open for a challenge by anyone who opposes the project."

Pappas said that state law requires the council to send any such proposals to the board for review prior to taking action. The board has 35-days to make its recommendation, he added.

The council voted unanimously to grant the easement, despite a memo from assistant city attorney Thomas Calligy warning that the matter should be referred to the board.

OFFICIALS PLEDGE

Cloudy tap water soon will clear up

JERSEY CITY—If your tap water is not clear yet, it should be soon, city officials said yesterday.

The problems that discolored water and reduced pressure for some residents of this city and Hoboken during the weekend were nearly solved by yesterday afternoon, said Thomas M. Neilan, director of the city Water Department.

The discoloration, which officials said does not make the water unsafe to drink, was caused by the 10-day shutdown of a major pipeline from the city's Boonton Reservoir for repairs.

Sediment in the aqueduct settled and dried in the absence of the water flow, and when the pipeline was put back in service Friday, the water scoured the material from the pipe and sent it straight to the taps of city residents, Neilan explained.

The appearance of the brownish

water during the weekend prompted hundreds of calls to police in both cities, and boosted sales of bottled water. Neilan described it as "an aesthetic problem" but not a health hazard, and said that, if the problem lingers, it will only be in scattered locations.

A chlorine disinfectant was added to the water, and fire hydrants were used to hasten the flushing of the system, which delivers 60 million gallons of water a day to the city. In addition, some water was diverted to the Troy Street reservoir.

The aqueduct was shut down for repair of an 85-year-old overflow system in Clifton. During construction, the city received water from Newark and from the Passaic Valley Water Commission. Because those systems were unable to keep up with the demand, pressure dropped in some areas, officials said.

—Brendan Noonan



Photo by Don Smith

MUDDY WATER is flushed yesterday from a fire hydrant on Park Avenue in Hoboken by Victor Lucaturo of the city Water Department. Water in Hoboken and Jersey City was muddied during the weekend because of a 10-day shutdown of the Boonton City reservoir for repairs. Officials said they expect the water to run clear soon. Story on Page 15.

HOBOKEN RUNOFF

3 council battles to wind up today

By JANET WILSON
Staff Writer

HOBOKEN—Voters here will go to the polls again today, culminating three hard-fought runoff battles for City Council seats in the 3rd, 4th and 5th wards.

Polls will be open from 7 a.m. to 8 p.m. Many residents have already cast their votes, with the Hudson County Board of Elections receiving

more than 400 absentee ballots by yesterday.

"We've got more people sick in Hoboken tomorrow than I've ever seen," said Clerk Richard Cullen. "We should call the Centers for Disease Control in Atlanta: This is not supposed to be used by people who think they may be sick — it's for people in wheelchairs, or hooked

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RUNOFF

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up to a dialysis machine."

When the votes are all in and counted, the Mile Square City could have its first Hispanic councilman, with Edwin Duray favored to beat Florence Amato in the 4th Ward, according to most political observers. Duray, also the only Hispanic school principal here, is the chief administrator at the Connors School. He has strong support in the public housing projects, which traditionally turn out more votes than any other district in the city.

But his opponent, Amato, has waged a fierce battle, challenging the registrations and leases of people living doubled up in some of the public housing units, and bringing in the second-largest number of absentee applications.

The largest number of absentee votes brought in as of yesterday were from Steve Cappiello's camp, according to the county. Cappiello, the former mayor and 3rd Ward councilman, is fighting for his political life against Frank "Pupi" Raia,

the young builder who converted the old Sadie Leinikau School into the Citadel condominiums.

Raia has picked up the support of Mayor Thomas F. Vezetti forces, with Councilwoman at-large Helen A. Cunningham running his campaign, and the blessing of Councilman-at-large Patrick Pasculli. The Young Democrats, Pasculli's club, is split, though, with many club members who live in the ward "sticking with Stevie," in the words of one.

In the 5th Ward, Vezetti and Pasculli are in different camps, with the mayor backing longtime environmentalist Helen Manogue, and Pasculli, who many say would like to be mayor, coming out at the last minute for City Council President E. Norman Wilson. Both sides say the race is a tight one.

The runoffs are the fourth election here in a little over two months, and were necessary after none of the top vote-getters in any of the three wards garnered more than 50 percent in the May 12 election.

Back to square 1 for Hoboken and P.A.

By Jim DeRogatis J.J. 6-5-87

Hoboken has taken a giant leap back to square one in its attempt to settle a controversial lawsuit with the Port Authority of New York and New Jersey over \$9.4 million in insurance funds.

The City Council in a 6-3 vote Wednesday rejected a settlement that would have netted the city an immediate \$3 million for tax relief, \$4.4 million for capital improvements and \$2 million in an interest-bearing escrow account until the end of the year.

Mayor Thomas Vezetti said the vote "places the city in a state of crisis... of enormous proportions."

In a written statement, Vezetti challenged the councilmen who opposed the settlement "to face the resulting crisis and find a way to deliver to the taxpayers the relief they deserve."

The controversy over the funds started in October when Vezetti's Waterfront Advisory Committee released a report charging that the P.A. should turn over insurance funds collected after a fire destroyed the city-owned Pier B in 1980. The city joined a citizens lawsuit attempting to

recover the funds in December, but after two months of negotiating, Vezetti and Phillip LaRocca, the P.A.'s director of economic development, hammered out a settlement in February.

Several months of scrutiny by the council followed. The P.A.'s Board of Commissioners ratified the settlement several weeks ago and the council had been expected to approve the agreement, but several members shifted their positions in response to pressure from the anti-P.A. WAC.

Some council members said they were unhappy with the language of the settlement, which they believed had several loopholes. It is unclear whether the council will try to pursue a new settlement or continue the lawsuit. A court hearing has been scheduled for June 15.

The mood of the council is, "We demand our money, give it to us," but I don't think the P.A. is just going to say OK," said Michael Coleman, Community Development Agency director and head of the city team that is negotiating with the P.A.

"Frankly, I don't think the city could have gotten a better deal, and we certainly can't get one in enough time to solve our tax problems. It took many months of negotiating to reach this settlement, and I'm out of ideas. "The City Council is going to have to go back to the P.A. with new proposals and demands, but it's not going to be easy or quick."

John Donovan, manager of government and community relations for the P.A.'s economic development department, said the authority is willing to work with the city but will slug it out in court if must.

"The Hoboken City Council's rejection of the proposed insurance settlement is disappointing given the P.A.'s lengthy and good-faith negotiations with city officials," Donovan said. "This is especially true since city officials wrote that final settlement agreement."

Vezetti railed at the council members who rejected the settlement: "They're out to make me look bad, and that's the only reason they voted against this. They had the settlement down there for two months and they did nothing. They're just playing their political games, and they're going to sink the city because of it."

Hoboken court dream realized for new judge

By Bill Campbell

For Ross London, yesterday was a day all attorneys dream of.

"It's a wonderful opportunity, an exciting challenge," said the 38-year-old Hoboken attorney. "This is something that all lawyers, in the back of their minds, hope for."

London, a former municipal prosecutor, was sworn in as municipal judge by Superior Court Assignment Judge Burrell Ives Humphreys.

He was unanimously appointed by the City Council last Wednesday to fill the unexpired term of Steve Zamrin.

Zamrin, who served one year of the two-year term, died in March.

"This is probably a once-in-a-lifetime opportunity," London said. "No longer are you simply advocating one side of a case. You are now sitting back and trying to be fair. You have to let the chips fall as they will."

The city's acting judge since 1985, London spent four years as an assistant corporation counsel; he worked on the municipal ethic ordinance and served as municipal prosecutor.

As the city's top judge, London said he will continue in the direction of his predecessor in an effort to "bring the courts to the 20th century."

"We still have a lot of work to do," he said. "We have to totally reorganize the layout of the court, begin computerization and erase the tremendous backlog of cases. We will have to chart a new approach in the court to stress efficiency and professionalism."

London has initiated a "new approach" by sentencing petty offenders to perform



Judge Ross London Takes oath of office.

community service work rather than pay fines. He said individuals convicted of littering or drinking in public can learn "a valuable lesson" when sentenced to clean city parks.

"It's important that they understand what it means to be responsible in public spaces," London said. "And I intend to have more controls over probation to ensure they do what they're supposed to do."

He said he will be tough on those convicted of illegal dumping within the city, calling the problem "extremely serious."

A graduate of Harpur College, Binghamton, N.Y., and Rutgers Law School, London has maintained a private practice in Hoboken since 1980. His private practice specializes in real estate and commercial law.

RUNOFFS

Continued from Page 1
There is bad blood on both sides concerning a pact to produce results legislatively.

Vezzetti's backers on the council claim they supported an easement for the West Bank development project on Court Street that Roberts wanted in return for a promise from Pasculli and Roberts to support the mayor's \$7.3 million insurance settlement with the Port Authority of New York and New Jersey, and to allow personnel changes in the Law Department.

Last week, Pasculli and Roberts both loudly criticized the authority settlement before emphatically voting against it, and this week, there is screaming on both sides about the Law Department. Vezzetti's backers claim Pasculli and Roberts are "threatening" to fire Director William Graves by saying they have the votes to do it, and Pasculli said he has heard threats of a different kind to fire Michael Mongiello and Fred Bado, two assistant city attorneys, "for purely political reasons."

The runoffs did nothing to increase harmony. Vezzetti and Pasculli both worked unsuccessfully against a common political enemy, Steve Cappiello, in the 3rd Ward runoff, backing Frank "Pup" Raia. But in the 5th Ward, the mayor and the man who would be mayor split their forces, with Vezzetti backing Helen Manogue and Pasculli backing incumbent council President E. Norman Wilson.

The result, a one-vote victory for Wilson over Manogue which is expected to be challenged in Hudson County Superior Court in Jersey City, is a perfect example of the divided state of politics here right now.

The only difference may be that with the electioneering at last over for now, all sides agree that further fighting could damage efforts to solve critical problems facing the city seriously.

"It would be a serious mistake to slip back into factionalism," said Newman, traditionally a Vezzetti supporter. "It's a real danger, and it will be real sad, as well as a tremendous disservice to the city."

"We have a lot of big issues to address," agreed Pasculli.

Those issues include a burgeoning tax rate, and a severe shortage of affordable housing. The city is also in court and up against the state and federal governments concerning sewage problems, and is stymied in its efforts to resolve its relationship with the authority concerning the waterfront.

The presence of Duroy and his vote should not be underestimated, especially on affordable-housing issues, which are a high priority for the 4th Ward. But the coming months will tell quickly whether the diatribes and scheming have been laid aside in favor of policymaking or whether every vote will continue to be a political acid test.

But in the last two weeks, the harmony and optimism has eroded quickly, both on the election trail and on legislative questions.

See RUNOFFS, Page 11

Vezzetti didn't gain ground in runoffs

By JANET WILSON
Staff Writer

HOBOKEN—One day after the City Council runoff elections, the standoff in City Hall continues.

With the exception of Edwin Duroy in the 4th Ward, the council that will be voting on a series of tough questions this summer is the same nine-member body that has frustrated Mayor Thomas F. Vezzetti by repeatedly voting down his initiatives since he was elected two years ago.

A month ago, after the May 12

preliminary election, it appeared as if the balance of power finally might be swinging toward the mayor, with his three backers on the council—Helen Canning, Thomas Newman and Joseph DellaFave—joining hands with independents Patrick Pasculli and David Roberts to forge not only winning election results, but a working council majority.

But in the last two weeks, the harmony and optimism has eroded quickly, both on the election trail and on legislative questions.

See RUNOFFS, Page 11

City inches toward sewage OK

By Bill Campbell

Hoboken inched closer to removing a state-imposed ban on sewage hookups last night as the City Council approved funding for mandatory infrastructure repairs.

However, Hoboken may still have to pay \$250,000 in penalties before the state will lift the ban and allow the city to apply for \$25 million in federal grants to upgrade the municipal sewage treatment plant.

Meeting in special session, the council unanimously approved the first reading of a

bond ordinance to finance the repairs to tide gates and regulators and the Fifth Street pump station. Contracts for the projects are expected to be awarded next week.

Hoboken has been barred by the state Department of Environmental Protection from issuing sewerage hookup permits and cannot apply for the federal sewerage grants until it accepts a revised compliance schedule to upgrade the sewerage system.

Work on at least a dozen major real estate projects in the Hoboken sewerage district

has stalled since a moratorium was placed on the issuance of the permits. The Hoboken district also includes Weehawken and Union City.

The city violated its original compliance schedule by neglecting to repair tide gates, regulators and the pump station. The DEP fined Hoboken \$410,000 last year for not meeting the deadlines. The tide gates and regulators are supposed to keep river water out of the sewerage system but they have been stuck in the open

See CITY INCHES — Page 15.

City inches toward sewage OK

Continued from Page 1

position for years. The DEP has ordered the city to agree to pay \$250,000 of the total fines as part of the revised compliance schedule. City officials have called the fines "blackmail" but acknowledge that the DEP has the upper hand.

Last night's action moved the city closer to meeting the schedule for infrastructure repairs, a key component of the compliance agreement.

"The bond ordinance is part of that package the DEP

requires for compliance," said city Law Director William Graves. "It is one of the prerequisites we must satisfy."

But Graves warned that the major stumbling block is the fines. "Quite simply, we are in violation of the original consent agreement and for us to move into a position of compliance we must pay," he said. "What the DEP is telling us is that you need us, but we don't need you."

Graves said neither he nor special Hoboken counsel Irwin

Kimmelman was successful in attempts to convince the DEP to lower the fines during a two-hour meeting Monday with DEP.

"Among other things, they are holding the grant money over our heads like a club or a gun," he said. "They say if you want the grant, come up with the money."

The city needs \$25 million in federal grants to finance its federally mandated \$50 million secondary sewage treatment plant.

Cappiello, Duroy, Wilson victorious

By Jim DeRogatis and Bill Campbell

Incumbent Councilmen Steve Cappiello and E. Norman Wilson and neighborhood activist Edwin Duroy won four-year terms on the Hoboken City Council last night in runoff elections in three of the city's six wards.

Questions surround the fifth ward results, however, as Wilson won by only one vote on the strength of absentee ballots.

The balance of power on the nine-member council is expected to remain split between anti-administration forces and

Neither side will control Council

supporters of Mayor Thomas Vezzetti. Vezzetti's candidates in the Third and Fifth wards were defeated by the anti-administration incumbents.

Cappiello, 64, won his bid for a second term as the council's Third Ward representative by defeating Frank "Pup" Raia, 35, a developer who

ran with Vezzetti's backing. Cappiello, the former mayor, finished with 1,142 votes to Raia's 952 votes.

Wilson, 48, won his bid for a third term as Fifth Ward councilman by only one vote over administration-backed challenger Helen Manogue, 55, a bank vice president and envi-

ronmentalist. Manogue defeated Wilson on the polling machines but the incumbent received more absentee ballots, and the results are expected to be challenged.

Wilson received a total of 732 votes, including 34 absentee ballots, while Manogue received 731 votes, including 25 absentee ballots.

In the Fourth Ward, independent candidate Duroy, 36, principal of the Connors School, defeated Florence Amato, 43, an anti-administration candidate who ran with the backing of outgoing Councilman

See CAPPIELLO — Page 19.

Cappiello's fans dream mayoralty

By Jim DeRogatis

The polls had barely closed last night in Hoboken's Third Ward when Steve Cappiello began celebrating his reelection to the City Council.

Administration-backed candidate Frank "Pup" Raia presented Cappiello with the biggest challenge since he lost the mayoral election to Thomas Vezzetti in 1985. But the ward has long been Cappiello's political stronghold, and when the smoke cleared, he came out ahead with 1,142 votes to Raia's 952 votes.

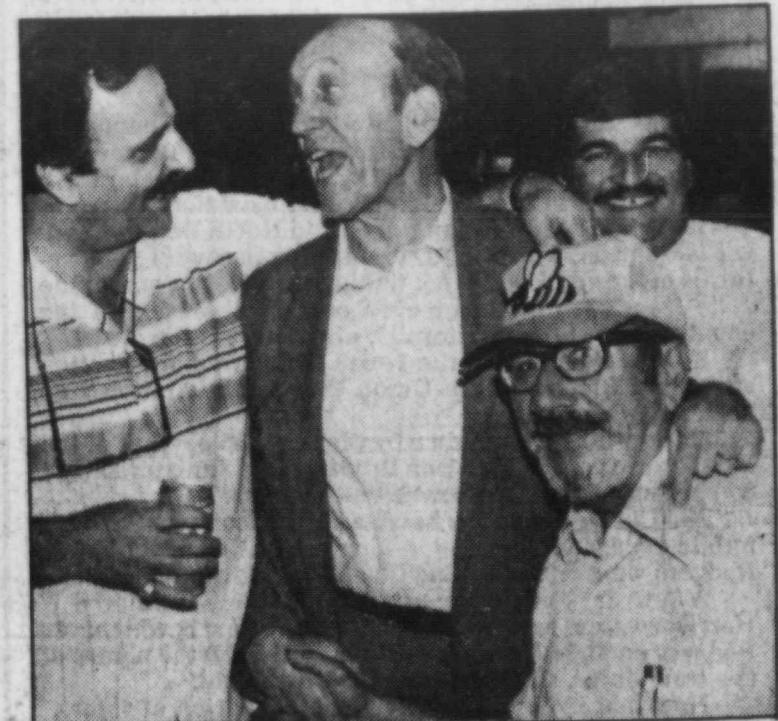
About 300 people filled the backroom of the Cappiello Civic Association near Sixth and Jefferson streets last night to

watch as the councilman took results from poll workers and marked them on a poster tacked to the wall. Supporters began saying that "the numbers look good" only five minutes after the polls closed, and by 8:10 they were applauding Cappiello loudly.

Cappiello was boosted onto a table to make his victory speech at 8:15. "I am still not sure what happened to me," he said, grinning widely. "You won," one worker shouted back.

Supporters broke out cases of beer and handed the winner a foot-long cigar. The councilman called the victory the "big-

See FANS — Page 19.



Former Hoboken Mayor Steve Cappiello seems in good voice as he accepts the congratulations of campaign workers on retaining his Third Ward council seat.



Robert Menendez of Union City, center, Hudson County's first Hispanic mayor, shares the joy of Edwin Duroy, right, whose victory in the Fourth Ward makes him the first Hispanic to sit on Hoboken's City Council.

One-vote margin means a recount

By Bill Campbell

Fifth Ward residents cast the votes, but the courts may determine the outcome of yesterday's City Council runoff election.

In what observers say was the "strangest" election in Hoboken's long political history, incumbent Councilman E. Norman Wilson eeked out a victory, defeating challenger Helen Manogue by one vote.

"I've read about things like this happening before," said Wilson. "But I never thought I'd experience it."

"We all expected a close race, but nothing like this," said a stunned Manogue supporter as he examined the tallies.

Wilson, 48, the City Council president, lost to Manogue on the voting machines but won the race when the absentee ballots were counted. Wilson received 732 votes to Manogue's 731.

Manogue, 55, a bank vice president, said she will go to court today to force a recount. She said she will also ask that the absentee ballots be examined. "There is nothing more we can do here," she said after the votes were counted. "This election is still too close to call."

As the results began trickling in shortly after 8 p.m., campaign supporters in both camps hedged on predicting the out-

See ONE-VOTE — Page 19.



City Council President E. Norman Wilson holds up one finger to indicate the number of votes by which he defeated the Vezzetti Administration-backed challenger, Helen Manogue, in Hoboken's Fifth Ward.

Manogue gets court-ordered recount

By Bill Campbell

Helen Manogue, who lost a bid for the Fifth Ward City Council seat by one vote last Tuesday, yesterday won a request for a court-ordered recount.

Superior Court Assignment Judge Burrell Ives Humphreys in Jersey City has scheduled the recount of voting machine tallies and absentee and emergency ballots for 9:30 a.m. Monday. He ordered that the ma-

chines, ballots and other voting materials be impounded until then.

Manogue, 55, a banker, was defeated in the election by E. Norman Wilson, 48, the two-term councilman. Of the 1,465 votes cast, Wilson received 732 to Manogue's 731.

According to papers filed by Manogue's attorney, Peter Van Schaick, the voting machine count in two of the ward's five districts was "inconsistent" with other counts.

He also charged that challengers reported "numerous other irregularities," including "discrepancies" in the number of absentee ballots mailed to the Hudson County Board of Elections and the actual number counted.

The election was one of three runoff contests in the city June 9. The City Council is expected to certify the results in the Third and Fourth wards tonight.

Both Manogue and Wilson

picked up one vote the day after the election due to a miscount of absentee ballots.

Manogue yesterday said she is "hopeful" that the recount will be successful and urged residents of the ward to contact her if they are aware of voting irregularities.

Wilson could not be reached for comment.

All six newly elected ward council representatives are to be sworn in July 1 for four-year terms.

Cappiello, Duroy, Wilson victorious

Continued from Page 1

councilwoman Mary Francone. Duroy received 1,317 votes to Amato's 70 votes.

The battlelines in the runoff elections were drawn last month when the candidates earned spots on the ballots in the regular municipal election.

Each of the city's six ward council seats was up for election. Three Vezzetti-backed incumbents were successful in their bids for reelection on May 12. Councilmen Thomas Newman in the First Ward, Joseph Della Fave in the Second Ward and David Roberts in the Sixth Ward won first-ballot victories, but run-

no candidate received more than 50 percent of the vote.

Political observers saw the council elections as a mid-term referendum on the Vezzetti administration. The mayor has frequently attacked the council for obstructing his initiatives and campaigning for it. A and Manogue with the hopes of solidifying a council majority.

"This was a referendum on Vezzetti, and it shows that there are people in this city who are dissatisfied with the mayor," Cappiello said. The councilman, a strong opponent of Vezzetti, predicted that the council "will continue in chaos for the next two years. It will be one big hodgepodge" because of shifting political alliances.

The mayor was optimistic last night, however. "We're in adequate to better shape than we were before the elections," Vezzetti said. "If we pull this out in the Fifth, things will be perfect."

Manogue said she "will be in court first thing in the morning" asking for a recount. "It's too early to tell who the winner is," she said, adding that she is optimistic that the final outcome will be in her favor.

Wilson does not believe the votes will change, however. "These are the results and I think they will stand," he said. "It shows the importance of everyone's vote."

"It's too early to tell what will happen on the council. We will have to

wait until after July 1 (when the new members are sworn in) to see how the votes are going to go."

If the outcome of the Fifth Ward runoff does not change, the "swing vote" on the council could fall to Duroy, who said he is willing to work with all factions of the council and the administration.

"I think it's important to work with the other people on the council," he said. "I look forward to working with my peers and introducing programs affiliated with my platform," adding that he plans to push forward with plans to create more affordable housing throughout the city.

Amato's headquarters on Jefferson Street was locked and silent even

as the polls closed at 8 p.m. One Amato campaign worker said early in the evening, "We know the fight is over and we're just not going to bother."

Standing with a crowd of supporters in his campaign headquarters, Raia said he "fought a hard fight and was beaten by Tony Russo." Russo finished only nine votes behind Raia in the May 12 election and his support was coveted by both candidates in the runoff.

Raia claimed that Russo "was working behind the scenes for Steve," but Russo said he was not involved in the runoff. He has charged there were improprieties in the first election and is attempting to have the results thrown out in court.

One-vote margin means a recount

Continued from Page 1

come. Wilson huddled with workers in the back room of his 12th Street headquarters, while Manogue nervously greeted supporters on the corner of 10th and Garden streets.

"Is it good?" asked a Manogue supporter after the voting machine tallies arrived. "It's very close," answered Mark Singleton, the Manogue campaign coordinator. "We're up by eight votes on the machines."

Manogue was congratulated by supporters, received a hug from her son Steve and signed an autograph for a small girl.

Mayor Thomas Vezzetti shook hands with most of the two dozen Manogue supporters. "It looks like democracy is back in town," he said, repeating his often-heard election night slogan. "This one's the important one. It's essential to our success."

"Oh God, what about the absentees?" sighed a distressed onlooker. "What's going to happen when they count the absentees?"

Wilson and about 20 supporters received word of their victory at about 8:40. Wilson glanced at the results as he spoke on the phone. Others counted and re-counted the tallies and shook their heads in disbelief.

Wilson had received 34 absentee ballots to Manogue's 25

absentee ballots.

"Well, I guess a win is a win," Wilson said. "They say that every vote counts and hey, I guess this proves it. For weeks political pundits said the Fifth Ward race was 'too close to call,' but observed a surge of momentum in the Manogue campaign in recent days."

Manogue, who was endorsed by Vezzetti, last week received the backing of Leonard Laizzi, a candidate in the ward's May 12 municipal election. Laizzi, who finished third in the field of three candidates, forced the runoff after he received 248 votes.

Wilson ran as an independent and was not endorsed by either pro- or anti-administration faction, although he often sides with anti-Vezzetti factions on the council. Supporters said the core of his support came from long-time homeowners and senior citizens.

The contest had been relatively quiet, with both candidates running a low-key issues-oriented campaign. Manogue had criticized Wilson for lack of leadership as council president. Wilson has questioned possible conflicts of interest between Manogue and her bank which loans money to Hoboken developers.

The most excitement of the campaign came last night, and it is expected to continue today as both sides argue about the "one vote."



Fifth Ward candidate Helen Manogue encourages her troops not to concede victory. She vowed to be in court "first thing in the morning" to contest her one-vote loss to E. Norman Wilson.

Fans of Cappiello dream of mayoralty

Continued from Page 1

blocks away at Raia's campaign headquarters at Fourth and Jefferson streets. Supporters filled the tiny storefront and the sidewalk outside, quietly gesturing of his 25-year-political career and his smile broadened as the crowd shouted "Cappiello for mayor."

"I am here to serve you," he said, although he also pleaded for "all of you younger people to start getting involved in politics."

Sporting a tan suit with the tie in his back pocket, Cappiello attributed his victory to "hard work and red dots." He said he and his workers had methodically pinpointed their support, putting red dots next to their strongholds and worked on their weak points.

Cappiello said his workers had "kept such good track of where our votes were" that their projections were only one vote off. "We had him winning by 1,143," one worker said.

The councilman continued smiling and playfully placed a red dot on the center of his forehead.

There were few smiles two consoling each other on the loss as Cappiello supporters drove by, beeping the horns of their cars.

Many of Raia's workers, in-

cluding his campaign manager, Councilwoman Helen Cunningham, fought back tears but the candidate calmly sipped a Diet Coke and promised that he'd be back. "I didn't beat him this time but I'll be around for a long time to come," Raia said.

Raia blamed his loss on Anthony Russo, who he claimed "threw his support to Cappiello." A picture on the wall of Raia's headquarters depicted Russo as the devil with horns and a mustache.

Raia defeated Russo by only nine votes in the May 12 election, earning the chance to compete against Cappiello in the runoff. Both candidates courted Russo's support in the second round, but Russo said he did not want to get involved because he is attempting to have the results of the first election thrown out in court.

Russo has charged that there were numerous improprieties at the polls last month and is asking for a new Third Ward election. The case is to be heard in Hudson County Superior Court June 18. Cappiello said he believes the election will stand. "The people are tired of elections, they chose their man. The court won't throw that out," he said.



Victory is a broad smile for Third Ward Councilman Steve Cappiello.

Raia and Cappiello quick to challenge absentees

By Laurie Kalmanson

Before the voting was even completed in the Hoboken runoff for the Third Ward City Council seat yesterday, candidates Frank "Pupie" Raia and Steve Cappiello filed court challenges against 39 applications for absentee ballots.

Alleging that ballots applied for on Monday were requested by people who tried to vote both at the polls and with absentee ballots, who were mobile enough to vote at the polls or who were registered illegal-

ly, the candidates reached an agreement with Board of Elections Superintendent Harvey Birne.

Agreeing to impound the contested absentee ballots until after the final count of votes cast at the polls, Birne promised a full investigation of the contested absentee votes if the numbers make it necessary.

"If these absentee ballots can make a difference in the outcome, we'll investigate the allegations," Birne said yesterday after a hearing in front of Superior Court Assignment

Judge Burrell Ives Humphreys. The runoff between Raia and Cappiello was a result of the May 12 municipal election in Hoboken. Cappiello failed by five votes to get a clear majority. Raia finished second.

Third-place finisher Anthony J. Russo finished nine votes behind Raia and lost a fight to have the election blocked yesterday pending his appearance before Superior Court Judge Dorothea O'C. Weffing contesting the May 12 results. Russo's appearance is scheduled for June 18.

HOBOKEN

1-vote council loser to request a recount

By JOHN ROFE

Staff Writer

Helen Manogue, who lost a Hoboken City Council seat by one vote in Tuesday's runoff election, will seek a recount in court by the end of the week, her attorney said yesterday.

Attorney Peter Van Schaick of Hoboken said that if a recount reveals voting irregularities, Manogue will ask for a new election.

City Council President E. Norman Wilson was elected to a third term in the 5th Ward by a 733-732 count over Manogue.

Van Schaick spent yesterday morning at the Hudson County Board of Elections in Jersey City poring over voter authorization labels and registration rolls. He said he suspected more people voted than signed the labels and that a recheck of the voting machines would prove it.

He also said a surprisingly low number of absentee ballots — 61 — were cast in the election and that the County Clerk's Office may have

given voters insufficient time to return their ballots. Manogue won the machine tally by eight votes.

Joan McNamara, the deputy county clerk, said yesterday that absentee ballots were sent to voters until June 5, four days before the election.

"This was not unusual," McNamara said, adding that her office worked overtime to approve absentee ballot requests.

Wilson won the absentee voting 35-26. A recount of those ballots yesterday gave both candidates and additional vote, according to a board official.

Manogue is not required to show voting irregularities to gain a court-ordered recount, according to New Jersey law. The election need only be close and the candidate must file a petition with the court within 10 days of the election.

The recount must be completed within 15 days of the election.

Wilson campaign aides said yesterday that they were confident Tuesday's results would stand.

HOBOKEN FIRM

HCUA's debt agreement will not break the bank

The Hudson County Utilities Authority apparently will not go bankrupt when it pays a 1986 debt to a Hoboken engineering firm, the authority's executive director said yesterday.

George W. Crimmins Jr.'s statement came one day after the county's top judge ordered the HCUA to begin repaying \$142,312.51 it owes Mayo Lynch & Associates as part of a 1981 engineering contract for a sewerage project.

A Mayo Lynch spokesman said the firm had received \$25,000 from the HCUA yesterday.

Tuesday's ruling by Assignment Judge Burrell Ives Humphreys of Superior Court in Jersey City orders the HCUA to pay the rest by Oct. 1.

By that time, according to Crim-

mins, the public utility will have received more than \$500,000 in federal grants to cover the debt.

Crimmins was named executive director in April after the state Department of Environmental Protection warned the HCUA that it could forfeit up to \$108 million in grants if a director was not named. Crimmins, 37, replaced Joseph A. LeFante, who resigned.

Mayo Lynch went to court in April to retrieve the debt, which was due by last July, when a subcontractor that performed the work sued them.

Humphreys denied Mayo Lynch's motion to order the payment immediately when an HCUA attorney said the public utility would not be able to cover staff expenses and pay the debt at the same time.

—John Rofe

STATE AID

Bill allocates \$1 million for a strapped Hoboken

HOBOKEN—An extra \$1 million will be filtered into the city under a bill approved yesterday by the Assembly.

The bill, sponsored jointly by two 33rd District Republican assemblymen, Ronald A. Dario of Union City and Jose O. Arango of West New York, will provide the city with the money as a supplement to the revenue lost over the years through bankrupt shipyards and other unusual circumstances.

"Since 1981, over \$2 million has been lost in property taxes because of the bankrupt Hoboken shipyards," said Dario. A more recent loss of \$650,000 in federal revenue sharing and \$400,000 in municipal purpose tax assistance funds also placed the city in a needy position.

"Other events also have contributed to the deterioration of Hoboken's financial status," said

Arango. "For instance, the state Department of Transportation owns 25 acres of land at the southern end of Hoboken's waterfront. In addition, there are three acres of tracks for NJ Transit rail operations within the city."

Yet in 1982 and 1983, Hoboken received no state aid to replace the revenue lost to DOT and N.J.T. The city sold more than \$900,000 of its assets to compensate for these losses.

"Given this strange set of circumstances, I think it is only appropriate for the Legislature to lend a helping hand," said Dario.

The bill was approved 43-18 in the Assembly and sent to the state Senate for consideration. Christopher J. Jackman, D-West New York, has introduced a similar measure there.

Hoboken seeks candidate for its Board of Education

Would you like to serve on the Hoboken Board of Education?

Until July 1, the board will accept applications to fill the spot vacated by member Zelma Lugo, who resigned last night.

Each applicant will have to forward a resume and a personal statement to the board's secretary, Anthony Curko, by 4 p.m. on July 1 to be considered to fill Lugo's spot until the next board elections in April, 1988. The statement should list the reasons the applicant feels he or she is qualified to serve.

The board has 65 days to appoint a replacement. Otherwise, Hudson County Superintendent of Schools Louis Accocella may appoint a member.

Lugo, appointed to the board by Mayor Steve Cappiello, sent in her resignation letter dated June 14. She gave no explanation for her decision to resign.

Members Lourdes Arroyo and Raul Morales recommended that the board choose a Hispanic woman to replace Lugo so as not to upset the racial or ethnic balance of the board.

"Since Ms. Lugo is Hispanic, it's important that the seat remain a Hispanic seat," Morales said.

Arroyo recommended two unsuccessful Hispanic candidates in last April's school board elections, Carlos Perez and Felix Rivera.

However, Eugene Drayton urged the board not to limit the choice to Hispanics, saying such limiting would polarize the membership.

Member Mario Mercado moved that the board accept applications from throughout the city and consider them in closed session. A decision is expected by the middle of July.

Caution of Duroy became optimism

Continued from Page 1

workers with car horns blasting brought the first results in to headquarters.

By 8:15 p.m. whatever doubt remained quickly vanished. The numbers showed that Duroy had defeated his opponent, Florence Amato, by more than 600 votes.

"The absentee votes won't help her (Amato) this time," Duroy told some 400 supporters who filled the street outside his headquarters.

Amato received 82 absentee ballots to Duroy's 38 absentee ballots in last month's election.

"Victory is with all of us this evening," shouted Duroy, 36, addressing the crowd in both English and Spanish. Duroy is the first Hispanic to be elected to the City Council.

"This is a win for every person in this community," he added as he was showered with champagne by his supporters.

Duroy said a "pure coalition created this victory."

As he drank from a plastic cup filled with champagne the crowd forced upon him during his victory speech, he proposed a toast:

"Here's to victory. It sure tastes good."

Two doors away, iron gates

barred the entrance to Amato's campaign headquarters. "I guess her people knew they couldn't do it," said Tony Moia, a Duroy campaign advisor, adding that the headquarters had been closed since late yesterday afternoon. Amato could not be reached for comment.

The Fourth Ward race was bitterly contested, but Duroy said the degree of alleged voter harassment "was certainly less than on May 12." He said Board of Election workers and the deputies assigned to the polling places were "a little more responsive" to problems that arose yesterday.

Duroy said he and a state trooper intervened to uphold the right of one ward resident to vote. "One of the workers challenged him so he got a court order from the county which the worker refused to acknowledge for some time."

The candidate attributed his victory to "getting out the vote." Duroy, principal of the Connors School, said many of his supporters had told him they failed to vote in May's contest but "they certainly came out tonight."

Duroy was joined at his celebration by Hudson County's first Hispanic mayor, Union City Mayor Robert Menendez.



Fourth Ward candidate Edwin Duroy, center, and friends anxiously await the final tally.

Hispanic wins in Hoboken

Dispatch June 19, 1987



EDWIN DUROY, center, celebrates his election to the Hoboken City Council with supporters last night outside his Jefferson Street campaign headquarters.

Cappiello, Wilson are both re-elected

By JANE WILSON
Staff Writer

HOBOKEN—Edwin Duroy was elected the city's first Hispanic councilman yesterday, beating opponent Florence Amato in a landslide runoff victory.

Duroy was one of three winners in City Council runoff campaigns, taking the 4th Ward after a fierce battle with Amato. Incumbent Steve Cappiello turned back a challenge from Frank "Pupi" Raia in the 3rd Ward, and council President E. Norman Wilson beat challenger Helen Manogue by one vote to keep his 5th ward seat.

It was a tense day of campaigning here, with charges ranging from racially motivated harassment at the 4th Ward public housing projects to people voting twice in the 3rd Ward. But by 8:30 p.m., it was all over, with a dramatic finish in each of the races.

Duroy racked up 1,246 votes to Amato's 666, not including absentee ballots. Cappiello defeated Raia 1,063-901, not including absentee ballots, and Wilson beat Helen Manogue by one vote including absentees, 732-731.

Wilson said his victory irrefutably proved the old saying

"every vote counts," while Manogue and backer Mayor Thomas F. Vezetti vowed to fight to have the election overturned. Vezetti was hurt by the elections, failing to gain either the 3rd Ward or 5th Ward seats for his camp, after campaigning hard in both.

But in the independent 4th Ward, there was joyous celebration in front of Duroy's headquarters on

Charges fly until the last minute — Story Page 21.

Jefferson Street, with hundreds of people spilling over the sidewalk and into adjoining side streets. When word came of the Connors School principal's victory and he appeared on the front steps, he was drenched in champagne as he addressed the crowd first in English, then in Spanish.

"For years the people of the 4th Ward have not had the leadership they needed," he said. "This is a victory Hispanic people have worked for 20 years."

P.J. Perez, a local auto mechanic, said Duroy's victory was important because it gave Hispanic people

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ELECTION

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a chance to "see more of what politics can do."

Perez compared politics to a volleyball game, and said Hispanic voters had been stuck on one side of the net for too long. "Duroy made it over the net, and he will give our children a chance to follow," said Perez.

Duroy's brother Frank also ran for council in 1972, but was defeated by Louis Francione. Duroy will replace Mary Francione on July 1, who with her husband served a total of 32 years, representing a ward that always has been the financially poorest here.

The 4th Ward also has become increasingly Hispanic in the last six years, as families were displaced from other wards and then moved to the southwestern edge of town. More than 70 percent of the registered voters in the ward are now Hispanic. Duroy said fighting for affordable housing would be his first priority on the council.

The headquarters of Amato, Duroy's opponent, was dark, and she could not be reached for comment.

In the 3rd Ward, long-time political kingpin Cappiello swigged a beer and smiled broadly when asked how he felt about his victory. "This was not an election about Steve Cappiello. This was a referendum against Mayor Tom Vezetti, who spent every day for the last three weeks down here campaigning against me," he said.

But opponent Raia, a local builder, said he felt good about the number of votes he had received "against a man who's been in power for the last 26 years."

Cappiello, who was mayor for 12 years until Vezetti defeated him in 1985, said he would not use the victory in his home ward to try again for citywide office. Cappiello said he would instead seek to work with "some of the bright young men" who have been rising in power. He would not offer any comment on Pat Pasculli, the councilman at-large who worked against him and who also is seeking a strong power base against Vezetti.

Pasculli fared better in the 5th Ward, where Wilson, who Pasculli backed openly in the final days of the campaign, edged out Manogue.

\$1M to ease Hoboken tax OK'd

By Joseph Albright

TRENTON — The Assembly passed legislation yesterday that would appropriate \$1 million in special state aid to Hoboken.

The measure by Assemblyman Ronald Dario, Union City Republican, was promptly denounced by minority Democrats as a "political raid on the treasury" and a "political handout."

It passed 43-18. Dario said he will seek Senate approval as soon as possible.

If the bill is signed into law the money is earmarked for tax relief this year.

Co-sponsored by Assemblyman Jose O. Arango, West New York Republican, it drew the support of only two Assembly Democrats, Joseph Charles Jr. of Jersey City and Joseph V. Doria Jr. of Bayonne.

Dario said the special aid was needed due to unique circumstances in Hoboken, citing a loss of more than \$2 million in property taxes from the bankrupt Hoboken Shipyards since 1984, \$650,000 in federal revenue-sharing and \$400,000 in state municipal purpose tax assistance.

Dario, a native of Hoboken, said that in the one-square-

Catrillo bill would bar condo evictions

TRENTON — Tenants would receive lifelong protection from eviction due to condominium or cooperative conversion under a bill before the state Assembly.

Assemblyman Charles J. Catrillo, Jersey City Republican, yesterday introduced a bill to protect residential tenants whose dwellings are being converted.

Under the bill, anyone who was a tenant prior to the landlord's announcement of intention to convert shall be entitled to remain as a tenant and neither the owner nor his successor can dispossess such a tenant.

Current law generally provides, Catrillo noted, that tenants in premises that are converted who do not purchase their dwelling units may be compelled to leave after three years. Senior citizens and the disabled who meet income requirements are currently allowed 40 years' protection.

mile city 59 percent of the land is not taxable and 25 percent of the housing is public or under tax abatement.

Republican Assemblyman Charles Catrillo of Jersey City defended the appropriation on the basis that Hoboken was entitled to \$1 million in lieu of property taxes on NJ Transit-owned property in 1982 and 1983. It was believed the money was for railroad payments, but

Dario decided not to bill it as such because some 20 municipalities statewide are due railroad payments.

The arguments didn't persuade Assembly Assistant Minority Leader John P. Doyle, D-Ocean, who decided it was a "political raid on the treasury," a "handout for a targeted city," and "Two legislators said send money," he said. "It looks good."

Doyle argued it was special legislation requiring 48 votes but was overruled. It needed 41 votes to pass.

In other statehouse action, an Assembly sub-committee yesterday approved a bill by Catrillo appropriating \$300,000 in state funds to establish an AIDS mobile health van program.

The funds would provide at least one van each in northern, central and southern New Jersey under the measure released by the Subcommittee on Government Operations of the Assembly Appropriations Committee. It now goes to the full appropriations panel.

The vans would be used as roving educational and counseling centers for intravenous drug users and others who have a high risk of contracting the syndrome.

Also yesterday, the Senate Revenue, Finance and Appropriations Committee released a bill by Sen. Christopher J. Jackson, West New York Democrat, appropriating \$100,000 to refurbish the Park Theatre Performing Arts Center in Union City.

It is identical to a measure by Assemblyman Frank Gargiulo, North Bergen Republican, adopted by the Assembly.

Hearing on Hoboken budget tonight

By Bill Campbell

Amid speculation of tax increases and municipal layoffs, Hoboken residents will have the opportunity to express their opinions of the city's proposed \$28 million 1987 budget during a public hearing tonight.

The hearing begins at 8 p.m. in the council chambers at City Hall.

The budget, the second

submitted by Mayor Thomas Vezetti, projects a \$3 decrease in the tax rate, but critics warn the figure is misleading since nearly \$5 million in anticipated revenue has not yet been received by the city.

At \$216 per \$1,000 of assessed valuation, Hoboken currently has the highest tax rate in the state. The council wrangled with the 1986 budget for nearly six months before adopting a plan that raised ta-

es by 35 percent.

Administration foes warn that the tax rate may skyrocket \$50 this year and result in layoffs if the City Council does not accept a controversial insurance settlement with the Port Authority of New York and New Jersey and if the Board of Education successfully appeals a \$3 million cut.

Vezetti, who presented the budget April 1, anticipated \$3 million from the \$9.4 million

P.A. settlement for tax relief. The administration also anticipated school cuts of \$2 million.

City Business Administrator Edwin Chiusi, who drafted the budget, said the settlement money and the school cuts were anticipated to offset the loss of state and federal aid.

The council rejected the P.A. settlement in its last session, and refused to consider the budget until the state threatened legal action.

Revised settlement with P.A. proposed

By Bill Campbell

Projections of a \$50 increase in the municipal tax rate and massive layoffs of city workers may be premature, two Hoboken councilmen members said yesterday.

Less than a week after the City Council rejected a \$9.4 million insurance settlement with the Port Authority of New York and New Jersey, Councilmen Pat Pasculli and David Roberts said they are prepared to introduce a revised agreement with "none of the strings" that snarled the original proposal.

"This proposal will eliminate the loopholes and tighten the ambiguous language of the first agreement," said Pasculli, who along with Roberts voted last week to reject the agreement.

"If the Port Authority doesn't support this, it will just show that they were out to exploit the loopholes in the original agreement," Roberts said.

P.A. spokesmen were not available to comment on the revised plan.

Included in the ill-fated settlement was a \$3 million payment to the city for immediate tax relief. Loss of the revenue, which is anticipated in the 1987 municipal budget, could result in a tax increase of \$25 per \$1,000 of assessed valuation.

Hoboken has the highest tax rate in the state at \$216 per \$1,000 of assessed valuation. City officials fear that an increase in county taxes and school taxes may add an addi-

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Revised settlement with P.A. proposed

Continued from Page 1

tional \$25 to the rate. According to the revised agreement, the P.A. will give the city a lump sum \$7.3 million payment from insurance funds collected after a fire destroyed the city-owned Pier B in 1980. The remaining \$2.1 million is to be held in a trust account until Dec. 31.

The original settlement, signed April 14 by Mayor Thomas Vezetti and Phillip LaRocca, the P.A.'s director of world trade and economic development, specified a breakdown of where Hoboken would spend the settlement funds.

An attempt at council ratification of the agreement was defeated by a 6-to-3 vote after dissenters claimed the document was ambiguous and left the city open to lawsuits with the bi-state agency.

City Attorney William Graves said the P.A.'s Board of Commissioners approved the settlement last month.

"What we're doing is taking away all the strings the P.A. had on where we could spend the money," Pasculli said. "This would allow us to use

more than \$3 million in the budget for tax relief."

Council opponents of the settlement feared that deviations or alterations to how the funds would be dispensed could be a breach by the city of the agreement.

"This is our money to begin with," Roberts said. "They should not be dictating how we will spend it."

Graves said the revised document will be completed by tomorrow, when it is expected to be discussed at a council caucus. He said he could not predict if it would be acceptable to the P.A.

Pasculli and Roberts, who predicted passage of the revised agreement, said the settlement is an important step in stabilizing taxes. They said the city is also negotiating with the state Division of Local Government Services for permission to designate the \$1.5 million tax settlement with the Hoboken Shipyards for 1987 tax relief. Without state permission, that money could not be spent until next year, said city Business Administrator Edwin Chiusi.

5th Ward recount ordered

HOBOKEN—There will be a recount of the 5th Ward election results Monday morning by the Hudson County Board of Elections in Jersey City. The recount was ordered in Superior Court yesterday afternoon.

The election, the closest in the city's history, gave City Council President E. Norman Wilson a one-vote margin over opponent Helen Manogue. The final result was 733-732.

Manogue's forces also have been gathering information about possible wrongdoing in the election. They are researching one absentee ballot cast for Wilson that a source said had been cast by a person who actually lived in Secaucus.

Peter Van Schiack, the attorney hired by the Manogue campaign, said, "We want to make sure there isn't a reasonable excuse," such as a marriage separation, that might explain why the person had voted here while appearing to live in Secaucus.

Sworn statements also are being taken by Manogue from witnesses who said one 5th Ward polling place, the Elks Club on Washington Street, had been opened 20 minutes late. The polls were supposed to be opened at 7 a.m., but several people have complained they were unable to vote because they had to leave for work.

"They were mostly yups who had slotted in a time to vote on their way in to the city, who could not wait," Van Schiack said.

Van Schiack said if the recount was favorable to Manogue, no challenge on the other issues would be brought. If it is not, they will have 10 days to file a challenge.

"We feel we have an honest chance," Van Schiack said when asked if he thought the attempts to overturn the narrow victory would be successful.

—Janet Wilson

Trial ordered on Hoboken sewage plant

By JOHN ROPE
Staff Writer

Hudson County's top judge yesterday ordered a full trial into a dispute over who should develop Hoboken's secondary sewage treatment plant.

In an often sarcastic 110-minute opinion, Assignment Judge Burrell Ives Humphreys of Superior Court in Jersey City rejected a plea by Mayo Lynch & Associates Inc. of Hoboken to nullify the city's \$2 million contract with Lawler Matusky and Skelly Engineers Inc., a Jersey City firm.

Mayo Lynch originally had been awarded the contract, but the plans the firm prepared did not meet federal standards. Yesterday, Humphreys also ordered a portion of the new contract which indemnifies Lawler Matusky for any claims

against it to be re-examined by the City Council. Because of the clause, the taxpayers of Hoboken could end up paying the large legal fees from the suit, unless the language is changed.

Humphreys also dismissed defamation suits between Mayo Lynch and several Hoboken officials. He said the published statements they traded "sounded like a Hudson County political argument."

In his ruling, Humphreys also asked Hoboken attorney Marc Arnold to remove himself from the case as an advocate for city residents. Arnold had represented Mayo Lynch when it went to court to keep the contract.

LMS was awarded the contract in November. Construction of the new sewage plant was ordered by the federal Environmental Protection

Agency and the state Department of Environmental Protection in 1985. Hoboken has run up \$410,000 worth of state fines because it still has not begun work on the plant. Of the total of \$250,000, the DEP insisted this week, must be paid in spite of the fact that the first plans prepared by Mayo Lynch had not been adequate.

After Mayor Thomas F. Vezetti refused to pay Mayo Lynch for the original work, Humphreys ruled in February that the contract was invalid anyway because it had been advertised improperly as worth \$42,500. Mayo Lynch's bill eventually exceeded \$1 million. The company is suing the city for \$1 million more in fees, and the city is countering for the return of \$875,000 it has already paid them.

Lawler Matusky and the city submitted preliminary applications this

week to the DEP for \$25 million in federal funding to build the sewage plant. The DEP has told the city, if the \$250,000 in fines is paid, the city is "virtually guaranteed" to receive the grants.

When the Mayo Lynch-Hoboken dispute goes to trial, the court will have to settle at least three issues that Humphreys refused to decide yesterday.

Mayo Lynch has charged that an innovative technology to convert sewage into energy pellets proposed by Lawler Matusky will not work. In his opinion, Humphreys noted that LMS had been urged by federal authorities to proceed with the technology.

Mayo Lynch also charged conflict of interest because, it said, LMS had close business relations with the

Monmouth County company that manufactures the technology for LMS pellets.

Humphreys said also he especially is concerned that the LMS contract was not advertised properly. He said the legal notice in local papers did not include the indemnity agreement and stated the contract was for one year when it is open-ended, meaning costs could escalate by an unknown amount.

The indemnity clause that Humphreys threw out was entered into by the city despite its knowledge that Mayo Lynch would sue LMS to get its contract back, said Humphreys. The judge said he suspects the Jersey City firm may have insisted on the clause for that reason.

Humphreys ruled LMS will be

indemnified at a rate of what is reasonably charged a public body" until the Hoboken City Council can review the agreement.

Mayo Lynch's suit against Council Members Joseph DellaFave and Helen A. Cunningham; Peter Alicandri, former Hoboken director of public works; and political activist Steve Block was dismissed. Humphreys said comments they made that Mayo Lynch's contract was "bogus," published in local newspapers, were strictly opinion.

A Mayo Lynch countersuit claiming that the four had interfered with its contract negotiations also was thrown out. Humphreys said that because the Mayo Lynch contract was ruled invalid, their actions could not be considered interference.

Charges fly 'til the last minute

By JANET WILSON
Staff Writer

HOBOKEN—Candidates in yesterday's hotly contested City Council runoff elections traded charges of illegal campaign practices throughout the day, and several court actions and investigations may result. The alleged improprieties include:

□An anonymous mailing to hundreds of Hispanic residents of the public housing projects in the 4th Ward warning them of possible investigations into their home addresses by the Housing Authority if they are not named on leases.

□Double voting by workers for Councilman Steve Cappiello in the 3rd Ward, with a co-campaign manager accused of voting twice, once in her married name at the polling place and again under her maiden name on an absentee ballot.

□Countercharges by Cappiello's campaign that some absentee voters for his opponent, Frank "Pupi" Raia, were cast by people from out of town.

□Charges by supporters of Edwin Duroy, the 4th Ward's Hispanic candidate, that his opponent, Florence Amato, mailed out a racist letter last week.

Both Duroy and Amato denied having sent out a mailing to residents of the public housing projects on Saturday, which most of them received yesterday. The small white envelopes containing the letter bore no return address, and were addressed by hand and individually stamped, rather than being processed as a bulk mailing with a registered number. According to the Hudson County Board of Elections, such a mailing is illegal because no address was given. The letter bore a one-line signature, which said "Paid for By Citizens Concerned for a Clean Election."

Martin A. Corrado, director of management for the Housing Au-

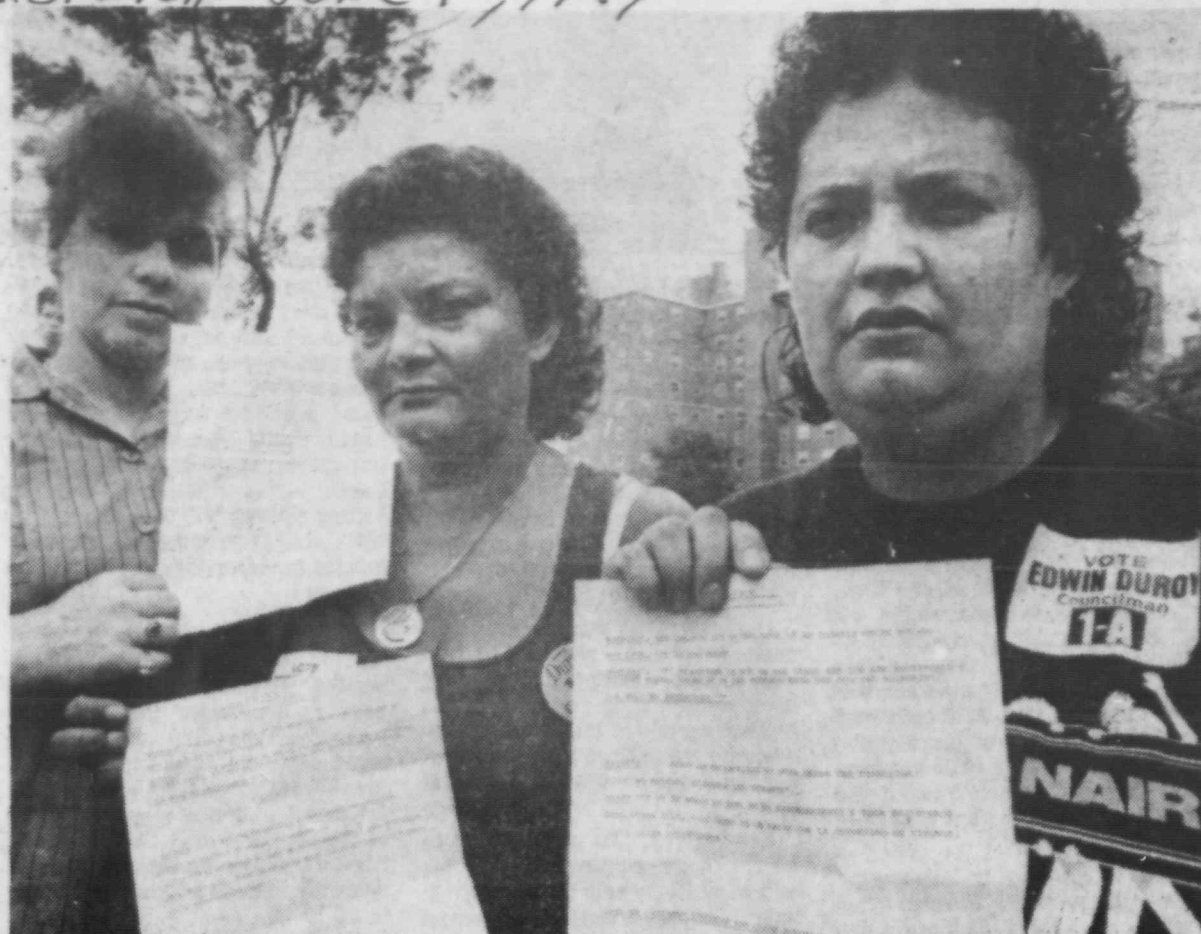


Photo by John Decker

THREE HOUSING AUTHORITY tenants in Hoboken hold up letters which, some observers contend, were designed to cut down the total project vote in the 4th Ward. They are, from left, Andrea Iglesia, Maria Fergosa and Midaglia Cansel.

thority, said the letter had not been mailed or endorsed by anyone from the authority. But, he said, addresses provided from county voting lists might be investigated by his office after the election. People found to be living illegally in an apartment either would have their names added to the lease with the rent of the apartment raised, or would be evicted in accordance with federal guidelines.

Eric Neisser, legal director for

the New Jersey Chapter of the American Civil Liberties Union, said it would not be unlawful to investigate a voter's residency, but added that the letter, because it had no backing from the authority or any other official office, was an "informal threat" and "an attempt by the people who wrote it to scare and deter people from voting." Duroy said he had notified both the state Attorney General's Office and a legal defense fund in New York

of the letter.

Dozens of residents were angered and bewildered by the simple Xerox message inside the envelopes, which bore a "warning" in both English and Spanish: "You can go to jail if you vote at an address where you do not live," said one sentence. "If your name is not on the lease and you are registered to vote there, you may be in big trouble with the housing authority. ALL WILL BE INVESTIGATED."

The letters were mailed mostly to children, grandchildren, sisters, brothers and spouses of people whose names appear on authority leases. Many admitted that they live doubled up in the federally subsidized projects, saying they can neither afford nor find another place to live here. Several said the mailing had not deterred them from voting, but others said it had.

"I won't vote because I don't want my parents to get kicked out of their home," said one 23-year-old man. "I spoke to my father last night and he asked me not to vote. I can't go against his judgment."

The man said he had voted in the past from his parents' home, where he had lived from the age of 4, but only in presidential elections.

"Not even in a local election. I walked in once to vote, and they told me they would get me because my name was not on the lease. I am frustrated, but today I have to remain neutral. I cannot voice my opinion."

In a separate action, more than 40 absentee ballots brought in by 3rd Ward candidates Cappiello and Raia were impounded by the county superintendent of elections, Harvey L. Birne, at midday yesterday. The ballots will be opened and examined only if they would make a difference in the election outcome.

Several workers for Raia said Antoinette Calabrese, a co-campaign manager for Cappiello, had voted under her married name and under her maiden name of Rosselli, from the same address. She could not be reached for comment.

In another matter, Amato denied that a "personal appeal letter" she sent out to 4th Ward voters last week was racist, as several Duroy workers have charged. The sentence they said they found objectionable was the final one before her signature, which said simply, "my opponent is a Spanish man."

SUPPLY SHRINKING

400 more apts. now off market

By JANET WILSON
Staff Writer

HOBOKEN—Nearly 400 more apartments have been removed from the already shrunken rental market here since December, with dozens of building owners filing notices in record numbers to convert units to condominiums. By filing, landlords can skip lightly past the new anti-warehousing law designed to prevent the emptying of buildings.

But members of the Campaign for Housing Justice will meet with Mayor Thomas F. Vezetti and the City Council tomorrow to urge passage of a strong law controlling — and perhaps halting — the conversions. It will be the second such meeting in the last two weeks.

Tough condominium control laws have been enacted in Jersey City, North Bergen, West New York and Weehawken, and a similar law has been introduced recently in Union City.

Why has this city, the condo capital of Hudson County, the place where eager young New Yorkers bought up properties before Newport was even on the drawing boards, not passed a similar law?

The reasons given by the housing activists, city officials and developers vary, ranging from poor political timing to strong market forces to a two-year deadlock between the mayor and the council that has made passing any legislation extremely difficult.

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While tenant activists in other Hudson County municipalities were pushing their condominium control laws during the fall and winter, members of the Campaign for Housing Justice were lobbying for a state law that still has not passed both houses of the Legislature. Meanwhile, city officials were fighting a court appeal of the anti-warehousing law designed to make hoarding empty apartments illegal.

Faced with mounting legal costs, they were loath to pass another law that would get them entangled in more lawsuits.

Ira Karasick, author of the model version of the condo control bill that has been passed in the other municipalities, admits he warned Councilwoman Helen A. Cunniff in November that it might not be defensible. But he said he now firmly believes it is constitutional, and, with a minimum of changes, the ordinance could be adapted for use here.

Meanwhile, the anti-warehousing law was upheld in federal court in December, but with a major loophole in place that allowed landlords who intend to convert their housing stock to condominiums to be declared exempt from re-renting empty units.

"We knew it was a risk," said Sheila Scully, a Campaign for Housing Justice member. "But it was a risk we had to take if we wanted the bill to pass City Council. But it's been a disaster."

Condominium conversions are a way of life here in the 1980s. According to a study performed by Allan Mallach and Martha Lamar, there were 750 conversions in 1986, nearly double the number of the year before, and a staggering increase over the 41 that existed in 1980. The

anti-warehousing law has done nothing to stop the flow, and 1987 may beat all records. In the first five months of this year, there were nearly 400 units filed for conversion under the Protected Tenancy Act.

Campaign for Housing Justice members are angered by the seeming power of developers in this city. But they also acknowledge that their forces are not as strong as other tenant groups.

"Almost a quarter of Hoboken's housing stock is already subsidized," Scully said. "And those tenants are not concerned. They have a false sense of security." Scully said the sense of security is misplaced because the leases on many of the subsidized units, such as those owned by Applied Housing, will begin to run out in six years.

Another reason given by Scully for the lack of political savvy among local activists is that many are members of the clergy who cannot and will not campaign or get involved in politics.

Nevertheless, it is the politicians the activists are pinning their hopes on for now. Bolstered by the results of the recent council elections, the Campaign for Housing Justice is hoping it has the votes to shut off at least temporarily the six-and-a-half-year loss of rental units with a condo control measure.

Vezetti, who says he "ran for mayor because I was scared I wouldn't be able to stay in my hometown," has pledged all his support. Campaign members are also counting on re-elected council members Joseph DellaFave, Cunniff and Thomas Newman.

Several of the non-religious CHJ members also worked for newly elected 4th Ward Councilman Edwin Duroy, and they said he promised his support for a condominium con-

Mayo Lynch loses suit over contract

By Bill Campbell

Hudson County's top judge yesterday upheld the validity of the controversial \$2 million sewerage plant design contract Hoboken awarded to engineers Lawler, Matusky and Skelly of Pearl River, N.Y.

Superior Court Assignment Judge Burrell Ives Humphreys, in a pre-trial ruling, denied a claim by the city's former design engineer, Mayo Lynch & Associates of Hoboken, that the contract was invalid. In other rulings, Humphreys dismissed defamation suits Mayo Lynch had lodged against Hoboken City Council members Joseph Della Fave and Helen Cunniff and community activist Steve Block.

The defamation suits, Humphreys ruled, were "frivolous."

Judge dismisses defamation suits

The comments in question, he said, were "expressions of opinion and immune from liability."

Della Fave and Cunniff, in a letter published in The Jersey Journal, had called the Mayo Lynch contract "bogus." Block, in a letter to a local weekly paper, called the contract "fraudulent."

Humphreys, citing mounting court costs, ruled that the

LMS contract failed to specify indemnification provisions, which means the contract doesn't meet public contract laws. He advised the City Council to adopt a resolution appropriating funds to pay LMS's legal fees in case of further challenges to the contract.

Litigation over the contract to design the federally and state-mandated Hoboken sewerage project began last summer after Mayor Thomas Vezetti withheld a \$296,000 payment to Mayo Lynch after the city was bypassed for more than \$20 million in project grants.

Humphreys, citing the Local Open Public Contracts law, subsequently found the Mayo Lynch contract invalid for lack of proper public notice. Published notices of the contract specified payments of \$42,000, but the actual scope of the design work was \$2 million.

Professional services contracts are awarded without bidding, but the city must advertise the amount and the length of the agreement before the public hearing. Mayo Lynch was denied appeals to the ruling and later

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Mayo Lynch loses suit

Continued from Page 1

sued LMS after they were awarded the one-year contract.

Despite his tough stance on the Mayo Lynch contract, Humphreys ruled the LMS contract valid even though the indemnification clause has yet to be included.

Humphreys said the one-year, \$2 million LMS contract will exceed those terms because of the legal battles.

A move to appropriate additional funds to pay attorneys

will likely face stiff council opposition. Several council members, pointing to the escalating legal fees, have indicated that they will oppose the resolution.

As of April, LMS attorney Jack Cannery has submitted bills of more than \$50,000, Humphreys noted. He said Hoboken and LMS should have anticipated a challenge to the contract, adding "a Las Vegas oddsman would have given good odds that LMS would have been brought into the matter."

Duroy charges voter intimidation

By Bill Campbell

Residents of Hoboken's public housing projects may have been "intimidated" during last week's City Council runoff, a Hispanic voters' organization and a councilman-elect charged yesterday.

The New Jersey-based National Puerto Rican and Hispanic Voters Participation Project and Fourth Ward Councilman-elect Edwin Duroy charged that the election was "marred" by an attempt to restrict voters in the

predominantly Hispanic housing projects and asked the Hudson County superintendent of elections to investigate.

The projects are in the Fourth Ward.

Duroy, principal of Connors elementary school, defeated his opponent, civic activist Flo Amato, by a nearly 2-1 margin last week. Duroy received 1,317 votes to Amato's 788 votes.

Mass mailing

The complaint stems from a mysterious mass mailing warning Hispanics that the Housing Authority would investigate all registered voters who reside in the federally subsidized buildings.

The letters, mailed to hundreds of Hispanic residents less than a week before the June 9 election, warned, "If

your name is not on the lease and you are registered to vote (from the projects), you may be in big trouble with the Housing Authority."

The letters, in English and Spanish, were signed by an unknown group called Citizens Concerned for Clean Elections. The mailing was apparently aimed at young residents and senior citizens, many of whom

are forced to "double up" with relatives because of the shortage of affordable housing.

Juan Cartegena, an attorney for the Puerto Rican Defense Fund, which has represented clients in Jersey City elections, said public housing residents are permitted to vote even if their names do not appear on a lease.

"Just because a name does not appear on a lease does not

mean an individual is improperly registered," he said.

County, state informed

Cartegena said he has met twice with county Elections Superintendent Harvey Birne and the state Attorney General's Office and is "optimistic" that the charges will be fully investigated.

The Puerto Rican Defense Fund, which is assisting the NPRHVPP and Duroy, has presented Birne with copies of the letter and 15 hand-written en-

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Duroy asks probe

Continued from Page 1

velopes, he said.

"In effect, residents of the public housing projects were intimidated from exercising their right to vote," Cartegena said. "I don't know exactly what steps the superintendent will take, but I suspect the matter will be referred to the Hudson County Prosecutor's Office for an investigation."

The county Board of Elections last week said the mailing violates laws that require political literature to bear a return address. The typed letters were sent in white envelopes with the addresses written by hand.

"This is yet another attempt to intimidate Hispanic voters and may also represent a criminal violation of the

law," according to a statement read by Elizabeth Rodriguez of the NPRHVPP.

"The NPRHVPP and Edwin Duroy request that Hudson County Superintendent of Elections Harvey Birne investigate and recommend prosecution so these types of gross violations do not occur again."

Neither Birne nor Dominic Gallo, executive director of the Housing Authority, was available late yesterday for comment.

Amato said she has no knowledge of the investigation and has yet to see a copy of the letter. She is scheduled to meet with Birne today.

"I don't know what the meeting is about," she said, "but it may have something to do with the letters."

Hoboken's drivers facing the 'boot'

By Bill Campbell

Commuters beware! The first phase of Hoboken's much ballyhooed residential permit parking program is to begin in several weeks.

According to municipal Parking Authority Director Patrick Caulfield, the city will begin educating residents and commuters on the law later this month. Warning signs, tickets, stickers, placards and other paraphernalia have already

been ordered, he said. Officials have estimated that the city could begin enforcing the controversial law by Aug. 1.

The law, intended as a solution to a problem that has reached "crisis proportions," establishes permit parking throughout the city and creates a series of steep fines for violators.

The legislation is designed to prevent the city from becoming a commuter parking lot for suburbanites who utilize the

PATH system and bus lines. For years, Hoboken residents have complained that commuters unfairly take parking spaces intended for residents.

The City Council, during a raucous session in January, unanimously adopted the legislation. About 100 residents jammed the council chambers and applauded loudly after the vote.

However, critics of the plan charged the legislation was pre-election grandstanding and predicted it would never

be enacted. And, as months passed, some residents forgot the law was on the books.

"This is a very big task which requires an awful lot of work," Caulfield said explaining the delay in enforcement. "However, in a couple of weeks we will begin promoting the program."

Caulfield, whose agency is responsible for administering the program, said Parking Authority employees will soon begin posting signs and issuing

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Hoboken's drivers facing the 'boot'

Continued from Page 1

warning notices under the windshield wipers of cars. He said enforcement should begin in August along non-metered areas on River, Washington, Hudson and Bloomfield streets near the Eric Lackawanna Terminal.

"This is obviously aimed at the commuters," said First Ward Councilman Thomas Newman, whose ward encompassed the initial target area. "Just drive around on weekends or holidays and it's easy to get a parking spot. We want to make it just as easy for our residents during the day."

"We are going to start to see a lot of action in this very soon," said City Council President E. Norman Wilson, the sponsor of the permit parking ordinance. "I think we will see some big changes after the first thrust."

The city-wide plan, the first of its kind in Hudson County, states that vehicles without resident permit stickers will be subject to a \$25 fine and booting. A boot is a doughnut-shaped device which locks the wheel of the car and immobilizes the vehicle. Hoboken auto owners are required to pay the Parking Authority \$5 a year for their

sticker. Residents who misuse their stickers will be subject to the loss of a parking permit for a year and a \$100 fine.

Caulfield said permits fees and fines will be used to support the cost of the program. Start-up funds will come from Parking Authority reserve capital.

Caulfield said the agency must still hire "two or three" enforcement officers and purchase 12 boots at a cost of about \$300 each.

The program will be gradually expanded from downtown to other sections of the city later this year.

School closing rumor packs board meeting

By Jim Kopchans

Members of the Hoboken Board of Education got a lesson last night in the power of a rumor within a community.

Over 100 parents packed the board meeting room because of a rumor that the board would vote to shut one of the city's seven public schools to close a \$3 million budget cut.

However, the rumor wasn't true, but the crowd's impact affected the board members.

"We should spread a rumor like this every month if it gets so many people in here ready to participate," board vice-president Mario Mercado said.

"Right now, I'd say there are almost as many people here tonight as voted for our school budget," board president Richard England said. Actually, 443 people voted for the budget in the April elections and the \$30 million budget was defeated by a 3-to-1 margin.

"All we ask is that if the board considers closing a

Too soon to tell, parents are told

school that all the parents have some form of say in the decision," Thomas Schulze, whose daughter attends Rue School, said.

Other parents complained that they never know when the board meets and what it will be deciding. "It seems like the only way we do find out about it is through rumors," one parent said.

England explained that the board will consider closing at least one school unless the members can make up \$3 million in budget cuts made by the city council last month.

"If more people had voted for the budget we would not have to consider any closings," England said.

The board had considered closing a school last year and had appointed a committee to recommend if any school should be closed. The board first voted to close Demarest School, then rescinded this when parents objected.

At present, the board has appealed the budget cuts to the state Department of Education. Under state law, Education Commissioner Saul Cooperman can overrule a council's mandated cuts if he finds that the schools cannot meet state standards with those cuts.

England said the board had not yet agreed how it would decide if any schools should be closed.

Meanwhile, England promised parents of children enrolled in day care programs that the board would not close any of the centers operating within school buildings.

Several parents of children enrolled at the Los Nuestritos Ninos Day Care Center in the Rue School said they feared that the board would close the center after its lease ran out on June 30.

Hispanic board member resigns
See Page 17

However, England said that the center would remain open on a month-to-month basis over the summer until it is clearer whether the board will close any schools.

RENT BOARD MEMBER

Ouster looms after assault

By JANET WILSON
Staff Writer

HOBOKEN—A controversial Rent Leveling Board member will be dismissed today or tomorrow after allegedly attacking a fellow board member on the third floor of City Hall last week, officials said.

The alleged attack occurred Wednesday at 6:30 p.m., an hour before a scheduled meeting of the board.

George Sommers was waiting for Alfred Avitible at the elevator door, according to police reports. He screamed at Avitible as he came off the elevator, kicked him hard in the groin, then slugged him in the head as he was falling to the ground.

Sommers then fled, according to

police, leaving Avitible writhing and alone on the upper floor. Avitible, a volunteer fireman who suffered serious injuries fighting a blaze in 1984, staggered to his feet, went to a bathroom, saw blood covering his face, and managed to drive himself to a doctor.

He drove to St. Mary Hospital here where he required six stitches to close a cut over his left eye. Avitible, who has been operated on 11 times since the 1984 fire, may require further surgery because of the alleged attack. He testified to police the same night as the alleged attack. "I have awful pain," he said.

Sommers has been charged with aggravated assault against Avitible. Sommers filed a countercharge of

simple assault the same night, claiming Avitible hit him six times in the head and banged his head against a wall. He checked himself into St. Mary, but refused to be X-rayed and signed himself out.

Detectives investigating the case concluded that Avitible was the victim. Several witnesses testified they had seen Sommers at a City Council meeting two hours after the incident, and that he appeared completely "normal," and in no way injured.

Sommers also stopped by the office of Sister Norberta Hunnewinkel, a nun who heads the Rent Leveling Board, 15 minutes after the alleged attack.

See BRAWL, Page 14

BRAWL

Continued from Page 1
"He walked across the room rubbing his hands together and flexing

his hands," she testified to police. She also said he had a drop of blood on his shirt. After the visit to her office, Sommers returned to City Hall for the meeting. Another board member said he appeared "quite cheerful" while waiting for the meeting to begin. The meeting was cancelled for lack of a quorum, and he went downstairs to the City Council meeting.

Sommers, 32, has been under fire for months because of his performance on the volunteer board, which decides rent disputes between landlords and tenants.

Sommers, a third-year law student in New York who lives at 155 Eighth St. here, was described by Law Director William Graves as a "disruptive, abusive man who harasses witnesses before the board with long, incomprehensible questions."

He was fired by Mayor Thomas F. Vezzeiti once before earlier this year, but the City Council overturned the mayor's action.

His fellow board members wrote a letter to the council last month at the conclusion of a particularly long case, complaining that he unduly had prolonged unduly the case by weeks with incessant questions, then did not even show up for the final vote on the case. Before last week, he had not shown up at a board meeting since.

One of the board members, Thomas Vernaglia, allegedly wrote another letter to the council recounting his signature on the complaint letter. Avitible said yesterday that he had been told that Sommers, not Vernaglia, wrote the letter, and he went to City Hall to meet Sommers and ask him about it.

BOARD

Continued from Page 1

The school board is appealing the council's order to cut \$3 million to the state, and is hoping it will override the council and restore the budget to its full \$12 million.

Board attorney Robert Murray advised the members before the public meeting that firing the teachers might send the wrong message to the state, that the problem had been solved and the money did not need to be restored.

The terminations would have covered tenured as well as non-tenured teachers, some with up to 10 years in the system, including every subject from math to social studies to special education, Farina said.

The teachers still could be let go if the state does not restore the budget. By keeping them on the payroll for now, the school district may end up with extra payroll expenses later, because even if the teachers are not fired, they will have to be paid from April through June. The board would have had to notify the teachers in April to save the money. The board did notify 20 non-tenured teachers in April that they might not be brought back, as well as 26 other school staff.

Voters overwhelmingly rejected the school budget in April — which could raise taxes.

Most of the parents at the meeting last night were more concerned about the possibility of schools being shut.

"Are these rumors true? When are you going to make up your minds, when are we going to find out?" asked one woman in the front row.

"I realize as a parent it is a critical issue for you to know whether or not a school is going to be closed," Trustee Mario Mercado said. "Night after night, month after month, not to know, it's a heart-rending thing. But we cannot do more than what we have the money to do."

Several parents were worried a school or schools would be closed without their input.

"I'd like to request that parents be allowed to have an active role in deciding which school will be closed, and how it will be closed," said a man standing along the left wall.

"We will take that into consideration," President Richard England said.

At the end of the meeting, England read Lugo's letter of resignation, submitted to Mayor Thomas F. Vezzeiti and the school board yesterday, effective as of Monday. Lugo has moved out of town, and so cannot fill out her unexpired term, due to run until April, when an election will be held.

There was heavy discussion on how an interim replacement should be picked. Several audience members requested that the person-picked be Hispanic, as Lugo was; others shouted down the idea, one saying to set an ethnic requirement is "an insult."

Several people said they were worried by a rumor they had heard that Perry Belfiore, a developer who dropped out of last April's election and supported triumphant candidates Richard England, Geraldine Pantoliano and Mario Mercado, had been promised Lugo's seat in return.

Mercado angrily denied that any deal had been made.

"I'd like to know who started this rumor," he said. "They're liars."

HOBOKEN FIRINGS

Ed board adopts patient attitude

By JANET WILSON
Staff Writer

HOBOKEN—Faced with a room full of questioning parents, and acting on advice from its attorney, the Board of Education last night shelved plans to close down two schools and fire 80 teachers.

Trustee James Farina had said earlier in the day the drastic measures were necessary, although not wanted, because of an order from the City Council to reduce the school budget by \$3 million.

Zelma Lugo, a longtime member of the board, also resigned yesterday by letter, and the board decided last night to advertise for applications to replace her.

Farina and other board members said last night they had decided to withdraw an agenda item to fire the teachers, and hold off on the school closings to send a strong message to the state Department of Education that the teachers and facilities were urgently needed.

See BOARD, Page 14

\$7.3M proposal to P.A. OK'd

By Jim Kopchans

The Hoboken City Council has made a new proposal to settle insurance payments with the Port Authority over a 1980 waterfront pier fire.

The council voted to approve a settlement proposal that would have the Port Authority pay the city \$7.3 million within the next 30 days and place the remainder of the amount in an escrow account subject to an agreement on developing the city's waterfront. Meanwhile, over 150 resi-

dents packed the council chambers for the public hearing last night on the \$28 million municipal budget.

City officials consider the P.A. settlement is important in countering state and federal cuts in the municipal budget. As proposed, the Port Authority would advance \$7.3 million in insurance money to the city within 30 days. The full amount is estimated by city officials to be the amount owed to the municipality out of the insurance payments for the fire.

The remainder of the contested amount would be placed in an escrow account pending the outcome of negotiations between the city and the authority over development of the Port Authority piers.

If no agreement can be reached by Dec. 31, the escrow amount would be divided in half and both sides would then negotiate a termination to the lease that the authority has held on the piers since 1952.

Councilman Pat Pasculli introduced the settlement proposal. See COUNCIL — Page 14.

Council OKs \$7.3M proposal to P.A.

Continued from Page 1

proposal last night as an active step in resolving the insurance negotiations. He explained that the proposal is similar to one proposal that was recently rejected by the council because of disputed language.

If the council did not approve the proposal last night, the members would then have to remove \$3 million in anticipated revenues in the proposed budget.

Councilwoman Helen Cunningham said she doubted that the agreement would ever be accepted by the Port Authority.

"This is really only a proposal. What happens if the Port

Authority says no. What are our options then?"

After discussion in closed session, the council approved the proposal.

The public hearing on the budget took up most of the meeting as 10 speakers addressed the council.

Most of the speakers denounced the budget as far too high and based on unrealistic anticipated revenues.

"What we have here is (Mayor Thomas) Vezzeiti's Yellow Brick Road. It is Never-Never Land, the Land of Make Believe," one speaker, Dr. Robert P. King, said.

"Gentlemen and ladies, we can no longer afford the luxury of patronage. For too long in this building (City Hall) there have been two kinds of people — 'in-laws' and 'out-laws'."

Other speakers attacked the city employees and pay raises being sought in the next round of contracts this year.

"I accuse the unions not negotiating their contracts until September and then seeking an unconscionable 25 percent in-

crease over the next two years," Kenneth Lenz said, amidst his list of complaints about the budget.

Another speaker, Michael Fodey, said, "These workers are like the Mexican Army — there's more generals than privates."

"My wife and I are sick and tired of working two jobs to support a bunch of in-laws and political hacks."

Joseph Scordato, president of the Hoboken Mayor's Budget Advisory Committee, also attacked the municipal employees for being unrealistic about the amount of money available for municipal workers.

"We have to face the unfortunate fact that layoffs must be made in order to cut expenses," he said.

In defense, both James Fisher, president of the city's municipal employees union, and Jude Fitzgibbons, the union's former president, said the workers have been unfairly seen as the scapegoat for the city's budget woes.

"Year after year we hear

that there is no money to pay us more so we have helped," Fitzgibbons said. "In 1984 you asked us to take no raises and we didn't get a raise. In 1985, you said you could only pay us a bonus, so we took a bonus."

"What do you want? Our blood, too?"

The budget, submitted by Vezzeiti, projects a \$3 decrease in the tax rate, but critics warn the figure is misleading since nearly \$3 million in anticipated revenue has not yet been received by the city.

At \$216 per \$1,000 of assessed valuation, Hoboken currently has the highest tax rate in the state.

Administration foes warn that the tax rate may skyrocket \$50 this year and result in layoffs if the council did not accept the controversial insurance settlement with the Port Authority and if the city's school board successfully appeals a \$3 million budget cut.

Vezzeiti presented the budget on April 1, anticipating \$3 million from the \$9.4 million P.A. settlement for tax relief. The administration also anticipated school cuts of \$3 million.

'LEWDNESS'

'Censure' leaves Capiello red-faced

By JANET WILSON
Staff Writer

HOBOKEN—In an otherwise tense, heavy evening of speechmaking in City Council chambers Wednesday night, there was one light interlude.

William Graves, Mayor Thomas F. Vezzeiti's law director whom the council loves to call up to the microphone so they can bat him around a bit, got in a few hits of his own.

Graves had been asked at the previous meeting by Councilman Steve Capiello, the former mayor, to prepare a censure of Vezzeiti for "lewd and obscene remarks" during the council runoff election.

Graves complied by drawing up a proclamation that sounded like a rewrite of the "Wizard of Oz," with

a moral that seemed to be, "Let he who is blameless cast the first stone."

"Whereas," it read in part, "all prior occupants of the office of Mayor of the City of Hoboken have, since the beginning of time ... been paragons of virtue, honor, and punctilious chivalry; and

"Whereas, such action as the Council of the City of Hoboken now takes, may not be taken except upon examination of all evidence, with the most scrupulous regard for due process and the right of fair play,

"Now therefore ... The Honorable Thomas F. Vezzeiti, Mayor of the City of Hoboken be and hereby is censured and declared anathema for his lewd, obscene and tasteless behavior during the Council runoff election."

No vote was taken on the resolution, and Capiello demanded a rewrite.

Vezzeiti fires Sommers from Rent Board

By Bill Campbell

Rent Leveling Board member George Sommers, who allegedly assaulted a colleague, during a heated confrontation last week, was fired from the board yesterday by Mayor Thomas Vezzeiti.

Sommers, who was unavailable for comment, has until Wednesday to appeal the dis-

missal. The Rent Leveling Board decides tenant-landlord disputes that involve the city rent control ordinance.

Sommers was charged with aggravated assault last Wednesday after he allegedly attacked board member Al Avitible on the third floor of City Hall.

According to police, Avitible required six stitches to

close a cut over his left eye.

Avitible, who was covered with blood after the incident, was treated at St. Mary Hospital and released. Sommers, a 32-year-old law student, filed a countercharge alleging he was punched six times and slammed into a wall by Avitible.

The brawl, which occurred about an hour before the board

was to meet, allegedly stemmed from a letter written by board members complaining of Sommers' conduct on the seven-member body.

According to Vezzeiti's letter of dismissal, Sommers' "conduct as a member of the board is disruptive and detrimental ... he interrupts board members and counsel ... is argumentative and disrespect-

ful to other members and engages in lengthy and seemingly pointless discussions."

The statement also cites "assaultive conduct" and "gross dereliction of duty" as reasons for dismissal.

Vezzeiti, who appointed Sommers to the non-salaried post in 1985, said he was "relieved" that Sommers would finally be off the board. "I made

a mistake by appointing him in the first place," Vezzeiti said.

Yesterday's action marks the second time Vezzeiti has attempted to fire Sommers. In January, several members of the board threatened to resign if the mayor did not remove Sommers.

Vezzeiti's dismissal then was overturned by the City Council.

CHALLENGES APTS.

Newman wars on two fronts

By JANET WILSON
Staff Writer

HOBOKEN—City Councilman Thomas Newman is blowing his trumpet at the walls of the Buildings Department again, and this time he is challenging the Board of Adjustment, too.

Newman says construction at 205-207 Park Ave., a four-story apartment building, is setting a precedent that could rob all of the city's backyards of sunshine and air, and also is illegal. A shack in the backyard is being converted into two luxury apartments, according to Newman, a change of use that will block out the neighbors' light, and could lead to similar construction all over the city.

Newman wrote to Buildings Department head Alfred Arezzo two weeks ago asking that permits be revoked and work be stopped. Arezzo has refused, saying he has not been advised by the zoning board to do so.

Newman and other neighbors living near the building protested loudly two years ago when plans were unveiled for renovations. Their protests went unheeded, and developers Robert Lee and Sheldon Cohen won the variances they needed from the zoning board to proceed with their rehabilitation in December 1985. Work was begun in March, but Newman contended yesterday that the work still is illegal on several grounds.

He said that because the developers had not begun work at the site within a year of the zoning board approvals, they had forfeited those variances. Local statutes say variances must be used within a year.

Newman also said Arezzo performed his duties improperly by not telling the developers they needed another variance to transform the shack out back.

Finally, Newman charged that attempts by him, his neighbors, and their attorney, Philip S. Elberg of Newark, to appeal the board's approvals were ignored. Yesterday afternoon, he presented letters and other documentation of the history of the project.

The necessary variances for the

project were granted by the zoning board Dec. 12, 1985.

"They stuffed it down our throats," Newman said. The councilman and Elberg also both mailed in \$50 checks requesting transcripts of the meeting at which the variances were granted. The checks were never cashed or returned, and the transcripts were never received, he said.

Whenever any action is taken by the board, it must be memorialized and advertised, and protesters then are given 10 days to file an appeal. Advertising usually consists of a tiny ad in the local newspapers. But residents who know ahead of time that they want to appeal a decision can request to be notified separately so "you don't have to worry about reading the tiny print every day, or having your newspaper stolen," Newman said.

Elberg, as the attorney for the protesters, requested such notification. According to Newman, he never received it.

On Feb. 12, without the knowledge of the objectors, the approvals were memorialized by the zoning board at the end of a meeting. The item was not on the agenda, according to Newman, and no reaffirming vote was taken.

"They just slipped it right by us," he said.

More than a year later, on March 13 of this year, Arezzo issued permits for construction. Newman, who also works nearby, said he noticed major demolition and infrastructure work taking place in May. On June 3, he wrote to Arezzo requesting that the work be stopped. On June 11, Arezzo wrote back, refusing to do so.

Newman, who had Arezzo's decisions on another project overturned last month, said he is not bringing up this new battle merely because the building itself is "atrocious."

"It's too large, but the real problem is the precedent it sets," Newman said.

The official said all of the city's backyards are governed by very strict zoning laws that keep them open for communal use by neighbors, as shared parks for the block's residents.

P.A. rejects pact settling insurance

By Bill Campbell

A spokesman for the Port Authority of New York and New Jersey yesterday criticized Hoboken's revision of an insurance settlement as "unacceptable and unworkable."

John Donovan, manager of government and community relations for the mammoth bi-state agency, said the City Council's proposed settlement of the \$9.4 million insurance dispute was "inconsistent" with a previous agreement drafted by the city and approved by the P.A.'s Board of Commissioners.

He also charged the city breached "the spirit of good faith" by not informing the P.A. of the new proposal until hours before Wednesday's City Council meeting.

The settlement, which stems from a 1980 fire that destroyed Pier B, must be approved by both the council and the P.A. commissioners before the city can receive any money.

The city owns the pier, but the Port Authority has had control of it under a 1952 lease.

Mayor Thomas Vezetti and Phillip LaRocco of the P.A. signed the original settlement in April. However, the City Council, citing legal loopholes and objections to the disbursement of payments, rejected that plan earlier this month.

On Wednesday, the council approved a revised agreement, which required the P.A. to give the city a \$7.3 million lump sum payment. The remaining funds would be held in a trust account until the end of the year.

Hoboken, which is in the midst of striking its 1987 municipal budget, has anticipated a settlement for tax relief in the \$28 million spending plan. But Donovan said that even if the new settlement was acceptable to the P.A., the commissioners, who meet on a monthly basis, would not be able to approve it until September.

See P.A. REJECTS — Page 10.

P.A. rejects pact settling insurance

Continued from Page 1

"The city has indicated that it needs funds for tax relief and we have been very cooperative," Donovan said. "The city drafted and presented to us the (original) settlement and after hard swallowing, we accepted it. Now where does this leave the city?"

Donovan said he advised the administration Wednesday afternoon that the revised plan was "unacceptable, unworkable and inconsistent" with the original agreement.

City Councilman Pat Pasculli, architect of the revised agreement, accused the P.A. of "holding the city hostage."

"It seems to me as if the P.A. is using our budgetary crisis to get the administration to accept their development project," he said.

The P.A. has been stymied in its effort to build a \$600 million waterfront development on the pier property. The insurance dispute has been a stumbling block in efforts to negotiate a new lease to accommodate the mixed-use project.

Pasculli said he was "taken back" by reports that the P.A. had received a copy of the draft before the meeting and charged that "someone in the administration was working too closely with the P.A."

Proponents of the original settlement said council ratification was crucial to solving the city's fiscal woes. They claim the P.A.'s rejection of the revised agreement has "put the ball back in the P.A.'s court."

"It certainly looks that way," said city Law Director William Graves. "After all, they're the ones holding the \$9 million."

Graves said he was "not surprised" at the P.A.'s objections because it "takes away their pot of gold." The new agreement strikes a clause requiring Hoboken to repay the P.A. \$1.5 million the city borrowed to purchase the pier property.

Donovan cited the deletion of the \$1.5 million repayment as a reason the settlement is "unacceptable." Members of the anti-P.A. Mayor's Waterfront Advisory Committee, who endorsed the new plan, staunchly opposed repaying the P.A. with the insurance money.

However, Donovan said the P.A. would be willing to meet with city officials to discuss the settlement. "We are always willing to meet with responsible representatives," he said.

SUIT

Continued from Page 1
statement of its side of the argument, and to have it on his desk by Monday, June 29. He could make a decision on who gets the money within that same week.

If the city won, it could receive badly needed money for inclusion in this year's budget, although the authority also might appeal such a decision.

Both the authority and the city, as well as a citizens' group also suing the port agency, expressed supreme confidence yesterday that their side will win.

"We are most confident that the Port Authority's position is correct," authority spokesman John Donovan said.

"This is our money, and the Port Authority is playing games with it," said Tom Illing, a member of the Waterfront Advisory Committee.

Both the city's attorney and the citizens' group were heartened by Humphreys' action yesterday. Another judge had thrown out a motion for summary judgment by the city's group. Donovan of the authority wouldn't say one way or the other whether the agency would like a quick judgment.

At stake in all the fighting is \$7.2 million in insurance that the authority collected after Pier B burned in

1980. The authority rents that pier and two others from the city. It also advanced the city \$7.5 million to buy the piers, and paid the insurance premiums.

But according to the terms of the lease, any insurance money not used by the agency within two years to replace what was destroyed must be turned over to the city. The authority did not replace the pier, which is still sitting, half-rotten, in the Hudson River.

But the authority also claims then-Mayor Steve Cappelletto made a deal with it in April 1984, which it says it can document, to use the insurance proceeds for a massive waterfront development project. The citizens' group, followed by the city, argues the deal was made in secret, and is completely invalid.

The citizens' group is also suing the Port Authority on a different issue, saying the agency did not live up to the terms of its original 1954 lease to run a world-class marine terminal, and thus should be kicked off the waterfront piers. It has lost that suit in one court, but added it to the insurance question in its suit before Humphreys.

One odd element of the long and complicated controversy is a side dispute between the city and the Waterfront Advisory Committee. Illing, of the WAC, said city Law Director William Graves put his foot in his mouth yesterday by saying the city is willing to give the authority back \$1.5 million used for purchase of the piers. Illing said that money was an advance on rent from the authority, not a loan that had to be repaid, and that Humphreys seemed to recognize that when he asked Graves if he really was sure he wanted to give back the \$1.5 million.

Graves, in the meantime, referred to the WAC's attorney, Richard Seltzer of Jersey City, as a bungler.

LOST TO CAPPILLO

Candidate wants foe denied seat

By JOHN ROFE
Staff Writer

A losing candidate in the 3rd Ward City Council race in Hoboken moved yesterday to bar Councilman Steve Cappelletto from being sworn in for a new term when the council reorganizes tomorrow.

John M. Carbone of North Haledon, the attorney for Anthony Russo, said in court that the former mayor of the Mile Square City should not be given the oath until Russo's challenge of the election is resolved in court.

Salvatore D'Amelio, Cappelletto's attorney and the city's law director under the former mayor, argued that not seating Cappelletto would cause "irreparable harm" to those who voted for him in the June 9 runoff.

Judge Dorothea O.C. Wefing of Hudson County Superior Court in Jersey City did not rule on the motion yesterday.

Russo is trying to have the results of the May 12 primary in the 3rd Ward set aside because of alleged procedural irregularities in the election, charging that voters were registered illegally.

Russo failed to qualify for the runoff in the May voting, losing to Frank "Pupi" Raia by eight votes. Raia was defeated by Cappelletto in the runoff.

Yesterday, a Hoboken woman denied having voted in the election despite Board of Elections records stating she did.

Sarah Mack said she was in Florida on May 9, the day the board said she returned her absentee ballot to its office in Jersey City.

Mack was asked by Carbone to examine the ballot while she was on the stand, and she said she did not recognize the handwriting indicating her vote.

The ballot also lists Raia as having delivered it to her, and Michael Holmes, a Raia operative, as having returned it. Personal messengers are used exclusively in cases in which the voter is ill or for other reasons cannot return the ballot.

Carbone also has questioned the validity of 43 ballots cast in the election, charging that voters were registered illegally.

Ruling on condos won't deter city

By John Petrick

Hoboken officials intend to draft an ordinance regulating the conversion of apartment buildings to condominiums — despite yesterday's court decision setting aside similar legislation in other communities.

City Councilwoman Helen Cunniff and attorney Ira Karasick were selected to work on the ordinance after Mayor Thomas Vezetti and members of the Council met with activists from the Campaign for Housing Justice last week.

Cunniff said yesterday that "the ruling will certainly have some effect on the way we go, but one way or the other we still plan to go ahead with it."

The councilwoman and Karasick, the author of the

See CONDO — Page 7.

FIRE INSURANCE

PA spurns \$9.4M Hoboken proposal

By JANET WILSON
Staff Writer

HOBOKEN—The Port Authority yesterday bluntly rejected a \$9.4 million insurance settlement offer passed by the City Council late Wednesday night, calling it "unworkable and unacceptable."

Under the agreement, the Port Authority of New York and New Jersey would have had to turn over \$7.3 million of disputed insurance proceeds from a 1980 pier fire to the city within 30 days. Also, the rest of the money would be placed in a bank account pending the outcome of waterfront development negotiations between the city and the

agency. In return, the city would drop its lawsuit against the authority for the money.

'Our pier's a sticking point for years. Page 4.'

The settlement would have brought desperately needed revenue into the city's coffers, keeping taxes down for this year. Mayor Thomas F. Vezetti and Phillip LaRocco, the authority's director of economic development, had signed a similar agreement that the council refused to endorse two weeks ago.

Vezetti yesterday hotly See PROPOSAL, Page 26

PROPOSAL

Continued from Page 1
criticized the council members who had rejected that settlement, and then pushed this one.

"They're all full of," Vezetti said. "They think they're sharp."

Vezetti said his agreement with the Port Authority would have brought \$3 million cash revenues to the city and stabilized the tax rate within a month.

"I did the best I could for the city," he said. The rest of the money would have been used to pay off various debts and capital expenses.

That first agreement was harshly criticized by members of the Waterfront Advisory Committee and Councilman Patrick Pasculli, who

pointed out "vague language" and potential loopholes in the splitting up of most of the money into different pieces. Pasculli, the sponsor of the new agreement, said he had eliminated that language, and explained that this week's version asked for \$7.3 million in bulk, rather than splitting up the money into different categories for different agreements.

But authority spokesman John Donovan said it was precisely the splitting up of the money into different categories that made the first agreement acceptable to the authority's Board of Commissioners, which ratified it in a closed meeting in May.

The main sticking points for the

authority, Donovan said, were the loss of:

□ Repayment of \$1.5 million the authority loaned the city to buy the piers in 1984.

□ \$700,000 in consultancy fees the city said it needed and the authority agreed could come out of the insurance proceeds.

□ \$400,000 for the cleanup of the remnants of the burned pier, owned by the city but rented by the authority. Donovan admitted the authority had told the Department of Environmental Protection it would assume the costs of the cleanup.

Asked why simply turning over the \$7.3 million is not a possible solution to the protracted bickering, Donovan replied, "We are a public

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There will be a meeting between the authority and the new negotiating committee for the city, consisting of three members of the council — Pasculli, E. Norman Wilson and Helen A. Cunniff — Director Michael Coleman of the Community Development Agency and Law Director William Graves at 3 p.m. Tuesday.

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Hoboken scrambles for money

By JANET WILSON
Staff Writer

HOBOKEN—The no-end-in-sight fiscal crisis facing sent Council members scurrying last night to find money to keep taxes from rising and had tempers of residents and local employees soaring.

City Hall chambers were packed to the bursting point for a public hearing on the mayor's proposed \$28 million budget.

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Members did vote to borrow \$3.2 million to pay expenses on a month-

ly basis. They also voted to appeal today to Trenton for \$1.5 million promised in emergency aid as quickly as possible for use in this year's budget and went into a closed session at 11:15 p.m. to discuss a new settlement offer for insurance money from the Port Authority that could bring in \$3 million in revenues quickly.

The Council rejected a similar settlement two weeks ago.

The Council also listened to angry comments from residents who said the city's money is being wasted and equally angry responses from city employees who fear losing their jobs.

"I accuse!" said Kenneth Lenz, a member of the Mayor's Budget Ad-

visory Committee. "I accuse the unions for not negotiating since last December. I accuse them of greed, asking for a 25 percent increase. 74.9 percent of our budget is in salaries and benefits. That's one hell of a piece of change."

Lenz' remarks received thunderous applause, but an equally vehement response.

"The same amount of money it costs you to buy a loaf of bread, it costs us," bellowed Jude Fitzgibbons, city housing inspector, his back to the Council, pointing at the audience.

"In 1983, you fired 55; in 1984, we did not get a raise; in 1985, we said, alright, we'll take a bonus; in 1986, you laid off 26. Enough is enough."

My family's been here 100 years, all you guys are worried about is your own pockets."

"We're tired of taking it on the chin," agreed the head of the municipal employees union, James M. Fischer, Jr.

Other residents questioned the performance of city employees however, with Budget Advisory Committee head James Scordato detailing numerous departments where the committee said cuts should be made, including the Law Department, the City Clerk's office, and the municipal garage.

"You have nine guys working in the garage, and yet you send out for all your repair work," said Scordato. "You need an adminis-

trator and two assistants at most."

While municipal employees came under heavy fire, so did the school board, the budget for which has gone up while enrollments have declined, and the hiring policies of the administrations of both Mayor Thomas Vezetti and former Mayor Steve Cappelletto.

Michael Foley, a resident of the city for three years and a condominium owner, picked up on the criticism of the patronage system in Hoboken government.

Foley said he had worked for Colgate in South America, and when the company found its operations no longer efficient, he was fired. Foley, now a schoolteacher in New York City who also works part time

at night, said the same type of efficiency cuts had to be made in Hoboken.

The Budget Advisory Committee has made a series of recommendations to Business Administrator Edwin Chius and the Mayor and Council, including a broad challenge to reduce their own salaries if they cannot cut the budget by 20 percent. The Council still has to meet in closed session and vote on the budget.

The Council spent time discussing an insurance settlement with the Port Authority from a 1980 fire that could have brought the city \$3 million in instant revenues, and \$4.2 million in other capital improvements.

He also pointed to the increased rates brought in by condo conversions.

About a quarter of the city's 17,000 apartments have been converted to condos since 1980.

"To ask for further concessions in the middle of a budget crisis where the taxpayers are already subsidizing 32 percent of all housing for lower-class people is outrageous," he said.

Newman wars on two fronts

By JANET WILSON
Staff Writer

HOBOKEN—City Councilman Thomas Newman is blowing his trumpet at the walls of the Buildings Department again, and this time he is challenging the Board of Adjustment, too.

Newman says construction at 205-207 Park Ave., a four-story apartment building, is setting a precedent that could rob all of the city's backyards of sunshine and air, and also is illegal. A shack in the backyard is being converted into two luxury apartments, according to Newman, a change of use that will block out the neighbors' light, and could lead to similar construction all over the city.

Newman wrote to Buildings Department head Alfred Arezzo two weeks ago asking that permits be revoked and work be stopped. Arezzo has refused, saying he has not been advised by the zoning board to do so.

Newman and other neighbors living near the building protested loudly two years ago when plans were unveiled for renovations. Their protests went unheeded, and developers Robert Lee and Sheldon Cohen won the variances they needed from the zoning board to proceed with their rehabilitation in December 1985. Work was begun in March, but Newman contended yesterday that the work still is illegal on several grounds.

He said that because the developers had not begun work at the site within a year of the zoning board approvals, they had forfeited those variances. Local statutes say variances must be used within a year.

Newman also said Arezzo performed his duties improperly by not telling the developers they needed another variance to transform the shack out back.

Finally, Newman charged that attempts by him, his neighbors, and their attorney, Philip S. Elberg of Newark, to appeal the board's approvals were ignored. Yesterday afternoon, he presented letters and other documentation of the history of the project.

The necessary variances for the

project were granted by the zoning board Dec. 12, 1985.

"They stuffed it down our throats," Newman said. The councilman and Elberg also both mailed in \$50 checks requesting transcripts of the meeting at which the variances were granted. The checks were never cashed or returned, and the transcripts were never received, he said.

Whenever any action is taken by the board, it must be memorialized and advertised, and protesters then are given 10 days to file an appeal. Advertising usually consists of a tiny ad in the local newspapers. But residents who know ahead of time that they want to appeal a decision can request to be notified separately so "you don't have to worry about reading the tiny print every day, or having your newspaper stolen," Newman said.

Elberg, as the attorney for the protesters, requested such notification. According to Newman, he never received it.

On Feb. 18, without the knowledge of the objectors, the approvals were memorialized by the zoning board at the end of a meeting. The item was not on the agenda, according to Newman, and no reaffirming vote was taken.

"They just slipped it right by us," he said.

More than a year later, on March 13 of this year, Arezzo issued permits for construction. Newman, who also works nearby, said he noticed major demolition and infrastructure work taking place in May. On June 3, he wrote to Arezzo requesting that the work be stopped. On June 11, Arezzo wrote back, refusing to do so.

Newman, who had Arezzo's decisions on another project overturned last month, said he is not bringing up this new battle merely because the building itself is "atrocious."

"It's too large, but the real problem is the precedent it sets," Newman said.

The official said all of the city's backyards are governed by very strict zoning laws that keep them open for communal use by neighbors, as shared parks for the block's residents.

P.A. rejects pact settling insurance

By Bill Campbell

A spokesman for the Port Authority of New York and New Jersey yesterday criticized Hoboken's revision of an insurance settlement as "unacceptable and unworkable."

John Donovan, manager of government and community relations for the mammoth bi-state agency, said the City Council's proposed settlement of the \$9.4 million insurance dispute was "inconsistent" with a previous agreement drafted by the city and approved by the P.A.'s Board of Commissioners.

He also charged the city breached "the spirit of good faith" by not informing the P.A. of the new proposal until hours before Wednesday's City Council meeting.

The settlement, which stems from a 1980 fire that destroyed Pier B, must be approved by both the council and the P.A. commissioners before the city can receive any money.

The city owns the pier, but the Port Authority has had control of it under a 1952 lease.

Mayor Thomas Vezetti and Phillip LaRocco of the P.A. signed the original settlement in April. However, the City Council, citing legal loopholes and objections to the disbursement of payments, rejected that plan earlier this month.

On Wednesday, the council approved a revised agreement which required the P.A. to give the city a \$7.3 million lump sum payment. The remaining funds would be held in a trust account until the end of the year.

Hoboken, which is in the midst of striking its 1987 municipal budget, has anticipated a \$3 million lump sum from the settlement for tax relief in the \$28 million spending plan. But Donovan said that even if the new settlement was acceptable to the P.A., the commissioners, who meet on a monthly basis, would not be able to approve it until September.

See P.A. REJECTS — Page 10.

P.A. rejects pact settling insurance

Continued from Page 1

"The city has indicated that it needs funds for tax relief and we have been very cooperative," Donovan said. "The city drafted and presented to us the (original) settlement and after hard swallowing, we accepted it. Now where does this leave the city?"

Donovan said he advised the administration Wednesday afternoon that the revised plan was "unacceptable, unworkable and inconsistent" with the original agreement.

City Councilman Pat Pasculli, architect of the revised agreement, accused the P.A. of "holding the city hostage."

"It seems to me as if the P.A. is using our budgetary crisis to get the administration to accept their development project," he said.

The P.A. has been stymied in its effort to build a \$600 million waterfront development on the pier property. The insurance dispute has been a stumbling block in efforts to negotiate a new lease to accommodate the mixed-use project.

Pasculli said he was "taken back" by reports that the P.A. had received a copy of the draft before the meeting and charged that "someone in the administration was working too closely with the P.A."

Proponents of the original settlement said council ratification was crucial to solving the city's fiscal woes. They claim the P.A.'s rejection of the revised agreement has "put the ball back in the P.A.'s court."

"It certainly looks that way," said city Law Director William Graves. "After all, they're the ones holding the \$9 million."

Graves said he was "not surprised" at the P.A.'s objections because it "takes away their pot of gold." The new agreement strikes a clause requiring Hoboken to repay the P.A. \$1.5 million the city borrowed to purchase the pier property.

Donovan cited the deletion of the \$1.5 million repayment as a reason the settlement is "unacceptable." Members of the anti-P.A. Mayor's Waterfront Advisory Committee, who endorsed the new plan, staunchly opposed repaying the P.A. with the insurance money.

However, Donovan said the P.A. would be willing to meet with city officials to discuss the settlement. "We are always willing to meet with responsible representatives," he said.

SUIT

Continued from Page 1
statement of its side of the argument, and to have it on his desk by Monday, June 29. He could make a decision on who gets the money within that same week.

If the city won, it could receive badly needed money for inclusion in this year's budget, although the authority also might appeal such a decision.

Both the authority and the city, as well as a citizens' group also suing the port agency, expressed supreme confidence yesterday that their side will win.

"We are most confident that the Port Authority's position is correct," authority spokesman John Donovan said.

"This is our money, and the Port Authority is playing games with it," said Tom Iling, a member of the Waterfront Advisory Committee.

Both the city's attorney and the citizens' group were heartened by Humphreys' action yesterday. Another judge had thrown out a motion for summary judgment by the citizen's group. Donovan of the authority wouldn't say one way or the other whether the agency would like a quick judgment.

At stake in all the fighting is \$7.2 million in insurance that the authority collected after Pier B burned in

1980. The authority rents that pier and two others from the city. It also advanced the city \$1.5 million to buy the piers, and paid the insurance premiums.

But according to the terms of the lease, any insurance money not used by the agency within two years to replace what was destroyed must be turned over to the city. The authority did not replace the pier, which is still sitting, half-rotten, in the Hudson River.

But the authority also claims then-Mayor Steve Cappelletto made a deal with it in April 1984, which it says it can document, to use the insurance proceeds for a massive waterfront development project. The citizens' group, followed by the city, argues the deal was made in secret, and is completely invalid.

The citizens' group is also suing the Port Authority on a different issue, saying the agency did not live up to the terms of its original 1954 lease to run a world-class marine terminal, and thus should be kicked off the waterfront piers. It has lost that suit in one court, but added it to the insurance question in its suit before Humphreys.

One odd element of the long and complicated controversy is a side dispute between the city and the Waterfront Advisory Committee. Iling, of the WAC, said city Law Director William Graves put his foot in his mouth yesterday by saying the city is willing to give the authority back \$1.5 million used for purchase of the piers. Iling said that money was an advance on rent from the authority, not a loan that had to be repaid, and that Humphreys seemed to recognize that when he asked Graves if he really was sure he wanted to give back the \$1.5 million.

Graves, in the meantime, referred to the WAC's attorney, Richard Seltzer of Jersey City, as a bungler.

Candidate wants foe denied seat

Dispatch 6-30-1987
By JOHN ROFE
Staff Writer

A losing candidate in the 3rd Ward City Council race in Hoboken moved yesterday to bar Councilman Steve Cappelletto from being sworn in for a new term when the council reorganizes tomorrow.

John M. Carbone of North Haledon, the attorney for Anthony Russo, said in court that the former mayor of the Mile Square City should not be given the oath until Russo's challenge of the election is resolved in court.

Salvatore D'Amelio, Cappelletto's attorney and the city's law director under the former mayor, argued that not seating Cappelletto would cause "irreparable harm" to those who voted for him in the June 9 runoff.

Judge Dorothea O'C. Wefing of Hudson County Superior Court in Jersey City did not rule on the motion yesterday.

Russo is trying to have the results of the May 12 primary in the 3rd Ward set aside because of alleged procedural irregularities by the county Board of Elections. Cappelletto is not accused of any wrong-

doing. Russo failed to qualify for the runoff in the May voting, losing to Frank "Pupi" Raia by eight votes. Raia was defeated by Cappelletto in the runoff.

Yesterday, a Hoboken woman denied having voted in the election despite Board of Elections records stating she did.

Sarah Mack said she was in Florida on May 9, the day the board said she returned her absentee ballot to its office in Jersey City.

Mack was asked by Carbone to examine the ballot while she was on the stand, and she said she did not recognize the handwriting indicating her vote.

The ballot also lists Raia as having delivered it to her, and Michael Holmes, a Raia operative, as having returned it. Personal messengers are used exclusively in cases in which the voter is ill or for other reasons cannot return the ballot.

Carbone also has questioned the validity of 43 ballots cast in the election, charging that voters were registered illegally.

Ruling on condos won't deter city

By John Petrick
6/23/87

Hoboken officials intend to draft an ordinance regulating the conversion of apartment buildings to condominiums — despite yesterday's court decision setting aside similar legislation in other communities.

City Councilwoman Helen Cunniff and attorney Ira Karasick were selected to work on the ordinance after Mayor Thomas Vezetti and members of the Council met with activists from the Campaign for Housing Justice last week.

Cunniff said yesterday that "the ruling will certainly have some effect on the way we go, but one way or the other we still plan to go ahead with it."

The councilwoman and Karasick, the author of the

See CONDO — Page 7.

PA spurns \$9.4M Hoboken proposal

By JANET WILSON
Staff Writer

HOBOKEN—The Port Authority yesterday bluntly rejected a \$9.4 million insurance settlement offer passed by the City Council late Wednesday night, calling it "unworkable and unacceptable."

Under the agreement, the Port Authority of New York and New Jersey would have had to turn over \$7.3 million of disputed insurance proceeds from a 1980 pier fire to the city within 30 days. Also, the rest of the money would be placed in a bank account pending the outcome of waterfront development negotiations between the city and the

agency. In return, the city would drop its lawsuit against the authority for the money.

'Our piers' a sticking point for years. Page 4.

The settlement would have brought desperately needed revenue into the city's coffers, keeping taxes down for this year. Mayor Thomas F. Vezetti and Phillip LaRocco, the authority's director of economic development, had signed a similar agreement that the council refused to endorse two weeks ago.

Vezetti yesterday hotly
See PROPOSAL, Page 26

PROPOSAL

Continued from Page 1
criticized the council members who had rejected that settlement, and then pushed this one.

"They're all full of," Vezetti said. "They think they're sharp."

Vezetti said his agreement with the Port Authority would have brought \$3 million cash revenues to the city and stabilized the tax rate within a month.

"I did the best I could for the city," he said. The rest of the money would have been used to pay off various debts and capital expenses.

That first agreement was harshly criticized by members of the Waterfront Advisory Committee and Councilman Patrick Pasculli, who

pointed out "vague language" and potential loopholes in the splitting up of most of the money into different pieces. Pasculli, the sponsor of the new agreement, said he had eliminated that language, and explained that this week's version asked for \$7.3 million in bulk, rather than splitting up the money into different categories for different agreements.

But authority spokesman John Donovan said it was precisely the splitting up of the money into different categories that made the first agreement acceptable to the authority's Board of Commissioners, which ratified it in a closed meeting in May.

The main sticking points for the

authority, Donovan said, were the loss of:

□Repayment of \$1.5 million the authority loaned the city to buy the piers in 1984.

□\$700,000 in consultancy fees the city said it needed and the authority agreed could come out of the insurance proceeds.

□\$400,000 for the cleanup of the remnants of the burned pier, owned by the city but rented by the authority. Donovan admitted the authority had told the Department of Environmental Protection it would assume the costs of the cleanup.

Asked why simply turning over the \$7.3 million is not a possible solution to the protracted bickering, Donovan replied, "We are a public

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"In 1983, you fired 55; in 1984, we did not get a raise; in 1985, we said, alright, we'll take a bonus; in 1986, you laid off 26. Enough is enough.

Hobokenite's todays are yesterdays

6/20/87 J-J

By Andrea Kott

Jim Hans devotes his days to yesterday.

It would be too dramatic to say the curator of the year-old Hoboken Historical Museum lives for the past. Nevertheless, he has taken on the task of preserving it.

"You learn a lot from the past," says the tall, white-haired and bearded memorabiliaophile, whose home is a showcase of such collectibles as a neon-faced butcher shop clock and a wind-up phonograph. Hans would probably feel flattered if you told him his home looks like a museum.

It's an 1849 farmhouse that he bought for \$6,000 at a City Hall property auction. "A hermit had lived here for years," he explains, apparently delighted by the stories caked within his own walls. "Twice we'd seen a light bulb burning, so we knew someone lived here. It was all grubby, grimy and cobwebby, but it was a good solid house. Elbow grease was all it needed."

Although the rooms are good-sized, every nook and cranny is filled with a sculpture or an unusual objet d'art. There is little white space on the walls, which are covered with paintings, prints and old photographs. It is virtually impossible to peer around a corner without spotting piles of books, records, furniture — mementos of days gone by.

The 1880 mirror Hans salvaged from the basement of the old Meyer's Hotel on Third and Hudson Streets helps to give a front room added dimension, unless you happen to walk in front of it, in which case pictures of a fun-house come to mind.

Hans is a relaxed, deliberate talker. He takes his time with questions. He takes his time walking from room to room, telling the story behind each antique. He takes his time hunting for the quote that explains his philosophy on life. "Those who forget the past are condemned to repeat it," he reads from a paper, taped to a spare space of wall. "You've heard that one, haven't you?"

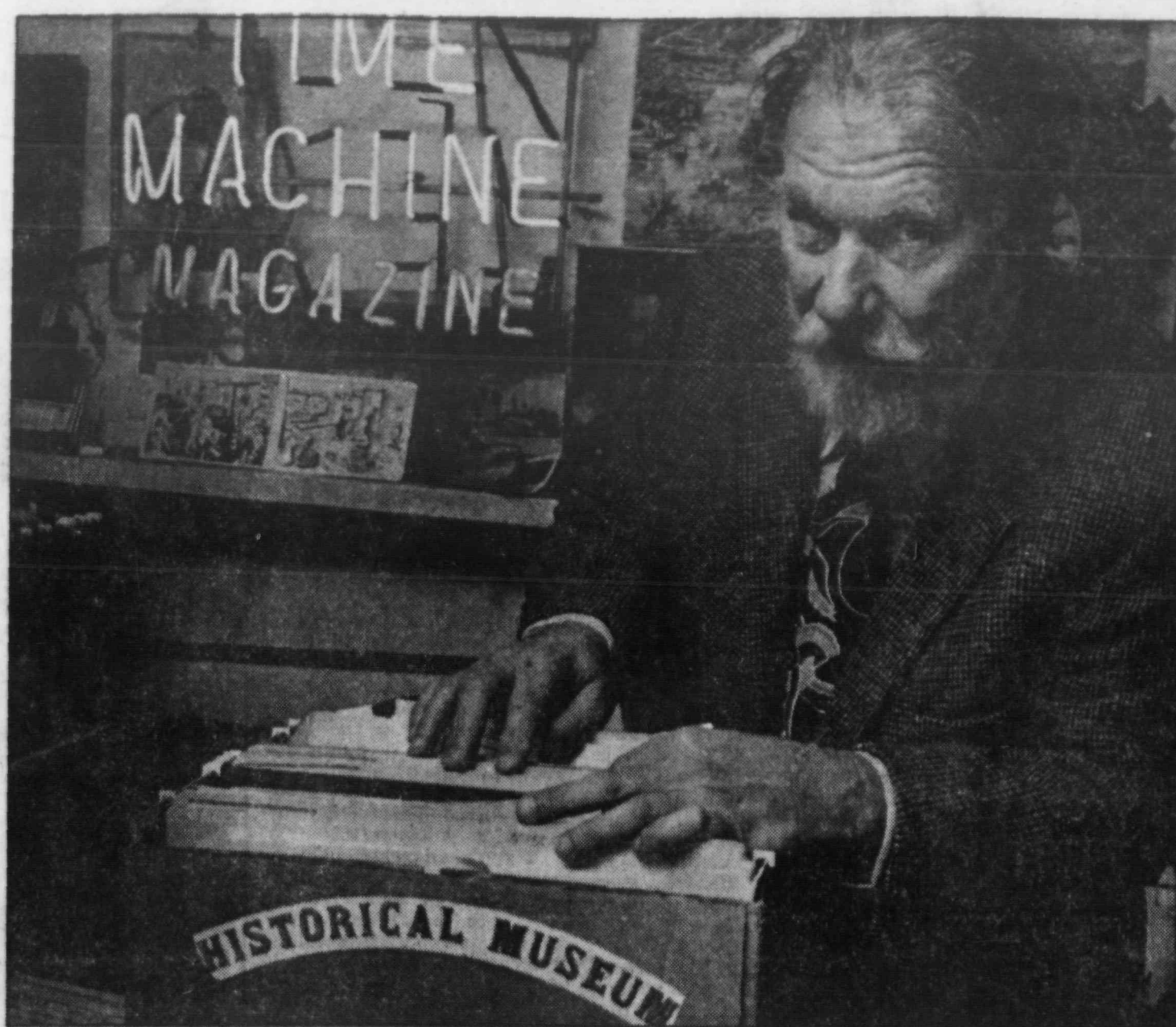
Artist and historian

Hans looks at time with the eye of an artist and a historian. As a painter and collage-maker, he is interested in the spatial relationship between shapes. As a historian he is interested in the stories that make up places — one place in particular — Hoboken.

"Time has always been interesting to me," he says, sitting comfortably in his Third Street house. "I've always been interested in old things and the stories behind them." As a devoted Hobokenite, Hans wants to cultivate a greater appreciation for the history of the Mile-Square City. "There are so many lost souls who don't appreciate life," he says. "So you start in your own backyard."

For the past 20 years his backyard has been Hoboken. But he started in the Pacific Northwest and spent his first 24 years moving with his family between Seattle and Los Angeles. At

Hans, the city's unofficial historian



Jim Hans chronicles Hoboken's past.

ter a three-and-a-half year stint in the Air Force, he hitchhiked to New York City to study drawing, painting and art history. The year was 1959.

Hans studied painting at the Art Students League, the School of Visual Arts and the New School in New York and supported himself with odd jobs. "It's tough to make it as an artist," he says. "Everyone knows it, but they don't know how tough."

There was a time during the sixties, however, when he lived off his painting. He even sold two pieces to Vincent Price for \$225. He keeps a copy of the check, lissuethin and yellowed, in a clear plastic envelope to protect the famous signature, now 25 years old.

Hans is too realistic about the meager earnings art brings to imagine making a killing from his painting. "You never get any money from art," he says, matter-of-factly. "I haven't had any trouble getting along, but I've never been able to attract great amounts of money. I always went to other things first."

In love with Hoboken

What he went to was an old, vacant, three-story building on Newark

Street and Observer Highway and turned it into his much talked about curio shop, from where his fascination with Hoboken began. It was 1967 and he had just moved to the city with his wife, Beverly. "We were very impressed," he says of the first time they walked up from the PATH tubes. "We just fell in love with Hoboken. We looked at a loft that day and decided to move."

Hans' shop was particularly unusual for the people, memorabilia and stories it attracted. People brought in old postcards, paintings and pieces of antique furniture — anything from or about Hoboken — and Hans made them part of his stock. "The stories were unbelievable," he says. "Old Hoboken people would come in and talk about the history and we got hooked."

On the first floor, formerly used as a drug store, Hans sold art objects and antiques heralding Hoboken's history. On the second floor he ran a mini-museum of Hoboken. He used the third floor as a gallery for paintings. "It was nothing fancy, but the pictures were there and they were nice to look at."

The shop served more than a historical purpose, for Hans. On those occasions when his paintings did not sell, he sold antiques for money.

During the eight years that Hans ran the shop, he learned all he could about the city's history. When the shop closed in 1975, he started a magazine, "Time Machine Magazine," a monthly publication filled with more historical insight into Hoboken.

Keeping the past alive

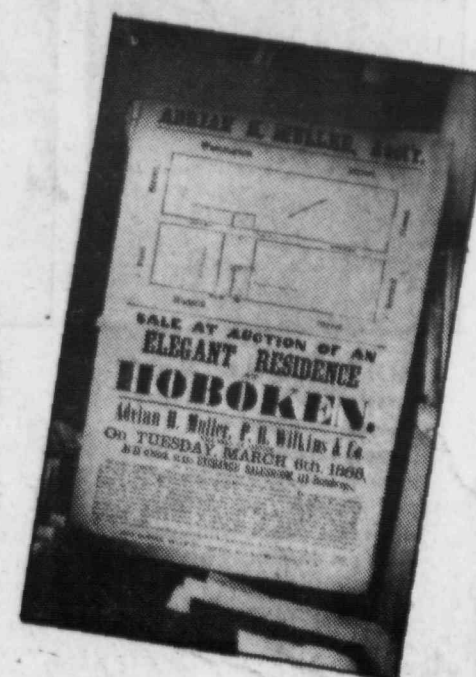
When the magazine folded a year and a half later he returned to painting and a few years ago he launched his successful campaign to begin Hoboken's Historical Museum. The museum, which is located on the second floor of City Hall, consists mostly of old paintings, maps and photographs of Hoboken. To Hans, those reminders of how the city once looked is crucial during a time when buildings are going up — and down — daily.

"People don't learn enough from the past," he says. In his low-key manner, he speaks of classic structures with detailed designs that he says have been unnecessarily torn down. As an artist, he laments their demise. "You hate to see buildings torn down that are not necessary to tear down."

As an artist, he also notices buildings which begin falling apart because they have been poorly reconstructed. "Some one would alter a building or put up cheap siding or cover up cornices...and then it starts falling apart because it wasn't done well. They keep making the same mistakes over and over."

Jim Hans is a man of few and quiet words, not the kind to pontificate. He says he doesn't mind many of the developments that are rapidly changing the city he loves. He just wants to see an appreciation for the old Hoboken that remains intact and an enthusiasm for the museum that keeps the rest alive.

"This is all part of the present," he says, pointing to the relics of yesteryear that fill his home. Remembering the stack of old 78s that came with his crank-up phonograph, he says, "If you never heard it before, it's new."



One of the many relics of Hoboken's past

Old maps show route to a musical evening

Last March the Hoboken Historical Museum earned its place on the map.

When Public Works Director Roy Haack discovered eight maps dating back to the mid-1800s in an old City Hall vault, he knew exactly where they belonged.

He promptly donated them to the City Hall-based Hoboken Historical Museum.

What made the discovery particularly fortuitous was its occurrence in the same building as the historical museum — two floors beneath it, to be exact.

Jim Hans, the museum's founder and curator, is now working to raise money to have the maps preserved and mounted.

The four to five feet wide maps are all hand-painted on canvas.

The cache includes several maps of Hoboken just after it was discovered in 1849, diagrams for the drainage of "Hoboken Creek" or the installation of wooden sewers, a map of Hudson County, a street map of New York City and a topographical map of the United States.

Hans estimates a cost of \$1,500 to preserve each map, and a total cost of \$15,000 to preserve and exhibit the entire find.

To raise the money, he is orchestrating a musical benefit at Maxwell's, featuring a variety of Hoboken musicians.

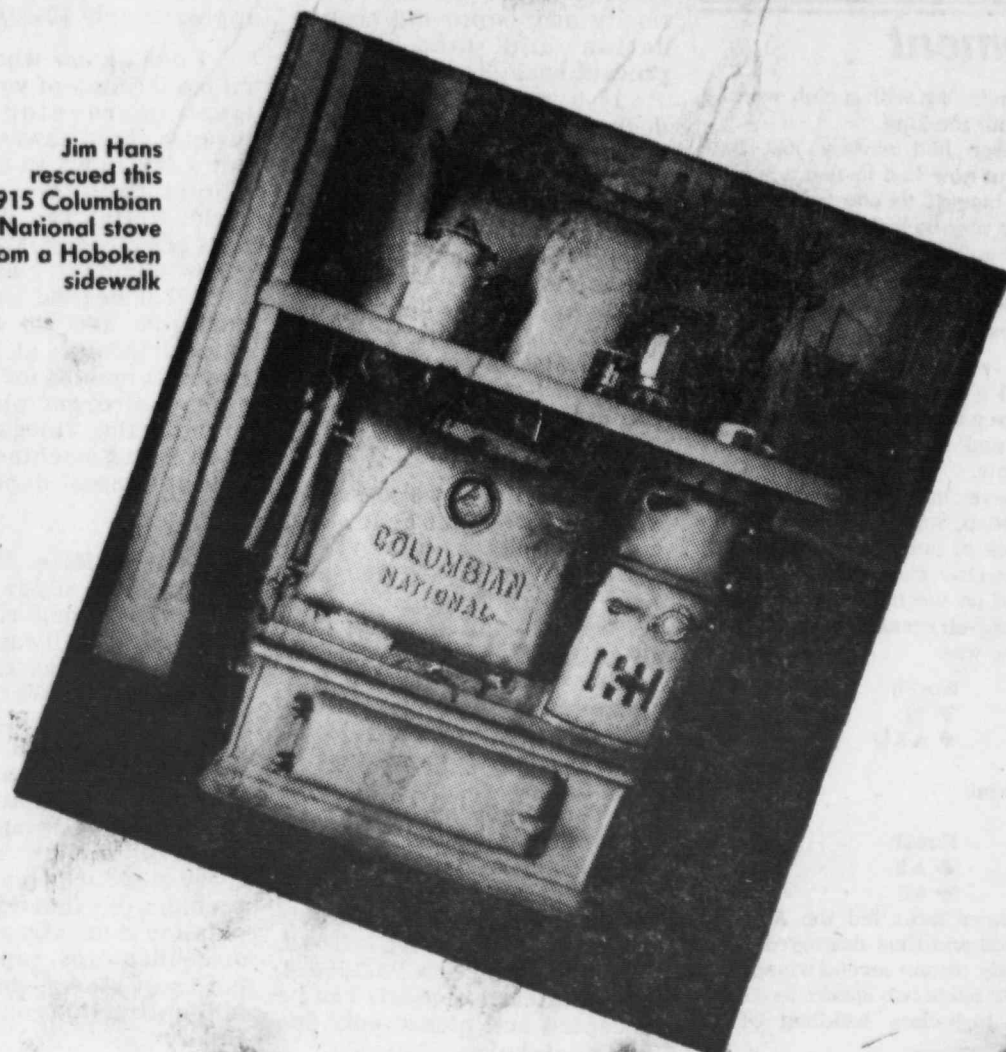
The "Musical Retrospective" will feature: Cries, The PastElles, The Plumbers, 77 Sunset Strip, Tanaka, Sheldon Biber, Emilio China, Jim Cramer, Jim Dillman, David Greco, Lyell Gressitt, Carl Huffman, Mike Kilmer, Steve Nuding, Perry Robinson, Joe Rudick and Gary Schneider.

The benefit will be held on June 27 from 8 p.m. to 2 a.m. and on June 28 from 6 p.m. to midnight.

Admission price at the door is \$10, \$9 for card-carrying museum members.

— Andrea Kott

Jim Hans rescued this 1915 Columbia National stove from a Hoboken sidewalk



MARGIN, 1 VOTE

H.D. 6/25/87

Wilson remains 5th Ward winner

By JOHN ROFE
Staff Writer

HOBOKEN—City Council President E. Norman Wilson remained the winner by one vote in the 5th Ward after a recount of ballots yesterday.

But Helen Manogue, the loser in the first election here ever to be decided by one vote, reportedly will seek a court order today to have five absentee ballots voided by the Bureau of Elections in the June 9 runoff counted.

Three of the voided ballots were cast for Manogue. If they are counted, both Manogue and Wilson would have 735 votes, forcing a new election.

Election results in the 3rd Ward were also the subject of court action yesterday. Anthony Russo is seeking to have the results set aside and will appear before Judge Dor 'hea O.C. Weing of Hudson County Superior Court in Jersey City in two weeks.

In the 5th Ward contest, Manogue charges that the voided ballots should have been counted because "the intent of the voter was clear."

Four of the ballots were checked underneath the candidate's name instead of in the rectangular box to the left of the name, she said. The fifth had the checkmark on top of the candidate's name, she said.

She said she is not seeking to include in the tally a sixth ballot, which was rejected because it was not signed by a person who assisted the voter in casting the ballot.

Harvey L. Birne, county superintendent of elections, could not be reached for comment. But a Board of Elections official said the ballots were marked improperly and should not be counted.

Manogue said Assignment Judge Burrell Ives Humphreys of Superior Court will have to rule whether he has the authority to order the four ballots counted.

Attorneys for Manogue and the Board of Elections are expected to submit briefs on that question as well.

Russo, who missed qualifying for the runoff in the 5th Ward by eight votes and lost an additional vote after a recount, is hargating that that election was marred by widespread fraud.

Yesterday's session was devoted to marking voter authorization slips and other contested materials into evidence.

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Jim Hans devotes his days to yesterday.

"You learn a lot from the past," says the tall, white-haired and bearded memorabiliaophile, whose home is a showcase of such collectibles as a neon-faced butcher shop clock and a wind-up phonograph. Hans would probably feel flattered if you told him his home looks like a museum.

It's an 1849 farmhouse that he bought for \$6,000 at a City Hall property auction. "A hermit had lived here for years," he explains, apparently delighted by the stories caked within his own walls. "Twice we'd seen a light bulb burning, so we knew some one lived here. It was all grubby, grimy and cobwebby, but it was a good solid house. Elbow grease was all it needed."

Although the rooms are good-sized, every nook and cranny is filled with a sculpture or an unusual objet d'art. There is little white space on the walls, which are covered with paintings, prints and old photographs. It is virtually impossible to peer around a corner without spotting piles of books, records, furniture — mementos of days gone by.

The 1880 mirror Hans salvaged from the basement of the old Meyer's Hotel on Third and Hudson Streets helps to give a front room added dimension, unless you happen to walk in front of it, in which case pictures of a fun-house come to mind.

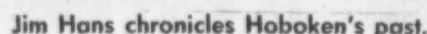
Hans is a relaxed, deliberate talker. He takes his time with questions. He takes his time walking from room to room, telling the story behind each antique. He takes his time hunting for the quote that explains his philosophy on life. "Those who forget the past are condemned to repeat it," he reads from a paper, taped to a spare space of wall. "You've heard that one, haven't you?"

Hans looks at time with the eye of an artist and a historian. As a painter and collage-maker, he is interested in the spatial relationship between shapes. As a historian he is interested in the stories that make up places — one place in particular — Hoboken.

"Time has always been interesting to me," he says, sitting comfortably in his Third Street house. "I've always been interested in old things and the stories behind them." As a devoted Hobokenite, Hans wants to cultivate a greater appreciation for the history of the Mile-Square City. "There are so many lost souls who don't appreciate life," he says. "So you start in your own backyard."

For the past 20 years his backyard has been Hoboken. But he started in the Pacific Northwest and spent his first 24 years moving with his family between Seattle and Los Angeles. Af-

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ter a three-and-a-half year stint in the Air Force, he hitchhiked to New York City to study drawing, painting and art history. The year was 1959.

Hans studied painting at the Art Students League, the School of Visual Arts and the New School in New York and supported himself with odd jobs. "It's tough to make it as an artist," he says. "Everyone knows it, but they don't know how tough."

There was a time during the sixties, however, when he lived off his painting. He even sold two pieces to Vincent Price for \$225. He keeps a copy of the check, tissue-thin and yellowed, in a clear plastic envelope to protect the famous signature, now 25 years old.

Hans is too realistic about the meager earnings art brings to imagine making a killing from his painting. "You never get any money from art," he says, matter-of-factly. "I haven't had any trouble getting along, but I've never been able to attract great amounts of money. I always went to other things first."

What he went to was an old, vacant, three-story building on Newark

Street and Observer Highway and turned it into his much talked about curio shop, from where his fascination with Hoboken began. It was 1967 and he had just moved to the city with his wife, Beverly. "We were very impressed," he says of the first time they walked up from the PATH tubes. "We just fell in love with Hoboken. We looked at a loft that day and decided to move."

Hans' shop was particularly unusual for the people, memorabilia and stories it attracted. People brought in old postcards, paintings and pieces of antique furniture — anything from or about Hoboken — and Hans made them part of his stock. "The stories were unbelievable," he says. "Old Hoboken people would come in and talk about the history and we got hooked."

On the first floor, formerly used as a drug store, Hans sold art objects and antiques heralding Hoboken's history. On the second floor he ran a mini-museum of Hoboken. He used the third floor as a gallery for paintings. "It was nothing fancy, but the pictures were there and they were nice to look at."

The shop served more than a historical purpose, for Hans. On those occasions when his paintings did not sell, he sold antiques for money.

During the eight years that Hans ran the shop, he learned all he could about the city's history. When the shop closed in 1975, he started a magazine, "Time Machine Magazine," a monthly publication filled with more historical insight into Hoboken.

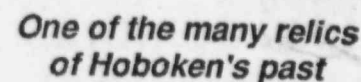
When the magazine folded a year and a half later he returned to painting and a few years ago he launched his successful campaign to begin Hoboken's Historical Museum. The museum, which is located on the second floor of City Hall, consists mostly of old paintings, maps and photographs of Hoboken. To Hans, those reminders of how the city once looked is crucial during a time when buildings are going up — and down — daily.

"People don't learn enough from the past," he says. In his low-key manner, he speaks of classic structures with detailed designs that he says have been unnecessarily torn down. As an artist, he laments their demise. "You hate to see buildings torn down that are not necessary to tear down."

As an artist, he also notices buildings which begin falling apart because they have been poorly reconstructed. "Some one would alter a building or put up cheap siding or cover up cornices...and then it starts falling apart because it wasn't done well. They keep making the same mistakes over and over."

Jim Hans is a man of few and quiet words, not the kind to pontificate. He says he doesn't mind many of the developments that are rapidly changing the city he loves. He just wants to see an appreciation for the old Hoboken that remains intact and an enthusiasm for the museum that keeps the rest alive.

"This is all part of the present," he says, pointing to the relics of yesteryear that fill his home. Remembering the stack of old 78s that came with his crank-up phonograph, he says, "If you never heard it before, it's new."



Last March the Hoboken Historical Museum earned its place on the map.

When Public Works Director Roy Haack discovered eight maps dating back to the mid-1800s in an old City Hall vault, he knew exactly where they belonged.

He promptly donated them to the City Hall-based Hoboken Historical Museum.

What made the discovery particularly fortuitous was its occurrence in the same building as the historical museum — two floors beneath it, to be exact.

Jim Hans, the museum's founder and curator, is now working to raise money to have the maps preserved and mounted.

The four to five feet wide maps are all hand-painted on canvas. The cache includes several maps of Hoboken just after it was

The cache includes several maps of Hoboken just after it was discovered in 1849, diagrams for the drainage of "Hoboken Creek" or the installation of wooden sewers, a map of Hudson County, a street map of New York City and a topographical map of the United States.

Hans estimates a cost of \$1,500 to preserve each map, and a total cost of \$15,000 to preserve and exhibit the entire find.

To raise the money, he is orchestrating a musical benefit at Maxwell's, featuring a variety of Hoboken musicians.

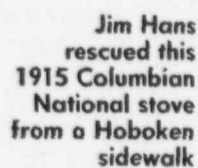
The "Musical Retrospective" will feature: Cries, The PastElles, The Plumbers, 77 Sunset Strip, Tanaka, Sheldon Biber, Emelio China, Jim Cramer, Jim Dillman, David Gréco, Lyell Gressitt, Carl Huffman, Mike

The benefit will be held on June 27 from 8 p.m. to 2 a.m. and on June

Admission price at the door is \$10, \$9 for card-carrying museum

— **Andrea Kott**

— Andrea Koll



Scramble begins to fill school board vacancy

By Bill Campbell

It's been less than a week since Zelma Lugo resigned her seat on the Hoboken Board of Education, but strategists have already begun plotting to find a replacement to round out the nine-member board.

The board's interim secretary, Anthony Curko, said Friday that he has already received one application and about half a dozen phone calls inquiring about the vacancy. Legal ads requesting resumes from interested candidates were not published until today.

Lugo, who was appointed to the board in October of 1979 by former Mayor Steve Cappiello, resigned her seat Tuesday. A local merchant and the only Hispanic school trustee for several years, Lugo is selling her home and her business and is moving out of town.

Already, at least four candidates have emerged following Lugo's long-remembered resignation. According to school and municipal sources, Felix Rivera, Carlos Perez, Michael Rossano and Perry Belfiore are considered the leading contenders.

According to state laws, the board can appoint a replacement by a majority vote. Qualified candidates must present Curko with a resume and a personal statement by 4 p.m. on July 1 to be considered for the opening.

The board will have 65 days to appoint a new member to fill Lugo's term, which expires next April, or the county superintendent of elections can appoint a replacement.

See VACANCY — Page 8

Vacancy on school board draws number of hopefuls

Continued from Page 1

if, as some board members contend, a Hispanic is selected to replace Lugo.

Board members Lourdes Arroyo and Raul Morales last week urged colleagues to choose a Hispanic to maintain the ethnic balance of the board.

The request touched off a bitter debate with other trustees who said the ethnic issue would polarize the board.

A Perez nomination would likely be supported by Arroyo and trustee Joe Rafter who also ran on the CQE slate.

However, Rossano, 26, an- other former CQE candidate, is considered a strong contender because he received the most votes of any unsuccessful candidate in the post two board

election.

CQE member Laurie Fabiano, who works in the mayor's office, said either Perez or Rossano would be acceptable candidates but warned it was too early to speculate.

Vezzetti said he could support the two CQE candidates or Rivera.

Belfiore, a real estate developer who dropped out of last April's board race, was rumored to have been promised Lugo's seat for his support of the successful ticket of Richard England, Mario Mercado and Geraldine Pantoliano.

One trustee who asked not to be identified confirmed the "deal" but said alliances may have changed between April and July.

"I promised (Belfiore) that

I'd support him, but I don't know what the other members will do."

Belfiore and other trustees have denied knowledge of the deal.

Still, other candidates are likely to announce before July. Eugene Drayton, the lone black member of the board, said he would support a black candidate if ethnicity became an issue.

"I believe in selecting the best person, but if a Hispanic is pushed to maintain racial balance, then I will nominate a black."

"After all, there are four Hispanics now and I am the only black."

Drayton would not identify the candidate he would nominate.

4,000 UNITS LOST

Condo halt looms in Hoboken

By JANET WILSON

Staff Writer

HOBOKEN—There could be a halt on all condominium conversions here within a month.

On the eve of a court decision about the legality of similar laws in four other Hudson County municipalities, officials here are writing an ordinance designed to stop the loss of inexpensive rental apartments.

Nearly a quarter of the city's 17,000 apartments have been turned into condominiums since 1980, according to census reports and housing experts, and the pace of conversions has quickened during the last six months.

Members of the City Council and Mayor Thomas F. Vezzetti met with activists from the Campaign for Housing Justice last week, and were

persuaded that something has to be done. Lawyer Ira Karasick and Councilwoman Helen A. Cunningham were selected to draw up legislation.

Karasick is the author of the original "condo ban" legislation in Jersey City that has been the model for local laws passed in North Bergen, Union City, West New York and Weehawken.

Assignment Judge Burrell Ives Humphreys of Superior Court in Jersey City is expected to rule this morning on a request from a developers' group to stop those ordinances from being enforced while their legality is tested.

Local housing activists said they are pushing for passage of a local ordinance for two reasons: to stem the continuing loss of reasonably priced rental units.

See CONDOS, Page 6

CONDOS

Continued from Page 1

priced apartments, and to show solidarity with the other Hudson County municipalities.

"We have got to send a strong, clear message to the judge, and to the state, that we are all in this together, and that we are all being hurt badly," Sheila Scully said two weeks ago. Scully is a member of the Campaign for Housing Justice.

Tenant activists across Hudson County still are pushing for passage of state legislation that would make it illegal to evict tenants from buildings being converted into condominiums, but with that legislation buried in one Assembly committee after another, they have turned to local legislative efforts as well.

The principle behind all of the laws is the same, according to Karasick. The local government, seeing a state of crisis in the loss of affordable housing for its residents and bound by the state Supreme Court's Mount Laurel decisions to guarantee a certain

amount of affordable housing, sets up regulations to guarantee that no more affordable housing is lost. The regulations include prohibiting conversion of rental units to condominiums, which usually are beyond the price range of the tenants.

Karasick said rewriting the law for this city would involve no major changes and would take two to three days at most. The city needs to designate an office and staff to handle buildings on a case-by-case basis, and to respond to complaints and questions from landlords and tenants.

Cunningham is expected to introduce the ordinance at the next council meeting in mid-July.

Landlords and real estate developers in all of the municipalities have protested the local laws, arguing that they have slowed the market and also are improper because the state, not the local government, has governing power over fair housing practices.

Garbage strike is looming

Dispatch 6-29-87

By JEFFREY HOFF

Staff Writer

With a garbage strike threatening Hudson and Bergen counties at midnight tomorrow, talks resume this morning between private haulers and the Teamsters union.

Local government officials say they are prepared for a work stoppage — which looms over North Jersey — if an agreement is not reached.

Teamsters Local 945 in West Paterson represents workers in Hoboken, Secaucus and Kearny, but all other municipalities in the county could be affected by the strike if Teamsters Locals 560 and 617 honor pickets lines as expected. Two hundred municipalities in 13 North Jersey counties would be affected by the job action.

A variety of plans are being made

by municipalities to handle any strike, with some asking citizens to keep refuse indoors and others planning to have municipal employees collect the waste and dump it on municipal property. Many are planning meetings today and tomorrow to decide what to do.

Both sides in the contract talks expressed guarded optimism that a settlement can be reached, with carters saying last week they would offer their first pay package today and would not insist that the current contract be extended one year without a pay hike.

Meanwhile, the FBI is investigating claims by Flen Chestnut, president of Teamsters Local 945, that he was abducted by three men who robbed and drugged him last week.

Chestnut, 56, was found un-

See TRASH, Page 8

Hoboken gains still shy of mark

By Bill Campbell

For the fourth year in a row, Hoboken ninth-graders registered improved proficiency test scores, but the school system is still shy of achieving state certification.

While the results of the 1986-87 High School Proficiency Test showed marked increase over last year, Superintendent of Schools Walter Fine said the system was "percentage points short" of earning certification.

According to figures released Friday by the state Department of Education, 72.2 percent of ninth-graders passed the reading HSPT, up from 48.9 percent last year; 60.1 percent passed the math HSPT, up from 39.9 percent last year; and 53.1 percent passed the writing HSPT, up from 33.1 percent last year.

"This is one time when a majority of our students can read, write and compute," said Fine. He said he was "encouraged" by the rising scores

which were short of the 75 percent passing grade required for state certification.

The Hoboken school system is one of three in the county which have been placed in Level 3 status, necessitating an inspection by a state team of all

See HOBOKEN — Page 8.

Hoboken gains still shy of mark

Continued from Page 1

aspects of school operations. If the system does not improve within a year, it could be subject to a state takeover.

Last year, Hoboken's scores on the HSPT were ranked 263rd out of 270 districts in the state for ninth-grade students taking the test. Fine said it was too soon to determine this year's ranking.

Fine said the test scores were the only element that caused the system to sink into Level 3 monitoring, and added that he was optimistic that the steady increase in scores would prevent a takeover.

"What the state is looking for is a reasonable gain in the scores and I'd say that we have made some," Fine said.

He said said he received word that the county superintendent of elections was "very happy" with the test scores and "I assume the state will be, too."

Fine said he anticipates that the end product of the sys-

tem's Level 3 status will be a state-issued corrective plan to improve the schools.

Election disputes not settled

Continued from Page 1

improperly marked, Hudson County Superintendent of Elections Harvey Birne said.

Appearing in court yesterday, Manogue and attorney Peter Van Schaick won a ruling ordering the contested ballots to remain impounded while investigations continue.

Elections officials discounted the five opened ballots because the X marking the voter's choice was not completely in the box next to the candidate's name.

The unopened absentee ballot was excluded because it lacked the proper signature from someone who allegedly assisted the voter.

If the five ballots are counted, Wilson and Manogue will be dead even in the balloting. If

all six are counted, the unsealed ballot would decide the race. But in any case, the results are expected to be contested further.

"We've got a real chance," Van Schaick said. "We've got a one-vote difference and we're

Five ballots could spell a dead heat

By Laurie Kalmanson

A single vote may still spell the margin between victory and defeat in the Hoboken Fifth Ward City Council race — but the crucial ballot could be a different one today from what it was yesterday.

After a court-ordered recount yesterday, incumbent E. Norman Wilson still holds the single vote margin of victory he earned in the June 9 election.

But second-place candidate Helen Manogue is scheduled to argue in court today that six uncounted absentee ballots — five already opened and one still sealed — should be tallied into the vote count.

The five opened but uncounted absentee ballots were left out of the tally because they were improperly marked, said Hudson County Elections Superintendent Harvey Birne. The "X" for the candidate was next to rather than in the box, he said.

Three of those ballots are Manogue votes, and two are from Wilson supporters, Birne said.

"Those five ballots could bring the election dead even," Birne said.

The sixth uncounted absentee ballot remains sealed and secret because the person who assisted the handicapped voter did not write his or her name on the envelope, as required by law, Birne said.

"If the other five ballots are counted, the election could hang on that vote," Birne said. The parties are scheduled to appear before Assignment Judge Burrell Ives Humphreys at 11 a.m. today.

No one knows if the judge has the power to order the ballots counted, or if he will choose to step aside and turn the dispute back to election officials.

The envelope, please.

Election disputes continue

By Laurie Kalmanson

Hoboken is scheduled to swear in its new City Council members Wednesday, but court fights over two seats may still be going on.

All six ward seats were up in the May 12 election. Three candidates won outright victories and three races went to runoffs. The three at-large council seats were not up in the election.

Defeated Third Ward candidate Anthony J. Russo is scheduled to continue his legal struggle Monday to cancel the May 12 election results that put him eight votes short of a runoff spot in the June 9 balloting.

Russo is waging his battle before state Superior Court Judge Dorothea O'C. Wefing. The Third Ward race was run among Russo, second-place finisher Frank "Pupie" Raia, and victor Steve Cappiello, the incumbent.

There are allegations that Raia campaign worker Michael Holmes illegally signed about 100 absentee ballot applications as a witness without actually meeting the voters whose applications he co-signed.

The Fifth Ward, single-vote victory of E. Norman Wilson, the incumbent, is also being contested.

Six uncounted absentee ballots remain the subject of controversy. Three were cast for candidate Helen Manogue, two for Wilson, and one remains sealed. The ballots were

See ELECTION — Page 10.

Russo keeps battling for new election

Unsuccessful Hoboken Council candidate Anthony Russo was back in court yesterday, continuing his battle to call a new election for the Third Ward council race in Hoboken and throw out the May 12 results that left him out of the running.

Russo finished third in the primary election, eight votes short of a runoff position

against first- and second-place finishers Steve Cappiello and Frank "Pupie" Raia. Cappiello won the June 9 runoff.

Flanked by his attorney, John M. Carbone, and Deputy State Attorney General Donna Kelly Bocher, Russo watched yesterday while the lawyers and the court reporter entered voter registration documents into evidence.

Testimony is expected to begin today before Superior Court Judge Dorothea O'C. Wefing.

Russo and his lawyer said they expect to enter into evidence 118 voter registration forms witnessed and signed by Raia campaign worker Michael Holmes. They allege Holmes collected the registrations improperly.

Court invalidates curbs on condos

By Laurie Kalmanson

A landlord is free to convert an apartment building to condominiums and sell the units at a market price, Hudson County's top judge ruled yesterday.

The ruling invalidated recent local ordinances that tried to stem the tide of condo conversions and challenged the validity of municipal rules capping condo sale prices.

The defeated cities and several tenant organizations have pledged to appeal the ruling and vowed to seek a full trial on issues that they say remain open.

In a three-hour court session yesterday, Assignment Judge Burrell Ives Humphreys read his long-awaited opinion on condo ordinances passed this April in Jersey City, North Bergen, West New York and Weehawken.

Giving the towns and the tenant groups "an A for creative legal thinking," the judge dismissed a key legal argument supporting the regulations as "a jump into outer space."

The largely similar local rules attempted to limit condo conversions and sought to cap the sale price of an apartment at 72 times the monthly rent, an effort to keep the units "affordable."

Moratoriums 'invalid'

The judge declared that municipal moratoriums on conversions were totally invalid. Municipal price ceilings were probably invalid, the judge said, but he declined to issue a final ruling on that part of the ordinances.

Describing municipal price ceilings as "an unconstitutional taking of private property without payment of just compensation," the judge said there was a small probability that the provision would prevail as law. He issued a temporary injunction against the price cap.

He addressed a courtroom filled with about 40 lawyers, tenant leaders and reporters. Partisan spectators clapped, booed, hissed and cheered for part of the proceedings. But audience participation ended when Humphreys threatened to oust the next person who voiced an unsolicited opinion.

The judge said many Hudson County residents "have seen their homes disappear" in the rising tide of condo conversions but said he was powerless to change things.

The municipal condo bans displayed "unprecedented and extraordinary power" that the towns do not possess, the judge said.

More battles to come

The decision was an eagerly anticipated development in the countywide battle launched against developers by city councils which say they are looking after the interests of tenants. Tenant activists

See COURT — Page 7.

Hoboken rehiring janitors?

The Hoboken Board of Education may rehire some of the 20 janitors laid off this spring.

The rehiring may take place during a special meeting scheduled for tonight at 6 p.m. at board headquarters, 1115 Clinton St.

According to officials, the custodians are sorely needed for summer maintenance and cleanup. One official said some of the schools are barely operational without more custodial help.

In other business, the board will consider approving professional service contracts for electrical and roofing designs.

Roof maintenance is planned for the Salvatore Calabro School, the Wallace School and Hoboken High School. Electrical work is slated for the Thomas G. Connors School and the Kealey School.

Officials from the city and the Board of Education are scheduled to meet this afternoon with Hudson County Superintendent of Schools Lou Accocella to discuss a possible agreement on school budget cuts. The outcome of that meeting is also expected to be discussed at tonight's meeting.

The board is appealing the city's \$3 million reduction of the 1987-88 budget. The board has proposed a \$25.7 million budget, with \$12.6 million to be raised by taxation.

6/23/87 J.J.

Court rules condo curbs are invalid

Continued from Page 1

have placed some of the blame for the lack of housing for low- and middle-income families in Hudson County on conversions.

Since April, tenants and developers have discussed deals in a climate of uncertainty. But yesterday's decision is no guarantee of firm ground underfoot for anyone, lawyers for all sides agreed after the ruling.

Attorneys for the tenants and the developers expect to be embroiled in appeals and countersuits for months to come.

Humphreys knocked down a linchpin of the argument Hudson County towns and tenants hung their anti-condo ordinances upon saying they misapplied the Mt. Laurel decision, saying that zoning to keep out low- and moderate-income residents was unconstitutional.

Lawyers had argued that the Mt. Laurel case requires municipalities to guarantee a supply of affordable, but Humphreys rejected that claim.

"That's a jump into outer space," the judge said.

An appellate finding that zoning out poor people is unconstitutional is not the same as requiring that a town guarantee the availability of cheap housing, the judge said. "That's too far a jump."

A consortium of developers initiated the suit against the ordinances.

Led by Barry Segall of Gold Coast Realty and attorney H. Neil Broder, the developers argued that only the state may write legislation governing conversions.

Humphreys came to the same opinion yesterday.

State law gives most tenants three years to move — or buy their apartments — once a landlord has announced his intention to convert to condominiums. Senior citizens and the disabled who meet income guidelines have up to 40 years.

As soon as the judge finished reading his opinion into the record, lawyers representing the tenants and the municipalities argued for a delay in enforcing the ruling. That request was denied.

Lawyers representing the municipalities included North Bergen township attorneys Herbert Klitzner and Donald Caminti and special Jersey City counsel Ira Karasick.

Hartz Mountain Industries and Hoboken have reached an agreement on a plan they hope will lift a state ban on sewerage hookups by next year, municipal officials said yesterday.

The plan has been tentatively approved by the state Department of Environmental Protection, the agency that imposed the ban last summer after the city failed to comply with mandated infrastructure improvements, officials said. The move is seen as a major

breakthrough for the city, which has been at loggerheads with the state on the ban. Real estate development within the Hoboken sewerage district, which includes Weehawken and Union City, has slowed since the DEP refused to grant hookup permits.

According to the plan, Hartz will agree to upgrade Hoboken's substandard primary treatment plant and pay the

state \$250,000 in municipal fines. Hartz needs a permit from Hoboken to complete its multi-billion-dollar Lincoln Harbor project in Weehawken. The Secaucus-based development firm has been negotiating with the city on the agreement for several months, officials said.

"This agreement is great for Hoboken, the developers and for the quality of water to

be discharged into the Hudson River," said Public Works Director Roy Haack.

At least a dozen real estate projects in the region — from the Skyline Condominium project in Hoboken to Hartz's Lincoln Harbor project — are awaiting sewerage hookup permits. The state has steadfastly held to the ban, warning that permits would not be issued until Hoboken made federal

and state-mandated infrastructure repairs and paid \$250,000 in fines.

Only one project, Baker Waterfront Plaza office building in Hoboken, has been allowed to proceed because the developer agreed to install a portable sewage treatment facility at the project.

Hoboken, mired in a fiscal crisis, has begun some of the repairs but has been unable to



DEAR EDITOR:

The anniversary of the most important sporting event in the past two centuries occurred this month. It was the first organized baseball game, played on June 19, 1846, between the New York Knickerbockers and the New York Nine clubs. More importantly, this historic match was played at Elysian Fields in Hoboken. Many New York teams crossed the Hudson to play in New Jersey.

It has always been a mystery to me why a shrine or museum has never been erected in Hoboken to commemorate this place and event.

New Jersey has been looking to lure a major league baseball team into the state. It seems fitting we should do all we can to bring the national pastime back to New Jersey where it all began.

Gregory Christiano,
Fair Lawn

Sewer hookups may be allowed

By Stephen J. Hudik

Developments in Hoboken, Union City, and Weehawken may soon get the green light to turn on water faucets, toilets, and connect sewer lines.

Hoboken's City Council and Hartz Mountain Industries reached agreement yesterday that the Secaucus-based firm will spend some \$2 million to upgrade Hoboken's primary sewage plant, which also serves Union City and Weehawken.

"This is a positive, good step forward for Hoboken," said Second Ward Councilman Joseph Della Fave. He said he hoped this decision will make the DEP "more amenable" to lifting the hookup ban.

The state Department of

Environmental Protection brought real estate development within the Hoboken sewerage district to a stop last summer by not issuing hookup permits. The DEP refused to grant hookups after the city missed deadlines on state-mandated infrastructure improvements. The DEP must ratify any agreement before the city can claim up to \$25 million in state and federal grants.

All eight attending council members approved the resolution. Several members said early completion of local development projects translates into sooner tax ratables for the city.

"This agreement will take the burden off Hoboken taxpayers," said Irwin I. Kimmelman, special counsel hired by

Hoboken to address the city's sewerage problems. "This is a prime example of private developers contributing to very necessary infrastructure work."

Both Kimmelman and Hartz attorney Kenneth D. McPherson said the agreement benefits both parties.

Kimmelman said the council-approved resolution enables developers to complete projects sooner, possibly at lower labor costs. McPherson said Hartz will "help get the city one step closer to a final resolution of this problem and improve water quality for residents."

Under the plan, Hartz will spend approximately \$1.6 mil-

See SEWER — Page 14.

Hartz pact seen lifting sewerage ban

Continued from Page 1

will not cost the city a dime," Graves said.

Graves and Haack estimated the cost of repairs at \$1.6 million. Hartz officials would not comment on the plan or the cost of the project.

During a meeting in Trenton last Monday with Hoboken officials, the DEP agreed to lift the sewerage hookup ban if the city paid the fines and demonstrated it could "substantially" improve sewage discharge in the Hudson River, Graves said.

The city has been negotiating with the state to revise its consent agreement to upgrade the treatment facility to a secondary level. The consent agreement must be ratified by the DEP before the city is eligible for up to \$25 million in state and federal project grants.

Graves predicted that the ban could be lifted next year after improvements are made to the primary plant. The secondary treatment facility must be completed by 1990.

Primary sewage treatment removes 55 percent of pollutants from waste water, while secondary treatment removes 85 percent. The waste water is

dumped in the Hudson River.

In addition to Lincoln Harbor, Hartz has proposed a \$60 million research and technology center on waterfront land in Hoboken owned by Stevens Institute of Technology.

Hoboken officials vigorously denied that the sewerage agreement was part of an arrangement for gaining municipal approval of the Stevens project.

"This is strictly for their

Weehawken development," said mayoral aide Laurie Fabiano. "They initiated discussions to lift the hookup ban before they unveiled the Stevens project."

Sewer hookups may soon be allowed

Continued from Page 1

lion to upgrade the city's primary treatment plant, pay project-related engineering and legal costs, and foot the bill for the city's \$250,000 DEP-imposed fine.

McPherson said Hartz expects to begin construction this fall and finish the rehabilitation work early next year. McPherson said Hartz will perform the work alone if necessary but that he believes Hartz can convince other developers to share costs. In return, Hartz or any developer who helps pay for improvement work receives a credit from the city on impact fees it charges all projects before they can link up with the

city's water system. Hartz intends to build 250 residential units plus more than 2 million square feet of office space at Lincoln Harbor, the firm's multi-billion-dollar Weehawken project. Earlier this year, the company proposed a \$60 million research and technology center at Stevens Institute of Technology waterfront property.

About a dozen unfinished or near-completed developments, including Hoboken's Skyline Condominium project and Hartz's Lincoln Harbor, now await hookup permits. Construction continues at Hoboken's Baker Waterfront Plaza office building, since the de-

velopers got the DEP's consent to install a portable on-site sewage facility.

DEP officials have steadfastly refused to wave the ban until Hoboken makes necessary repairs and pays the \$250,000 fine.

According to Kimmelman, the city signed a consent agreement with the state to upgrade its sewage treatment to the secondary level by July 1, 1988. A more recent agreement gives Hoboken an extension until July 1, 1990. Secondary treatment removes 85 percent of pollutants from waste water, compared to only 55 percent for primary treatment.

Both McPherson and Kim-

elman said the work Hartz has agreed to perform on the sewage treatment plant will enable the city to honor its DEP commitments within a "reasonable timeframe."

In other business last night, the council passed a bond ordinance allocating \$2.3 million for mandatory sewer improvements. The city had intended to use funds from its insurance settlement with the Port Authority over the 1980 Pier B fire for that, but has made no progress in talks since June. In lieu of an approved budget, the council also authorized a \$4.3 million appropriation to keep the city financially solvent in the interim.

REBUILT SYSTEM Hoboken OKs Hartz sewerage proposal

Dispatch 6-30-87
By CHRISTOPHER AVE
Staff Writer

HOBOKEN—The City Council last night unanimously approved an agreement with Hartz Mountain Industries to rehabilitate the city's sewerage system.

In a deal cut by city attorneys and representatives of the company, the resolution calls for Hartz to pay an estimated \$1.6 million to revamp the sewerage system.

The company also would pay \$250,000 in fines imposed on the city by the state Department of Environmental Protection for violating a court-ordered schedule to build a new treatment plant.

Councilmen said they hope the state will be persuaded by the agreement to lift a two-year ban on a new sewer connections here.

Irwin I. Kimmelman, a special counsel for the city who helped forge the agreement, called it an "innovative proposal" that is good for the city and developers alike.

For the city, Kimmelman told the council, the agreement insures the rehabilitation will be paid for. "Whatever the cost is," he said, "Hartz agrees to pay for it." That cost includes legal and engineering fees required by the project.

The accord also helps the city avoid the private bidding process that would have been necessary if the city paid for the work, Kimmelman said.

For the developers, Kimmelman said, the agreement is the first step toward reopening the city to buildings that require use of the sewerage system.

Under the agreement, any new developers who wanted to use the sewers would be asked by the city to contribute to an "interim treatment facility fund" to help pay the cost of the sewerage system.

Eventually, according to city Law Director William Graves, responsibility for the whole system will be transferred to a sewerage authority composed of representatives from Union City, Weehawken and Hoboken. The three municipalities share the same sewerage system.

Councilman Joseph E. Della Fave said after the vote that he hopes the state will lift its ban on sewerage hookups.

"I think it's a very positive step forward in this particular area of sewerage development," Della Fave said. "The DEP hopefully will get off our backs."

In other action, the council voted for a \$4.3 million stop-gap budget measure. The city is operating without a budget because of extended legal disputes with the Port Authority of New York and New Jersey concerning \$9.4 million in insurance money, and with the Board of Education, which is resisting a \$3 million budget cut requested by the council.

Sewerage hookup ban near end

By Bill Campbell

Hartz Mountain Industries and Hoboken have reached an agreement on a plan they hope will lift a state ban on sewerage hookups by next year, municipal officials said yesterday.

The plan has been tentatively approved by the state Department of Environmental Protection, the agency that imposed the ban last summer after the city failed to comply with mandated infrastructure improvements, officials said. The move is seen as a major

breakthrough for the city, which has been at loggerheads with the state on the ban. Real estate development within the Hoboken sewerage district, which includes Weehawken and Union City, has slowed since the DEP refused to grant hookup permits.

According to the plan, Hartz will agree to upgrade Hoboken's substandard primary treatment plant and pay the

state \$250,000 in municipal fines. Hartz needs a permit from Hoboken to complete its multi-billion-dollar Lincoln Harbor project in Weehawken. The Secaucus-based development firm has been negotiating with the city on the agreement for several months, officials said.

"This agreement is great for Hoboken, the developers and for the quality of water to be discharged into the Hudson River," said Public Works Director Roy Haack.

At least a dozen real estate projects in the region — from the Skyline Condominium project in Hoboken to Hartz's Lincoln Harbor project — are awaiting sewerage hookup permits. The state has steadfastly held to the ban, warning that permits would not be issued until Hoboken made federal

and state-mandated infrastructure repairs and paid \$250,000 in fines.

Only one project, Baker Waterfront Plaza office building in Hoboken, has been allowed to proceed because the developer agreed to install a portable sewage treatment facility at the project.

Hoboken, mired in a fiscal crisis, has begun some of the repairs but has been unable to

See HARTZ — Page 10

Sommers to fight his ouster from rent leveling unit

By Bill Campbell

An embattled Hoboken Rent Leveling and Stabilization Board member has denied a series of charges that led to his ouster last week and said he plans to appeal the dismissal.

George Sommers, an unemployed law student, was dismissed by Mayor Thomas Vezetti on June 18 after he allegedly assaulted a fellow board member during a heated confrontation. The dismissal stated that Sommers' "conduct as a member of the board has been disruptive and detrimental."

However, Sommers' attorney, George Wiggs of Jersey City, said his client "denies each and every allegation and requests a hearing." Wiggs, in a letter to Vezetti, requested that the hearing be put off until next week because "sufficient time has not been accorded to prepare and present the defense."

Both Sommers and Wiggs were unavailable for comment. Sommers, 32, was charged with aggravated assault June 3 after he allegedly attacked board member Al Avitable on the third floor of City Hall. Avitable received six stitches at St. Mary Hospital to close a cut over his eye.

Sommers filed a countercharge of simple assault, claiming Avitable punched him six times and slammed him into a wall. The fight occurred about a hour before the board was to meet and allegedly stemmed from a letter board members wrote complaining of Sommers' conduct on the seven-member body.

Sommers has been the gadfly member of the board, which settles tenant-landlord disputes that involve the municipal rent control ordinance. In January, some board members complained that they would rather resign than serve with Sommers, and Vezetti dismissed him.

Vezetti charged at the time that Sommers was "disruptive."

A two-thirds City Council majority, led by Councilman-at-large Robert Ranieri, overturned the dismissal.

TWO MAYORS AT MIDTERM



Jersey City Mayor Anthony Cucci

Cucci does not merit 2nd term

By Peter Weiss

Jersey City Mayor Anthony Cucci doesn't deserve a second term.

Not yet, anyway. Not from what he accomplished during the first two years of his term.

But don't take anybody else's word for that. Take Cucci's, who today marks his second anniversary in office.

Here's what he said when asked if he could run, right now, on his record:

"I would have to be somewhat hesitant because I think I'm only halfway into the first, maybe on my way out. I feel as though a lot has been done that's not apparent, but we're far

See POLITICAL WHIRL — Page 2.

from reaching the goal of saying I feel as though I deserve to run again and I feel as though I have already proven enough of accomplishment.

"No, I'm not at that stage yet, no, sir."

However, Cucci said he's confident that assessment will change in the next two years.

"I said it before. If I feel that I have done what I set out to do, then I would certainly like the opportunity to run again," the mayor said.

Looking back on the first half of his first term, Cucci said he feels he has gotten city services and the municipal

See CUCCI — Page 14.

City, P.A. stalled on settlement of insurance dispute

By Bill Campbell

Despite an "informal" meeting, Hoboken and the Port Authority have made no headway in resolving the \$9.4 million insurance settlement issue.

Meeting Tuesday for the first time since a proposed settlement was struck in April, representatives of the city and the P.A. were unable to resolve differences over the terms of the agreement, officials said.

The Port Authority is willing to address the "clarity" of the original settlement's language but is sticking to its "business terms," John Donovan, manager of government and community relations for the P.A., said yesterday.

The City Council had opposed the settlement, saying it must be set up as a legal document rather than a letter, as it is now.

The council majority and the Mayor's Waterfront Advisory Committee also criticized stipulations on the disbursement of funds. A revised agreement approved by the council but rejected by the P.A. seeks a lump sum of \$7.3 million from the P.A., while the remaining \$2.1 million would be held in escrow.

The Port Authority, which leases the city-owned piers on the Hudson River, received \$7.3 million in insurance proceeds after a 1980 fire destroyed Pier B. The city is seeking to recover the money, plus \$2.1 million interest.

After two months of bitter debate, the City Council earlier this month rejected the settlement between Mayor Thomas Vezetti and Phillip LaRocco, the authority's director of economic development, and ratified a new agreement.

The Tuesday meeting, called an "informal" session by a P.A. spokesman, was attended by P.A. representatives Donovan and Frank Garcia, City Council members Pat Pasculli, E. Norman Wilson and Helen Cuning, municipal Law Director William Graves and Com-

See CITY — Page 8



Hoboken Mayor Thomas Vezetti

Calmer Vezetti not yet mellow

By Bill Campbell

Midway through his term as mayor, Thomas Vezetti says he has been forced to assume a "realistic" approach to government.

"Two years ago, I had great expectations," said the outspoken Hoboken mayor. "I thought that Tom Vezetti with his little bullhorn could conquer the unconquerable. I am a realist now and hopefully my goals have moderated to fit this office."

Since upsetting Mayor Steve Cappelletto in 1985, Vezetti has weathered violent political storms both from within and outside his administration. He says he entered the mayor's office July 1, 1985, with "no concept" of the job and blames many of the past disputes on his "unorthodox" style.

"Talk about on-the-job training," he said. "I really can't say I've mellowed, but I've calmed down a bit."

Since 1985, the administration and council have often been at loggerheads on key issues. Vezetti's critics claimed the administration lacked political savvy and that his combative style clashed with an already hostile City Council majority.

Vezetti and his aides agree, citing their political inexperience and desire to create an "open government."

The first two years of the Vezetti administration have been marked by extremes. Vezetti successfully replaced the

See MAYOR — Page 17.

City, P.A. stalled on insurance talks

Continued from Page 1

munity Development Agency Director Michael Coleman.

Donovan said yesterday that the authority "confirmed" its earlier statements that the revised settlement was "unworkable and unacceptable" and "inconsistent" with the terms of the earlier agreement.

Pasculli, a member of the city's negotiating team, said the P.A. "firmly supports" the original agreement "because that's the position they feel is acceptable to the P.A.'s Board of Commissioners."

Both the council and the P.A. commissioners must ratify the settlement before any funds can be transferred. The commissioners in June tentatively approved the original version.

Hoboken, which has antici-

ated \$3 million from the settlement in its 1987 municipal budget, is hoping for a quick resolution to avoid a massive tax increase. Pasculli charged that the P.A. was "unfairly" holding the \$9.4 million during a "budget crisis."

Donovan said the P.A. strongly opposed the revised

settlement because it deleted a clause from the original agreement freeing the P.A. of municipal lawsuits related to the insurance claim.

The lawsuit was the issue this agreement was supposed to settle," he said.

Pasculli said he hopes the issue may be resolved Monday

when a Superior Court judge is expected to rule on a series of taxpayer suits over the insurance funds. He said the P.A. may be willing to negotiate further on the out-of-court settlement if Assignment Judge Burrell Ives Humphreys finds the money rightfully belongs to the city.

Cappiello barred from being sworn

By Laurie Kalmanson

The Hoboken City Council has been barred by court order from swearing in incumbent Third Ward Councilman Steve Cappiello to a new term of office today.

A ruling is scheduled for today on whether Fifth Ward Councilman E. Norman Wilson should be sworn to a new term. Candidate Helen Manogue lost to him by a single ballot and is contesting the election.

Superior Court Judge Dorothea O'C. Wefing ruled yesterday that a pending election fraud suit filed by defeated Third Ward candidate Anthony J. Russo presented strong enough evidence of irregularities for her to bar Cappiello from taking office until

she decides whether a new election should be held.

Since Cappiello is the incumbent, he may serve as a holdover until the election dispute is settled.

When a judge grants a temporary restraining order like the one blocking Cappiello from taking office, the first legal test the judge ponders is whether the plaintiff is likely to prevail, according to Assignment Judge Burrell Ives Humphreys.

The restraining order against Cappiello is therefore a strong sign that Wefing is leaning toward throwing out the Third Ward election results and ordering a new vote.

By statute, a new election

See CAPPIELLO — Page 14.

FOES: NOT HIS TO GIVE

Cappiello fought on \$7.5M

By JANET WILSON

Staff Writer

HOBOKEN—Former Mayor Steve Cappiello met with Port Authority representatives behind closed doors repeatedly in 1983 and 1984, according to court papers filed this week, and agreed that \$7.5 million in insurance money from a burned pier should be applied to a massive waterfront development project involving the agency and the city.

The city and PASS (People Advocating Safe Solutions), a citizens group are now suing the Port Authority of New York and New Jersey to have that insurance money, plus interest, returned to city coffers. The authority has argued repeatedly—and filed papers Monday in support of those arguments—that Cappiello and other city officials freely gave the money to the authority in 1984, and the suit therefore has no basis.

Opponents argue that, because Cappiello ceded the insurance behind closed doors without the knowledge of most members of the City Council, the agreement is illegal.

The port agency's court papers, consisting of three sworn statements from other participants in the meetings between Cappiello

and the agency, and minutes of one of those meetings, were filed with Assignment Judge Burrell Ives Humphreys of Hudson County Superior Court in Jersey City.

Humphreys had ordered the agency 12 days ago to provide arguments as to why it should not be required to return the insurance money and two years worth of interest, totaling nearly \$10 million, to the city. He is expected to rule shortly on whether a full trial should be held. If he decides that is unnecessary, Humphreys could issue a summary judgment.

The authority's papers also show the authority and city officials discussed how they would handle questions from the federal government about the insurance money, if any were asked. Since the federal government owned the pier when it burned, the insurance money could have belonged to it, according to standard commercial law.

One of the sworn statements, by businessman Paul Rotondi, says federal negotiators were aware of the insurance proceeds because of wide publicity about the money at the time. It also shows the city and the authority tacitly agreed not to raise the subject.

In the early 1980s, the city was

negotiating with the federal government to buy back the pier, which had been taken from the city for use by the Navy in World Wars I and II. The authority, which had a lease from 1952 through 2003 for the pier, aided the city in its negotiations for the property, according to the court papers, and eventually did pay the city \$1.5 million in advance rent so the city would have enough money for the purchase.

The authority contends that, in return, the city agreed to enter into a partnership with it to develop the pier, and that the insurance money was part of that agreement. But no specific mention of the insurance is made in an agreement voted on by the council in January 1984 involving the \$1.5 million. Patrick Pasculli, who voted against the agreement with fellow Councilman Thomas F. Vezetti, now the mayor, said neither he nor several of the other council members had any knowledge of the agreement over the insurance.

The council president at the time, Helen Macri, was present at several of the closed meetings, but not all of them, according to a statement by Salvatore J. Samperi, one of the authority employees who worked on the negotiations.

Cucci does not merit a 2nd term

Continued from Page 1

portion of the budget under control, knows the Board of Education and its finances are still a mess, and realizes that many major campaign promises are unfulfilled.

Although the city tax rate jumped last year by \$26 for each \$1,000 of assessed valuation and will go up another \$18 or so this year, Cucci said he's pleased that the tab for city services, excluding public schools, rose less than \$2. He noted the city was also able to purchase 23 new police cars, modern fire equipment and a \$72,000 emergency services truck.

"It showed that fiscally we are responsible," Cucci said.

The tax situation will improve over the next two years as new developments begin to contribute to the city treasury, the mayor said, adding that several are well ahead of schedule.

"In two years I expect to see Jersey City's tax rate stabilized and lowered if possible," Cucci said.

"The only reservation I have is the situation with the schools. We have less and less control over those budgets because of state mandates."

Cucci said previous administrations were overly optimistic about how soon revenues would be produced by new development. He said he is not making the same mistake.

"You can see the materialization of Port Liberty and Newport," he said, referring to two of the most ambitious waterfront developments. This year the first residents of the luxury units at Newport and Port Liberty have moved in, and the Newport shopping mall is slated for a fall opening.

"I know we can keep a handle on municipal expenses," said the mayor.

'Unhappy' with schools

School expenses and the quality of the educational system remain a problem.

The mayor said he is "unhappy" with Board of Education fiscal procedures and warned that unless brought un-

der control, "extra revenues (from development) will be constantly feeding this devouring agency."

He said he's fully aware of the political consequences of school problems even though he maintains he does not interfere with the Board of Education.

"When people get their tax bills, the whole thing becomes my responsibility," he said. Aside from finances, the mayor said he thinks the quality of education will get better. "I see the schools improving," he said. "Test scores are up. I see the educational system getting better."

Cucci is an ardent foe of a proposal to let the state Department of Education take over the local school system. The Jersey City public schools are rated among the worst in the state, a condition the mayor is always quick to point out began well before he took office.

Aside from the public schools, the mayor said, his biggest frustration is getting start-

ed on construction of affordable housing.

"I never thought it would take this long," he said. The city has commitments from major waterfront developers either to contribute to, or themselves build, affordable housing, but that is as far as the program has gone.

However, the mayor noted that one of the first promises he fulfilled was to eliminate the "substantial rehabilitation" loophole in the city's rent control law. Also, he said, displacement resulting from housing rehabilitation and condominium conversion has been slowed, if not stopped.

The mayor said he sees an improvement in delivery of city services and is "generally" satisfied with the performance of his department directors. He plans no midterm changes.

"Is there room for improvement? There's always room for improvement," he said. "That's one of the reasons I started the 'hot line' (a telephone line in his own home on which the public can call to complain)."

Vezzetti predicts city ready to make its move

Thomas Vezzetti, the often flamboyant mayor of Hoboken who marks his second anniversary in office today, recently reflected on the midpoint of his administration. Here are excerpts from his interview with *The Jersey Journal*:

On his administration

This has to be put in perspective because I would say there have been many years of negligence that we are still trying to overcome. We are trying to revamp the city — the sewer plant, the municipal garage, the streets, parking troubles — before we can move ahead. It's been two years that we have been trying to take out 50 to 100 years of negligence. To expect us to correct this immediately would be herculean.

Hopefully we are on the right track now to get things going. There are a lot of things I have promised and I'd like to start fulfilling these promises. In particular, housing. With all our difficulties, we are on the road to start seeing accomplishments in this administration. So I can go to the people and show them what we have accomplished.

On the whole I'd give myself a B, not quite a B+, but a B.

On the tax rate

The Port Authority insurance settlement was a great opportunity for us to stabilize the tax rate but the council didn't seem satisfied with it. The \$9 million settlement would have helped in other areas like infrastructure.

I have to tell the taxpayers that I came down with a plan to stabilize the tax rate (at \$216 per \$1,000 of assessed valuation the highest in the state) and the council played their political games.

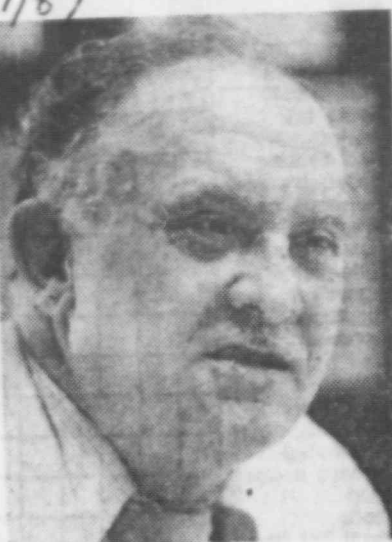
On relations with the council

Hopefully we will start seeing more togetherness because the problems are there and we all have to face them responsibly. I think that hopefully with (Fourth Ward Councilman-elect) Edwin Duroy we have another open-minded person. Hopefully pressure from the public will open their minds.

Also, I am a cockeyed optimistic and I believe those days of obstructionism are behind us.

On affordable housing

Observer Highway is a must, and was the basis of my campaign. Affordable apartments, senior citizens housing, and other projects are coming off the drawing board. (Community Development Agency Director) Mike Coleman is doing an incredible job. We still have to look in new directions for housing — from the state and other developers — because the federal funds are not there.



Mayor Thomas Vezzetti contemplates his first two years in office.

On developer giveaways

I see that the council is more in agreement with me than before. They didn't see it as advantageous in the beginning. They are more in a like mind with the administration than before. (Developer Gerald) Baker's contribution in 1985 was the first cornerstone of this administration on this type of plan. I can't take the credit, Joe Della Fave negotiated it.

On a bid for a second term

I'm a cockeyed optimist. I got my bullhorn ready and all I have to do is lose some weight. Everyone will be jockeying for mayor. (Councilman) Pat Pasculli, if he wants to be mayor, should do his job correctly as councilman. I'd have no problems running against him. I assume

(anti-administration Councilman Robert) Ranieri will run too. I assume it could be a bloodbath. I'll take all comers on. As long as we do our job the people will say Tom Vezzetti has done his job.

Two terms is enough from me, then the young kids can take over. I've laid the foundation stone, they — Joe Della

Fave, Helen Cuning and Tom Newman — can do the rest. This is the first time in my lifetime in Hoboken that we have had this caliber of people. It's going to be my legacy.

On his successor

In my opinion, Joe Della Fave would be the best mayor the city could have. Helen Cun-

ning would be up there too. Two years from now is a long time. They are outstanding council people and I'm lucky to have them surrounding me.

On politics

Don't mind what a politician says, mind what he does. It's all a bullcrap game.

Females enter the Lions den

By John Patrick

Hoboken's Rotary and Lions clubs have inducted their first women members, a move prompted by a recent U.S. Supreme Court ruling prohibiting service clubs from barring women.

Until that ruling, no Rotary chapters in the nation admitted women.

Officials in Hudson County

have said that although local memberships of Kiwanis, Lions and Rotary have long wanted women admitted into their ranks, such a move would have been in violation of club bylaws.

Delegates to the Lions Club International convention in Taiwan voted overwhelmingly Saturday to admit women. The amendment took effect immediately.

Previous votes at international conventions to amend the bylaws had repeatedly been defeated by slim margins. Some say the negative response came mostly from overseas where women are not so visible in the workplace.

Marian Roland, Hoboken traffic violations court clerk, is one of several women to be

See FEMALES — Page 8.

Guidebook includes access assurance

By Michele Drayton

Environmentalists and developers alike received assurances yesterday that a guidebook on the planned Hudson River walkway will be kept.

At a public hearing in Jersey City City Hall, representatives of the state Department of Environmental Protection said state legislation regarding the guidebook will simply be clarified.

The clarification will state that the entire length of the walkway, to stretch from Fort Lee to the Bayonne Bridge, will be open to the public.

Also at the hearing, a plan to review pier construction on a case-by-case basis rather than according to a flat height requirement was debated.

Specifically, the proposal states that DEP wouldn't look at building height alone when it considered a developer's construction project. It would also look at the benefits the construction would provide to the public in terms of public access and aesthetics.

Currently, DEP prohibits the construction of buildings taller than six stories or 60 feet along the waterfront.

At yesterday's hearing, the first of two in Hudson County, the audience was equally vocal on the proposed change regarding the guidebook as on the height requirements.

The wording of DEP's proposal concerning the guidebook confused some members of the audience. It read, "The proposed change (to the Rules on Coastal Resource and Development Policies) would delete the requirement that public access along the Hudson River conform with a report entitled 'Hudson River Walkway and Design Guidelines.'"

John Weingart, director for the Division of Coastal Resources at DEP, said the rules would just be clarified. One section had erroneously given the impression that some piers would be closed to the public, he said.

He acknowledged that the proposal's language was confusing and said the problem would be ironed out once DEP cements any of the proposed changes.

Many in the audience, particularly local residents, voiced concerns that their input on DEP proposals would have little or no impact.

Audrey Zapp of Jersey City, a member of the Liberty State Park Advisory Commission, said that draft changes such as the one on the guidebook should be sent out to various citizen groups before public hearings so they have time to review and assess proposals.

She criticized what she considered DEP's wavering on regulations for the waterfront, something she said makes the agency's credibility questionable. "It is a sign of DEP's weakness to continuously change rules and regulations," she said.

Barry Light, general manager of the \$10 billion Newport development on the Jersey City waterfront, also was under the impression that DEP sought to throw out its existing guidelines. Light said that there is "not an access problem" with the Newport development. The only area which would be off limits to the public is a strip that Light said is too narrow to serve as a public walkway.



John Weingart, a representative of the state Department of Environmental Protection, speaking at a public hearing yesterday on construction on the Hudson River waterfront piers.

Females in Lions den

Continued from Page 1

inducted into the Hoboken Lions Club and is the first and only female Rotarian in Hoboken.

"Hoboken has always helped its women along," she said. "I was appointed the first woman court clerk in this city and that was 20 years ago."

Chuckling, she added, "Women are finally, finally equal. That makes me laugh."

She agreed that most of the Rotary and Lions clubs' resistance has come from overseas. "Internationally, they say, 'What are you, crazy?' We certainly are talking about the Middle Ages over there. But certainly not in the United States."

The Lions Club International headquarters issued a directive to all its U.S. chapters last May to admit women at will, removing the threat of charter revocation.

"I don't believe they are looking for just any women, mind you," Roland said. "They are looking for women who make great contributions, outside of the home of course, where great contributions are already being made."

Some areas have discovered a lack of women applicants despite the recent court ruling. "Maybe, just maybe, many women don't want to join. But they wanted to know that they could if they really wanted to," Roland noted.

Roland submitted an application to the Hoboken Rotary more than a year ago, but was turned down. Along with her position in the traffic violations bureau, Roland is co-founder of the Hoboken Civic Theater.

The group, established six years ago, produces its shows at Stevens Institute of Technology.

Roland and several friends are currently working on a musical play about the history of Hoboken "and how it relates to the rest of the world."

Also inducted into the once all-male Lions Club were June Frangipane, Erika Muller, Mona Gallo, Mary Louise DeFazio, Phyllis Gilmartin and Edna Eichelbaum.

Hoboken is not the first Hudson County community to move ahead with the times, however. The North Hudson Kiwanis Club defied its international bylaws a year and a half ago, appointing New Jersey's first women members.

The National Organization of Women's Hudson County chapter has petitioned local city councils to remove all-male service club signs commonly seen on the roadway welcoming new members. NOW-New Jersey representative Christine Carmody-Arey, a Jersey City resident, likened the situation to the Ku Klux Klan's posting advertisements on the highways.

Cappiello barred from being sworn

Continued from Page 1

would have to be called no sooner than 24 days and no later than 60 days after the judge rules, according to Elections Superintendent Harvey Birne.

Russo alleges fraud and irregularities in his third-place finish behind Cappiello and Frank "Pupie" Raia in the May 12 race. Russo finished nine votes short Raia in the May 12 race — nine votes short of a spot on the June 9 runoff ballot

against Cappiello.

Testifying before Wefing this week, a witness subpoenaed by Russo's attorney said that although an absentee ballot was cast in her name, she had signed only a blank form and someone else voted.

Raia campaign worker Michael Holmes was listed on the ballot envelope as the messenger who delivered the vote.

In earlier testimony, Holmes admitted he illegally registered 78 voters by mail.

Ballots were cast by 44 of those fraudulently registered people.

Cappiello has served three terms as a councilman and

three terms as mayor.

Russo sits on the Hudson County Utilities Authority and teaches at Hoboken High School.

Four Hoboken councilmen sworn in

By Bill Campbell

Incumbent Hoboken Councilmen Thomas Newman, Joseph Della Fave and David Roberts and newcomer Edwin Duroy were sworn in yesterday to four-year terms on the city's top legislative body.

City Councilman-at-large Pat Pasculli was unanimously elected president of the nine-member council during the reorganization meeting.

Third Ward Councilman Steve Cappiello and Fifth Ward Councilman E. Norman Wilson, both victorious in the June 9 runoff election, were restrained by court order from being sworn in but will serve as holdovers pending separate investigations into their elections.

Newman, the First Ward councilman, Della Fave, the Second Ward councilman, and Roberts, the Sixth Ward councilman, won first-ballot victories in the May 12 municipal election. Duroy, the Fourth Ward representative, Cappiello and Wilson won in runoffs.

The noon ceremonies were delayed over an hour while Superior Court Assignment Judge Burrell Ives Humphreys ruled that Wilson could not be sworn in. Wilson's opponent, Helen Manogue, lost the election by a single vote and is contesting the outcome.

On Tuesday, Superior Court Judge Dorothea O'C. Wefing barred Cappiello from being sworn in pending an election fraud suit by challenger Anthony Russo.

About 200 spectators packed the council chambers as City Clerk James Farina administered the oath of office. Mayor Thomas Vezzetti watched the ceremonies from the municipal court judge's chair.

The sometimes raucous crowd, which included many former candidates, cheered loudly as the council members were sworn in.

Newman, 48, was elected to his first full term on the council after defeating Joseph Lisa. Newman, who was endorsed by Vezzetti, originally won the seat in a November 1986 special election to fill the unexpired term of Anthony Romano.

Della Fave, 35, defeated Michael Sachafer to win the Second Ward seat.

A teacher at St. Peter's Prep in Jersey City, Della Fave was appointed to the seat in 1985 after Vezzetti, then the Second Ward councilman, was elected mayor. Della Fave won a special election in November 1986.

Duroy, 36, defeated Flo Amato to win the Fourth Ward seat formerly held by Mary Francone. Either Francone or her husband, Louis, have represented the ward the last 32 years.

Duroy, principal of Conners School, is the first Hispanic to serve on the council.

Roberts, 30, a restaurateur, defeated challenger Aldo DePinto by a 2-1 margin in May. He first won the seat in November 1985 by defeating incumbent Angelo Valente.

Cappiello, 64, the former mayor, and Wilson, 48, the former council president, can hold their seats until the election disputes are resolved.

Manogue, who was endorsed by Vezzetti, is contesting the Fifth Ward election over six absentee ballots. Five were disqualified because the "X" marking the voters' choices were not completely in the box next to the candidates' names and an unopened ballot was disqualified because it did not bear the name of the person assisting the voter.

Wilson said he decided not to seek re-election to the council president post because "stability is the important thing for this job and now there is too much confusion."

Pasculli said he may step down from the council president post if Wilson's election is upheld.

"After the issue is resolved, the council will discuss it again to see if the position will be restored to Norman," Pasculli said.

However, Pasculli, a former Vezzetti running mate who broke from the administration in 1985, said he may decide to keep the post to "clear the lines of communication between the council and administration."

Pasculli is expected to challenge Vezzetti for mayor in 1989. The council president's position is highly volatile but could provide Pasculli a spotlight for a mayoral bid.

"I haven't made any decisions," Pasculli said of the mayoral bid. "My objective now is to bring unity to the council and work with the mayor. The fragile coalition is still alive."

Pasculli was selected for the post during a private caucus before the reorganization meeting. According to sources, he edged out Councilwoman Helen Cuning, a strong Vezzetti ally, whom some considered too closely aligned to the administration.

Roberts, who nominated Pasculli, said Pasculli "was the only person who could work with all factions."

Vezzetti said Pasculli would "absolutely challenge me." He said Pasculli was "on the hot seat but had better do his job properly on the council."

"Once again Patty and I are the odd couple," Vezzetti said referring to their nickname when they were allies on the City Council.

HOBOKEN

Seating uncertain for Wilson, Cappiello

By JOHN ROFE and JANET WILSON

Staff Writers

HOBOKEN—Steve Cappiello will not be sworn in for a new term when the City Council reorganizes at noon today, following a court order yesterday. Council President E. Norman Wilson also may not be re-seated, with a ruling by Hudson County's top judge expected this morning.

The decision affecting Wilson comes on a day when he also may lose his tenuous hold on the council presidency.

City officials expressed confusion about the rulings, and said they were not sure if Cappiello and Wilson will continue to serve on the

See SEATING, Page 16

SEATING

Continued from Page 1
council until legal questions are resolved.

Both rulings stem from challenges to the May election and June runoff that gave Cappiello a decisive victory in the 3rd Ward and Wilson a one-vote win over Helen Manogue in the 5th Ward.

The victory of Cappiello, a former mayor and political leader of Hoboken, is being challenged by loser Anthony Russo, who is suing to have the election overturned. Russo is not alleging improprieties by Cappiello, but by another 3rd Ward candidate, Frank "Pupie" Raia. Raia beat Russo by eight votes in May to capture a spot in the June 9 runoff against Cappiello.

Judge Dorothea O'C. Wefing of Superior Court in Jersey City has heard considerable testimony in the last week on possible wrongdoing by Raia and a Department of Public Works employee who campaigned for him. A source close to Wefing said yesterday that her decision in Russo's challenge could come by early next week.

In the meantime, Wefing yesterday granted a request by Russo's attorney, John Carbone, to restrain Cappiello from being sworn in, because she did not want to subject the city's taxpayers to possible lawsuits that could arise if the election is overturned.

By granting the order restraining Cappiello, Wefing agreed that Russo's fraud case had merit, the legal standard for granting temporary injunctions.

Cappiello called Russo a "jerk" as the challenger walked smiling from the courtroom after Wefing's ruling. A supporter of Cappiello's said a victory barbecue would still be held at his club on Jefferson Street this afternoon.

Meanwhile, Assignment Judge Burrell Ives Humphreys of Superior Court said he would use the same case law as Wefing used to determine if Wilson should be allowed to be sworn in this morning. Wilson's election win is being challenged by Manogue. She went to court yesterday to seek a similar restraining order against Wilson, and plans to launch a full-blown election challenge next week.

City officials said yesterday that they did not know whether state law allowed Cappiello and Wilson to continue as voting members of the board until the court challenges are over.

The judge said she will allow the city to determine whether Cappiello and Wilson could serve the board as a "holdover." According to a state law read in court Monday, an elected official is allowed to remain in office until "a successor is named and qualified."

If Wilson is not seated in one form or another today, his hold as council president may slip away. Councilman Patrick Pasculli — who observers say is already on the war-path for Mayor Thomas F. Vezzetti's seat in the 1989 mayoral election — and Councilman Thomas Newman have emerged as favorites to succeed Wilson.

HOBOKEN

Need for Hispanic office cited

HOBOKEN—There may be an Office of Hispanic Affairs here once again.

Edwin Duroy, newly elected 4th Ward representative on the City Council, and other Hispanic members of the community have been discussing the issue with the Mayor's Office in the last few weeks. Joining Duroy in a push for the office is Trustee Mario Mercado of the Board of Education, tenant advocate Thomas Olivieri and resident Louis Lopez.

A proposal for the office could be introduced to the council as early as Wednesday.

The resolution authored by the group states that because Hispanics make up a sizeable portion of Hoboken, and have suffered "a disproportionate share of the housing problems and displacement, in part because of a lack of information and advocacy," a bilingual liaison office should be set up.

The one-person office would provide referrals and counseling on social services, legal services, educational programs and employment.

While the proposal has political support, technical details as to whether it should be a part of the Mayor's Office or a part of the Community Development Agency remain to be worked out.

—Janet Wilson

Judge orders Wilson not to be sworn in

By Laurie Kalmanson 7/8/87

An hour before Hoboken Councilman E. Norman Wilson was to begin his third term yesterday, a Hudson County judge temporarily barred him from taking the oath of office.

Wilson, the Fifth Ward incumbent, was the second councilman-elect in two days to be barred from being sworn in to the Hoboken City Council because of contested results. On Tuesday, Third Ward incumbent Steve Cappiello was barred from taking the oath of office at yesterday's noon ceremonies.

Wilson, who served as

council president two years, and Cappiello, the former mayor, were elected in June 9 runoff but the courts have found challenges to the results serious enough to issue temporary restraining orders against the swearings-in.

Wilson won by a single vote. Second-place finisher Helen Manogue has filed a formal protest and is seeking a new election in the ward.

In Cappiello's case, a candidate defeated in the May 12 election has charged there was enough election fraud to warrant a new election. Candidate Anthony Russo has charged that fraud committed by campaign workers for Frank "Pupi" Raia affected the results. Raia beat Russo by nine votes for a spot on the runoff ballot against Cappiello.

Both Wilson and Cappiello will continue on the council in holdover status until the disputes are settled.

Wilson said he was "disappointed" that he could not be sworn in but predicted the election would be upheld.

Assignment Judge Burrell Ives Humphreys said yesterday that he granted Manogue the order preventing Wilson from being seated because he believes that Manogue has a good chance of prevailing.

See WILSON — Page 11.



Four out of six

Representatives of four of Hoboken's six wards, accompanied by members of their families, were sworn in as members of the City Council yesterday. Clockwise from upper left are First Ward Councilman Thomas Newman, Second Ward Councilman Joseph Della Fave, Fourth Ward Councilman Edwin Duroy and Sixth Ward Councilman David Roberts. Duroy is a newcomer to the council, the others won re-election as incumbents. Third Ward Councilman Steve Cappiello and Sixth Ward Councilman E. Norman Wilson were barred by court orders from being sworn in for new terms because their elections have been challenged. (Story on Page 11.)

Photos by Mark Wyllie

\$9.4M insurance suit many-sided

By Laurie Kalmanson J.J. 7/6/87

The next time Hoboken and the Port Authority of New York and New Jersey appear in court to fight over \$9.4 million in cash, anything could happen.

A group of taxpayers want Assignment Judge Burrell Ives Humphreys to tell the Port Authority that \$7.5 million in insurance money from a 1980 pier fire plus \$1.9 in accumulated interest belong to Hoboken.

The Port Authority dis-

agrees. The judge is expected to rule by the end of the month, and observers say he may choose from many solutions to the complicated case.

The first decision expected is whether the taxpayers fighting the Port Authority for the money have a right to be heard in court.

The Hoboken law department argues that the matter should be between it and the bi-state agency. The taxpayers say they have a right to claim the money for the city on their

own. Their attorney, Richard Seltzer, says the city could cut tax bills by 25 percent for everyone for a year if the money goes into its coffers.

But in a June 22 letter to Humphreys, city attorney William E. Graves insisted: "The plaintiffs should not be permitted to litigate in the name of or in behalf of the City while the City and the Port Authority are attempting to continue the negotiations."

See \$9.4M — Page 8.

\$9.4M pier insurance suit is many-sided

Continued from Page 1

But the taxpayers may stand a strong chance of gaining the right to be heard in court. The judge has already accepted papers from them in earlier parts of the suit, laying a possible precedent for deciding that a handful of activists may indeed interfere in deals cut between Hoboken's attorneys and the Port Authority.

In response to the most recent court appearance in the

case, when the taxpayers asked for all of the money right away with no untimely obstacles like a full trial, the Port Authority on June 29 filed several hundred pages of legal arguments and affidavits with Humphreys.

The \$9.4 million dispute dates to a 1980 fire that destroyed Pier B on the waterfront, and a \$7.5 million payment to the Port Authority from insurer Lloyd's of London.

When Lloyd's paid off on

the claim, the agency pledged to rebuild the pier within two years.

Seven years later, nothing has been built where Pier B stood, and Hoboken taxpayers claim the city therefore deserves the money.

The Port Authority admits that its two-year time limit to build something where Pier B once stood has expired but says in its latest court papers that the delay is Hoboken's fault.

Arguing that Hoboken has not cooperated as promised, the Port Authority says it is thus exempted from the rule that says the money must go to the city if two years goes by without anything being built to replace the destroyed pier.

An affidavit from former Port Authority Assistant Director of Economic Development Salvatore J. Samperi discusses 1983 negotiations about the insurance money and states, "the city officials consistently assented to this position."

The document also says the insurance money and its use were discussed at 1983 "briefings" held for the mayor with City Council members Helen Macri, E. Norman Wilson and Fred Bado, then-director of the city Community Development Agency.

The Port Authority papers do not allege that there were any violations of open meetings laws in the 1983 briefings held by city officials but seek to show that the city policy for some time has been to cede the money to the Port Authority.

The present Hoboken administration has been negotiating with the Port Authority to reach a settlement, but no agreement has been reached.

The Port Authority has had control of the piers since signing a lease with the federal government and Hoboken in 1952. The federal government sold the property to Hoboken in 1984, four years after fire destroyed Pier B.

The lease is also being disputed in court. The taxpayers say the Port Authority lost its claim to the property when it failed to rebuild Pier B, but the bi-state agency says it holds the right to build on the land.

Wilson installation barred

Continued from Page 1

envelope. No hearing date has been set yet for Manogue's fight for a new election.

Superior Court Judge Dorothea O'C. Wefing ruled Tuesday that a pending election fraud suit filed by defeated Third Ward candidate Anthony J. Russo presented strong enough evidence of irregularities for her temporarily to bar Cappiello from taking office. She must decide whether the Third Ward should hold a new election.

In testimony before Wefing last week, Raia campaign worker Michael Holmes admitted he illegally registered 78 voters by

mail. Ballots were cast by 44 of those fraudulently registered people.

Testifying before Wefing this week, a witness subpoenaed by Russo's attorney said that although an absentee ballot was cast in her name, she only signed a blank absentee ballot form and someone else voted for her.

Holmes was listed on the ballot envelope as the messenger who delivered the ballot.

The restraining orders against Cappiello and Wilson are strong signs that Wefing and Humphreys are leaning toward throwing out the election results in the disputed wards.

COUNCIL

Continued from Page 1

repeated.

Both men will be allowed to serve as "holdovers" until legal questions about their runoff election victories last month are resolved, according to an opinion issued by Assignment Judge Burrell Ives Humphreys of Superior Court in Jersey City.

But the victories may be overturned, based on testimony on election irregularities which do not directly implicate either man, but which could prove the elections were conducted improperly.

The scene in City Hall just after noon yesterday was a mixture of jubilation and tense political talk. Spectators sat jammed into the council chambers to cheer loudly the inauguration of 4th Ward Councilman Edwin Duroy, the city's first Hispanic elected official, and incumbents Thomas Newman of the 1st Ward, Joseph Della Fave of the 2nd Ward and David Roberts of the 6th Ward.

Cappiello was at the meeting and said: "I'm here, why shouldn't I be here. I'm gonna sit in on the meeting."

Minutes earlier, the council had caucused across the hall behind closed doors, awaiting Wilson's arrival and deciding who should take his place as council president.

Pasculli was elected president unanimously, and later was sworn in by City Clerk James Farina, after Wilson decided to step aside "for now" until the legal questions are resolved.

The move is seen widely as another bid for power by Pasculli in his probable race for mayor against incumbent Thomas F. Vezzetti in two years.

Vezzetti said he was "overjoyed" that Pasculli had been elected council president. "Now he's going to



Photo by John Decker

PATRICK PASCULLI holds his year-old daughter Alyssa while being sworn in yesterday as the new Hoboken City Council president by City Clerk James Farina.

have to work, he's in the hot seat."

Both Vezzetti and Pasculli were elected as councilmen four years ago, and earned the nickname "The Odd Couple" as dissenters on the Cappiello-directed council. But since Vezzetti upset Cappiello two years ago, Pasculli has often swung against his former ally, especially on the issue of the Port Authority of New York and New Jersey developing piers here.

Pro-Vezzetti Councilwoman-at-Large Helen Cunningham also had been discussed as a possible candidate to replace Wilson at the last-minute session, but her chances may have been hurt by the challenge to Cappiello's victory.

Cunningham was campaign manager for Frank "Pupi" Raia, who has been accused by losing candidate Anthony Russo of improperly handling an absentee ballot cast for him. The woman whose name is on the Raia ballot said she did not vote, and was at Disney World in Florida on Election Day.

Raia, who had beat out Russo by eight votes in May to capture a spot in the runoff against Cappiello, yesterday would not rule out running again if a new election is declared, even if the old one were thrown out

because of actions by him and his campaign workers.

Meanwhile, Wilson, who reserved the right to run for president again if the challenge to his victory is overcome, said he was being "penalized unfairly" by the county Board of Elections for possible wrongdoing.

"I won two elections. I won the regular election, and I won the runoff," said Wilson quietly.

"Wait a minute, it's not clear that he won two elections," said city Law Director William Graves. "If you count all the people who actually voted, it comes out to a draw, as far as we can tell."

Graves' comments were based on evidence brought before Humphreys by Wilson's opponent, Helen Manogue, including five absentee ballots. The ballots are not marked properly, but the intent of the voter is clear in all cases, according to numerous observers. Manogue supporters say three of the ballots are for her and two for Wilson, making the election a 735-735 tie.

A decision on the Cappiello case is expected as early as the end of this week, and a full trial on the Wilson case is scheduled to begin next week.

TAKEOVER NEARER

NJ review blasts Hoboken schools

By CHRISTOPHER AVE Staff Writer

HOBOKEN—The Board of Education in closed session last night heard strong criticisms of the district's curriculum from a state review, a development that brings the district one step closer to a state takeover.

But school superintendent Walter Fine, who presented the Level III report to the board last night, said that the district would respond to the report's criticisms and that a takeover would not occur.

"We will be formulating a plan," Fine said. "They won't come in unless we don't go through with that plan." He added that weaknesses in the district's curriculum will be the most difficult problem to overcome.

"I knew we had weaknesses in the curriculum," he said. "We will be seeking professional help."

The board did not discuss the review in open session last night and the report itself was not made public.

The school system has been under fire for months for declining test scores. Last June, it slipped to Level III, the state's lowest level of monitoring. The report is a culmination of the state's examination of the district since then.

The board has 45 days to submit a response to the criticisms. Fine said that state officials will oversee the district's response.

In a move unrelated to the state review, the board acted against See REVIEW, Page 12

REVIEW

Continued from Page 1

vocal objections from Mayor Thomas F. Vezzetti and appointed real estate developer Perry Belfiore to fill a board vacancy by a 5-2 vote.

Belfiore will serve until the board election in April. He replaces Zelma Lugo, who resigned last month.

Belfiore's selection had been expected for weeks. He is seen as a supporter of the coalition of board members Richard England, Geraldine Pantolano and Mario Mercedo who won in April's election.

Vezzetti last night repeated the charge that Belfiore was promised the seat because he dropped out of that election to support the coalition.

"I hear that Belfiore was promised it because he dropped out of the election," Vezzetti said. His comment was greeted with boos from the noisy crowd of about 100.

"No," Board President England replied. "He's not part of that group."

Vezzetti, shaking his head, said, "Then that means that your minds are closed."

The mayor also objected to the procedure of applying for the position. The board asked for resumes and written statements but conducted no interviews.

"You just can't judge a person without interviewing," Vezzetti said.

Belfiore, who has denied that he made a deal for the position, said after the vote that he was happy but added that he felt his selection was "tainted" by the accusations.

"I tend to think I'm not chopped liver," he said. "The way they make it sound, I can't read, write or talk."

Belfiore stressed that he had been a high school teacher and a worker in a counseling program for junior high students. And, he added, his business experience would suit him well for the board.

"A lot of the decisions made by the board are business decisions," he said. "This board should not be telling teachers how to teach. It should be creating the environment where good teachers are allowed to teach well."

Hoboken hit by blackout

A partial blackout in up-town Hoboken struck 375 customers for almost four hours last night.

The outage hit 10th to 13th Streets and Bloomfield to Willow Avenues, said Hoboken police, beginning at 7:20 p.m.

Peter Laning, spokesman for Public Service Electric & Gas Co., said crews restored the power to patrons at 11:10

p.m. He attributed the blackout to faulty equipment. Laning said the problem is not unusual for summer months when heat causes additional stress on electrical wires.

Although traffic lights were included in the utilities out of service, Sergeant Frank Altomare of the Hoboken police said that there were no major incidents.

Halt asked to Ranieri construction

By Bill Campbell

Two Hoboken residents have urged that construction of a six-story office building owned by City Councilman Robert Ranieri be halted until the Zoning Board of Adjustment determines if the project conforms to local zoning laws. Leonard Smith and Don Cotter have charged that the project's architect committed errors "on a number of points" and that construction permits "should not have been granted without review by the zoning board."

The two have asked Construction Code Official Alfred Arezzo to issue a stop-work order so the zoning board can review design plans.

Arezzo granted preliminary approval for the project last November and construction, electrical and plumbing permits were issued in March.

Ranieri, the senior member of the City Council, said yesterday he had no comment on the appeal. Arezzo is on vacation this week, but during an interview last month said the project "conforms completely" to the zoning ordinance.

Smith and Cotter maintain that the project, the conversion of a turn-of-the-century four-story furniture store into a six-story office building, exceeds the allowable floor-to-area ratio, violates parking requirements and needs site plan review for the new use.

Yesterday's appeal is seen as the latest volley in the ongoing political battle between Arezzo and the administration of Mayor Thomas Vezetti. Vezetti, his administration and his supporters on the council have criticized Arezzo's judgment in issuing permits they contend should go before the zoning board. Vezetti and Ranieri have been at odds politically for years.

Smith and Cotter are both First Ward residents closely aligned with former Zoning member Thomas Newman, a councilman supported by Vezetti.

Arezzo, in response to the criticism, recently wrote the state attorney general com-

plaining that his office is "under siege" by the city Law Department.

"These are citizens exercising their right to file an appeal. So be it," Ranieri said in response to the complaint. "There is a statement stamped in concrete on the walls of the Jersey City Court House. 'He who stands well stands silent.' That is all I can say."

For weeks, sources close to the administration said an appeal to Arezzo's zoning determination would be filed. However, the action may have come too late since state laws require that zoning appeals be filed not more than 20 days after construction permits are issued.

According to the Building Department, Arezzo gave the project preliminary approval Nov. 17, issued a demolition permit Jan. 20, and granted permits to construct an additional floor and a mezzanine March 11.

Smith and Cotter's appeal was sent to Arezzo by registered mail and was postmarked July 3.

Smith yesterday said it was "premature" to comment. Cotter was unavailable for comment.

City Attorney William Graves, who received a copy of the appeal, said Arezzo would have to respond to the notice before the zoning board could take any action. He predicted a debate would develop over the timeliness of the appeal.

Zoning Board Chairman Joel Freiser said he could not comment on the issue.

The board would give Arezzo an opportunity to respond to the appeal and "I'm sure we will be interested in his response," he said.

The appeal charges the project exceeds the allowable 5.0 floor area ratio limit. FAR is a mathematical formula of determining the size of the building to the lot.

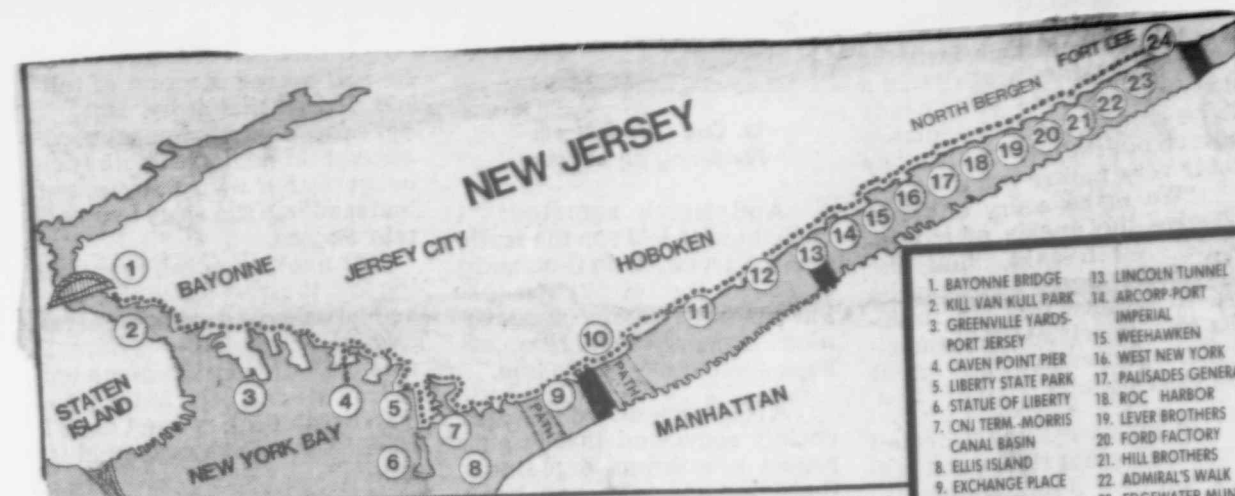
They maintain the total FAR, including basement and mezzanine, will be 6.0. Arezzo says the FAR will increase from 3.8 to 4.4.

According to Building Department records, Ranieri is spending nearly \$1 million to renovate the building.



Two residents have asked that construction at the old Ranieri Furniture building in Hoboken be stopped.

Photo by Steve Golecki



The dotted line on this map depicts the public walkway that will run alongside the Hudson River from Bayonne to Fort Lee.

Access an issue coast to coast

By Joni Scanlon
(Last of a series)

The public's ownership of tidal waters has been a source of contention since civilization began. Even today, the rules are shifting as lawmakers

from California to New Jersey and the courts on every level take action to define and re-define the public's right to cross private land to get to the water.

In New Jersey, the Department of the Public Access is currently fighting in

See editorial
WATERFRONT'S PUBLIC STATUS
on Page 24.

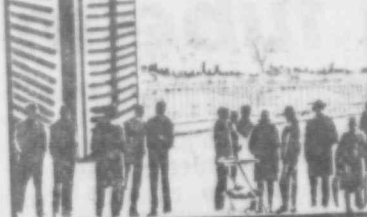
court for a state takeover of ocean beaches, to combat what it calls years of restrictive practices by coastal municipalities. A new U.S. Supreme Court decision, meanwhile, has sent bold new access laws in California reeling backward.

Regulations are currently being drafted in Massachusetts that would require pub-

Initial hearing set for today

The state Department of Environmental Protection has scheduled hearings this week to debate the extent of construction that should be allowed on piers, if any at all, and whether developers should be allowed to declare such piers private. The first hearing is today at 2 p.m. in Jersey City City Hall, 280 Grove St. Another hearing will be held at 7:30 p.m. tomorrow in Weehawken Township Hall, 400 Park Ave.

lic amenities, such as parks and walkways, wherever there's private waterfront development. New Jersey al-



ACCESS

ready has similar provisions for the Hudson River waterfront.

In Florida, new legislation mandates local government to develop comprehensive plans showing how it will deal with growth and public access issues in the future.

Even in Hudson County courtrooms, access has been a raging legal issue. In 1986, state Superior Court Judge Robert Tarleton, sitting in Jersey City, ruled on the side of public access. He ordered developer Arthur Imperatore to allow another developer, Charles Rocco, to cross Rocco's waterfront property in North Bergen.

See IT'S AN ISSUE — Page 10.

Guidebook reflects life of Hoboken

By Bill Campbell

In the market for a marching band? Want to know where to buy Indian spices? Trying to find a hypnotist?

The just-released Hoboken guidebook, "Hoboken: A Guide to the City," can answer these and 1,000 other questions.

"This is more than a guidebook, this represents all of what Hoboken is, the vitality, the creativity and the energy," said Community Development Agency Director Michael Coleman, whose agency coordinated the project for the city.

The 176-page fact-filled ref-

erence guide was officially released yesterday during a City Hall news conference. As Coleman distributed the first copies of the book to the media, Mayor Thomas Vezetti proclaimed the event "a good step forward for Hoboken, an unbelievable city and a geographic wonder spot."

The book, funded by federal funds, is the first of its kind in any municipality in Hudson County, Coleman said. It includes listings of city services, retail establishments, restaurants, community groups and schools.

In addition, it contains a

transportation guide, maps, photographs and information on major events, historical sites and other points of interest.

The book should encourage residents to buy and patronize services in Hoboken by "showing what we have to offer," Coleman said.

"Our primary intention," he said, "is for Hoboken residents to see in one book the variety of goods and services available in the city."

The book will surprise even long-term residents when they see the amazing variety of services available in the city,

he said.

The book began more than a year ago as "a simple project" to list various services and retail establishments, he said. But it grew after researchers accumulated information.

"It's quite impressive and significant when you consider we live in a one-square mile community," Coleman said.

While the book won't be available until next week, Coleman said real estate developers have already reserved "hundreds" of copies for people interested in moving to Hoboken.

School cuts agreement is sought

By Bill Campbell

City Council and Board of Education committees will meet today in an effort to hammer out an agreement on Hoboken school budget cuts for the 1987-88 fiscal year.

Council members Dave Roberts and Joe Della Fave will discuss budget cuts this afternoon with Superintendent of Schools Walter Curko and two board members. The board is appealing to the state Commissioner of Education a council vote earlier this year to trim the school budget by \$3 million.

Both sides are attempting to strike a compromise settlement and avoid the time-consuming and risky prospects of a state appeal. The council has urged the board to reduce staff by closing at least one school, while the board claims the cuts would adversely affect the quality of education.

However, sources close to the negotiations maintain that both sides may be as much as \$1 million away from reaching a compromise. School officials have not budged from their tentative offer to cut between \$800,000 and \$1 million from their \$26 million budget.

About \$12 million in school spending is raised through taxation, nearly a \$3 million increase over last year. In April, voters rejected the school budget by a 3-1 margin.

"If the board can compromise, we may be able to avoid the appeal," said Roberts. "I am willing to take no less than \$2 million in cuts and I believe other council members feel the same way."

He said both sides expressed a desire to discuss the cuts in the belief that the state may or may not sustain the council's actions. Last year the council cut the school budget by \$1 million without an appeal

School budget cuts agreement sought

Continued from Page 1

by the Board of Education. Della Fave, who blames increased school spending for the city's fiscal crisis, said he did not want to discuss dollar amounts, but said the schools should provide higher quality education for the amount spent per pupil.

Hoboken schools have consistently ranked among the lowest in the state and are under Level-3 monitoring. Although high school proficiency test scores have risen the past four years, the school system has still not attained state certification. School reductions are also a key element in stabilizing the municipal tax rate this year. The administration anticipated \$2 million in school budget cuts in the municipal budget in an attempt to keep the tax rate near last year's figure of \$216 per \$1,000 of assessed valuation.

He said both sides expressed a desire to discuss the cuts in the belief that the state may or may not sustain the council's actions. Last year the council cut the school budget by \$1 million without an appeal

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STORE BEING GUTTED

Ranieri project raises eyebrows

By JANET WILSON
Staff Writer

HOBOKEN—Construction on a Washington Street building owned by City Councilman Robert A. Ranieri is raising legal questions as well as eyebrows.

The four-story brick building at 129 Washington St., formerly the family furniture store, is being gutted and turned into "world-class professional offices," according to Ranieri, with two new floors up top.

But two neighborhood residents charge the work is creating a build-

ing that will be too high, too bulky and not have enough parking spots. They are demanding that work be halted at the site until the Zoning Board of Adjustment reviews decisions made by Construction Code Official Alfred Arezzo.

The conflict surrounding the building once again centers around decisions made by Arezzo as head of the Buildings Department, which two neighborhood residents charge were incorrect.

The nearly \$1 million renovation

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RANIERI

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job, begun in March, is not only a complete gutting and rebuilding of the inside, but is adding two modern floors to the top of the four-story brick structure. Or so it would appear.

But Arezzo offered a different interpretation two weeks ago. He said that because the sixth floor contained less than one-third the square footage of a floor under local zoning laws, Ranieri could not be reached yesterday for comment.

During an interview in May, he said his brother and he had decided to get out of the furniture business, which is dying here with stiff com-

petition from shopping malls. "I said, 'Rudy, it's time to let these bricks work for us, rather than working for these bricks.'"

The construction work is being performed by West Bank Construction Corp., and the plans were drawn up by Mayo, Lynch & Associates of this city. Ranieri's son, Robert, works for West Bank, and signed many of the permit applications and letters.

Ranieri was criticized earlier in the year by city administration officials for his work on the council in forwarding — and lobbying for passage of — a resolution that gave West Bank crucial easements on its Court Street development project.

UP TO \$9.5M

PA, Hoboken pier ruling due today

By CHRISTOPHER AVE
Staff Writer

HOBOKEN—Hudson County's top judge will decide today whether to grant the city a summary judgment in a suit against the Port Authority that could mean as much as \$9.5 million for city coffers, an aide to the judge said yesterday.

Assignment Judge Burrell Ives Humphreys of Superior Court in Jersey City is expected to announce his decision at 11 a.m.

City Council President Patrick

Pasculli and city Law Director William Graves had delivered letters to the judge Monday asking him to expedite the decision in light of a state-imposed budget deadline.

If the city does not submit a budget by Monday, the state has threatened to take it upon itself to draft a budget for the city as well as impose fines. The current budget, if passed without any new revenue, would mean a tax increase of as much as \$50 per \$1,000 of assessed valuation — a specter that had city officials scrambling for solutions

yesterday. Neither Graves nor the law clerk, who did not want her name used, would speculate on what Humphreys will decide.

At City Hall, council members and representatives of the Waterfront Advisory Committee agreed on wording of an out-of-court settlement proposal with the Port Authority of New York and New Jersey regarding the insurance money. Councilman Edwin Duroy said the proposal was to be sent to the authority for approval late yesterday.

It was unclear whether the agreement would conflict with Humphreys' ruling, and if so, which settlement would be followed. But Mayor Thomas F. Vezetti said enough information would be available by tonight's council meeting for some action to be taken.

"I think everything will be worked out," Vezetti said yesterday afternoon. "But if we can't get it done tomorrow, we might have to call a special session for Friday."

Vezetti negotiated a settlement with the authority three months

ago, but the council refused to approve it, citing criticism of the agreement by the Waterfront Advisory Committee. The council submitted its own settlement offer, which the authority rejected last month.

Talks also continued yesterday between school board officials and council members about the board's budget request. The city is asking that the district reduce its request by as much as \$3 million. Duroy said he hoped an agreement would be reached by tonight's council meeting.

BELFIORE ENDORSED

Board hopeful confounds foes

By JANET WILSON
Staff Writer

HOBOKEN—To the consternation of his detractors, Perry Belfiore's chances of landing a vacant Board of Education seat are still alive.

"I'm going for Belfiore," said James Farina, an influential member of the Board of Education, in a statement this week. "I feel he's been involved, and he knows the budget situation."

The board could vote on a successor to outgoing member Zelma Lugo as early as Tuesday. Lugo resigned last month because she was moving out of town, and 19 applicants, including Belfiore, filed applications for the post. None has attracted as much criticism and divisiveness, both on and off the board, as Belfiore.

At a meeting of the board last month, opponents of Belfiore charged he had dropped out of the April election to help candidates backed by Farina. They charged Farina and his coalition on the board knew Lugo's resignation was imminent and promised Belfiore the post. They also charged that as a real estate developer, Belfiore displaced families, including schoolchildren, from their homes.

Belfiore denied both accusations last night.

Farina traditionally is aligned with Eugene Drayton, Richard England, Geraldine Pantoliano and Mario Mercado, the last three of whom he strongly backed in the April election. Mercado, however, strenuously denied "making a deal" with Belfiore, and refused to say yesterday whether he would vote for Belfiore. His vote would be crucial to secure Belfiore a seat on the eight-member board.

Belfiore said no deal has been made — only that he thought England, Pantoliano and Mercado had promised to "consider" his candidacy if he ran in next April's election. He charged the opposition on the board with fabricating the "deal" story for political reasons. "They always boo the stars," he said.

Opponents have renewed their opposition to Belfiore since he submitted his application, however. "He's a political animal," said board member Lourdes Arroyo.

Thomas Olivieri, tenant advocate for the City Community Development Agency, said he is strongly against Belfiore because he had been responsible for the displacement of children from their homes as a real estate developer.

It's an issue that just won't walk away

Continued from Page 1

Legal experts said the decision, involving a mile-long stretch of property owned by Imperatore in North Bergen and Guttenberg, guarantees crossing rights for other property owners along the waterfront as well.

Access to the Hudson River is required by the New Jersey Legislature, which in 1980 ordered all waterfront developers to build a public walkway along the shoreline.

The most unusual feature about access provisions for the Hudson River waterfront, observers say, is that these protections are being put in place before access is seriously threatened. Most attempts to protect public access are made only after a significant amount of access has already been lost to private development, says Florida's James Stoutamire, an environmental specialist with the Florida Office of Coastal Management.

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"It's been an obvious enough problem in those areas that a lot of other areas around the state are taking steps to protect their beaches," he adds.

In addition to enacting legislation calling for growth management planning, Florida lawmakers on the state and local level are appropriating money to buy waterfront land as it becomes available, as part of the state's "Save Our Coast" program.

Stoutamire estimates Florida has spent \$25 million a year for the past five years on this landbuying activity. Local government is also getting involved. One county spent \$5 million to buy beachfront property to provide access. In the city of Naples, every street end provides access to the beach.

California's troubles

As in Florida, a substantial part of the California coastline was gobbled up by luxury condominium developers in the 1950s and 60s.

In 1972, California voters passed a referendum to reclaim some of this land.

The new law created the California Coastal Commission, which was charged with protecting and increasing public access. Subsequent legislation empowered the Coastal Commission to require that any waterfront property owner proposing new construction set aside land for public access. The property owner would still own the land; the public would just have the right to cross it.

From 1976 to the present, the Coastal Commission received several thousand such access commitments from property owners, says Anthony Summers, deputy state attorney general. But the program was stopped dead in its tracks earlier this month, when the U.S. Supreme Court ruled that one of those property owners, James and Marilyn Nollan, should be compensated in exchange for giving up land.

In a narrow ruling that legal experts say will have only a limited impact on access requirements elsewhere, the court said the Coastal Commission should compensate the Nollans because it effectively wanted to "take" the couple's land by asking for an easement when the Nollans applied for permits to tear down their house and build a larger one.

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Legal ramifications

Now California officials are trying to determine the significance of the court's decision and whether the state will have to tear up easement agreements for the coast that have already been made.

And future agreements are definitely jeopardized, Summers said. "There certainly will be an impact whenever the Coastal Commission is dealing with properties involving lots designated for single-family homes."

"But I don't think it will have as much impact where things are being built directly on the beach, or where properties are being subdivided and there will be an increase in density."

New Jersey officials say the Nollan decision is not likely to have much impact either on the Hudson River walkway plan or on the state public advocate's campaign for a government takeover of ocean beaches.

"The case in California was very different from anything that's been done in New Jersey. California was trying to impose a much more extreme form of regulation than anything New Jersey has done," said John Weingart, director of the state Department of Environmental Protection's Division of Coastal Resources. Weingart's agency will oversee the development of the Hudson River walkway.

On the waterfront/New Jersey

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In a 1954 ruling against Lavallette that applied to all shore communities, the court said beachfront property owners cannot exclude non-residents from municipal beaches. In a 1972 decision against Avon-by-the-Sea, the court ruled that beach communities cannot charge non-residents higher beach fees than residents pay.

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Two far-reaching decisions were handed down in this decade. In 1981, the courts extended the public trust doctrine to include municipally owned dry sand areas beyond the high-water mark. And, in a 1984 ruling, the court said the public has the right to gain access to the water through privately owned land.

Now, the public advocate has filed a lawsuit calling on the state to acquire New Jersey's ocean beaches, arguing that shore communities violate public access because they charge excessive daily fees to those who use their beaches while pricing long-term beach badges — usually purchased by residents — more affordably. According to a study by the public advocate, New Jersey beach fees are the highest in the country.



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A steamshovel operator dumps rocks along what will become a 1 1/2-mile seawall along the shore of Liberty State Park. The first part of the \$38 million project is to be completed late this year, but the pedestrian walkway on top of it is in limbo. State funds that were to pay for it are helping build the seawall.

Photos by Wally Herring

Waterfront's public status

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The state is mandating, section by section as individual projects are built, construction of the walkway, along with public access.

As more of it becomes a reality, the potential is great for the waterfront to become more accessible to the public than ever. A properly-completed walkway would be an attractive place to walk or jog. The magnificent views of the harbor and the Manhattan skyline, and the sense of open space, would provide a tonic for the residents of the congested urban areas. The walkway would be an asset for the county as a whole.

That long-term, large-scale goal has to be kept in mind when issues involving individual projects come up for review. The plan is for the walkway to take shape in incremental steps, project by project. It could fail if too many exceptions are granted, if too many developers are allowed to evade their responsibilities.

As Joni Scanlon reports in the conclusion of her Page One series on waterfront access, state officials are depending on local vigilance to make sure that doesn't happen.

The dedicated citizen activists deserve encouragement in their "watchdog" role.

Local planners, zoning board members and planning board members also should keep in mind the important role they play in granting approvals to local projects, and should give the walkway the attention it deserves.

Citizens and officials concerned about the walkway should be aware that they have an opportunity today and tomorrow to express opposition to proposals for private piers that would break up the walkway's path along the river's edge. The state Department of Environmental Protection is holding hearings on that issue today at 2 p.m. at Jersey City City Hall and tomorrow at 7:30 p.m. at Weehawken Town Hall. It's better to express opposition now than after such piers have gained approval and been built.

Hoboken student test scores rise

By John Petrick

Hoboken's elementary school students scored better overall this year on the Comprehensive Test of Basic Skills than they did in 1986.

District-wide results met state standards in math and reading but fell below expectation in language arts.

The state sets a passing score in each of the test's three subjects. Seventy-five percent of all third- and sixth-graders — both district-wide and school-by-school — are required to pass each part. If not, state monitoring teams could intervene to examine the school system's operations.

Hoboken's school system failed to receive state certification and was placed in "Level 3" monitoring in February. A state team has already evaluated the district once and is expected to issue a report within

the next few weeks, officials said.

In reading, 87 percent of all third-graders and 76 percent of sixth-graders passed.

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In language arts, 85.5 percent of third-graders passed. But only 66.3 percent of the sixth-graders passed that portion of the test, short of the state's requirements.

Hoboken Assistant Superintendent of Schools Francis McGorty noted, however, that the state adjusted its standards this year and raised the required passing score by almost 15 percent over last year in the sixth-grade language arts section. Thus, it was harder for students to pass this year, he said.

But other parts of the exam were easier to pass this year. For example, the passing score

set for third-graders in the reading portion was 12 percent lower than last year. For sixth-graders, it was 10 percent lower.

The state's "fluctuating test standards" make it hard to determine the significance of higher district-wide scores this year, said Steve Block, a longtime critic of the school board.

Officials said they did not have a school-by-school breakdown of the scores, but McGorty said at least two of the district's seven schools did not meet the 75 percent passing standard set by the state.

The scores arrived recently, he said, and school board officials have not yet had a chance to assemble all the information for a detailed analysis. An examination should be completed in the fall for teachers and school administrators to review, he said.

Under last year's state

standards, only 57 percent of the district's third-graders passed in reading, 56 percent in math and 68 percent in language arts. In the sixth grade, 50 percent passed reading, 63 percent passed math and 80 percent passed language arts.

Hoboken's school system has consistently ranked among the lowest in the state in recent years on standardized basic skills tests.

A state team earlier this year examined curriculum, facilities and teaching and administrative staffs at the city's public schools, probing for any evidence of poor educational methods or political interference in the system.

The team must then issue a public report listing recommendations for improvements. Hoboken will then have a year to show it has made the neces-

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In putting together an analysis of the results, McGorty explained, "We'll be looking toward long-range, consistent progress. It's not just a matter of improving the sixth grade. It's a matter of going back to the first grade and improving things from there onward."

"We did considerably better than last year. Now we have to know why. We have to figure out what right things we are doing and ask ourselves if we have enough of it or do we need more."

Block, a former board member and a member of the Committee for Quality Education, said Hoboken should take little if any credit for the improved scores.

"There is little the district has done in the way of improvement that can account for the test results," said Block, a former board member.

"There was some good in-house training but only for a handful of people," he added, referring to a program run in conjunction with the state Department of Education in which skilled trainers held in-

structional workshops for teachers.

"The personnel benefited greatly by it but it was very limited. In no way can it go to explain the district-wide improvements."

But school board President Richard England viewed this year's results as a step in the right direction, thanks to new personnel.

"I hope the results show the state that we are moving forward and would influence them not to intervene," he said.

England attributed improvements to Superintendent of Schools Walter Fine, who joined the district in late 1985. "He put a lot of things into place in terms of curriculum, teaching staff, parental groups. He really motivated the district."

Summer remedial classes for students failing the Basic Skills and High School Proficiency Tests may also have boosted the scores, he added. He said that in the case of the HSPT, 85 percent of the 150 students enrolled in last summer's remedial sessions scored passing grades this year. Those classes are being conducted again this summer.

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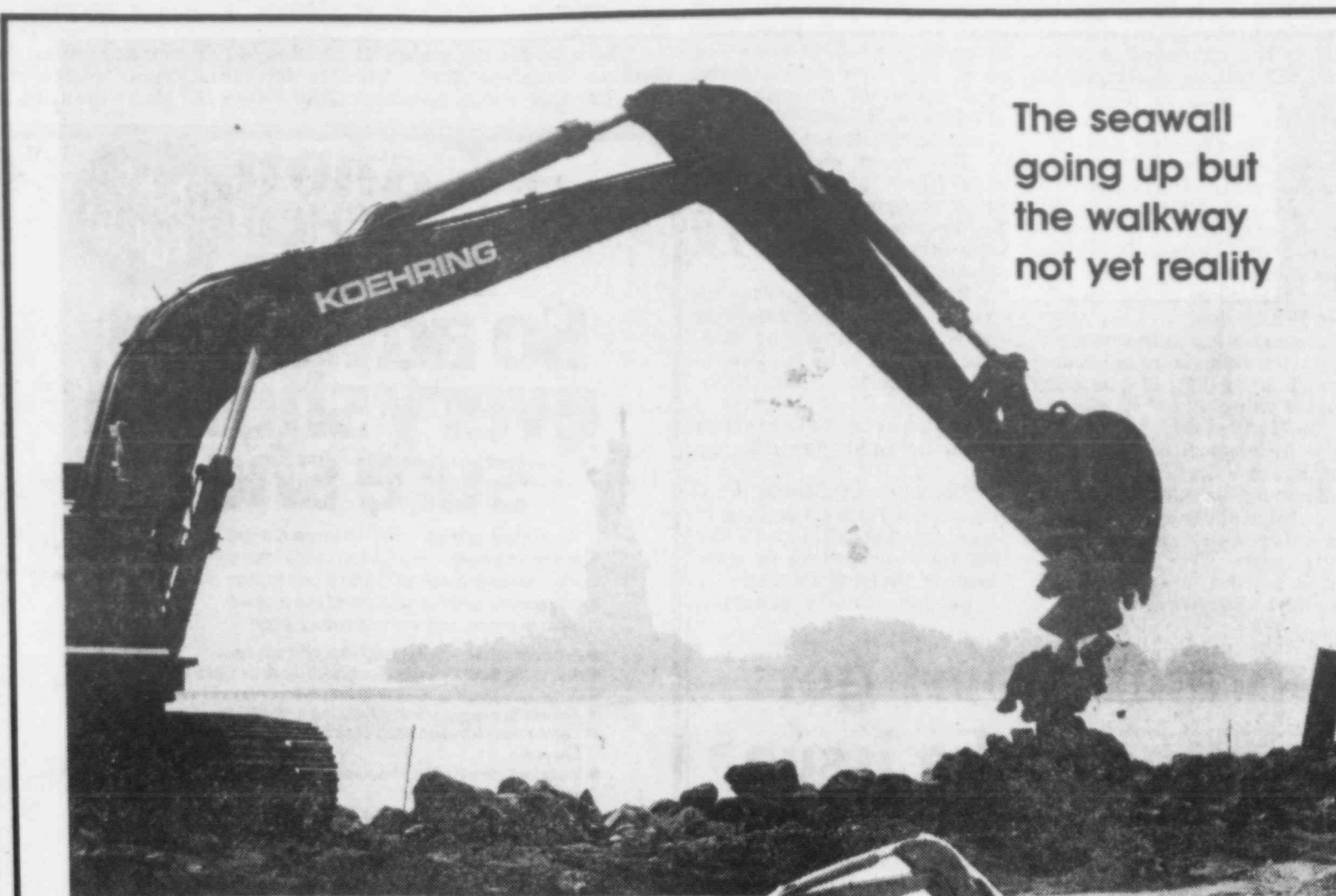
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In putting together an analysis of the results, McGorty explained, "We'll be looking toward long-range, consistent progress. It's not just a matter of improving the sixth grade. It's a matter of going back to the first grade and improving things from there onward."

"We did considerably better than last year. Now we have to know why. We have to figure out what right things we are doing and ask ourselves if we have enough of it or do we need more."

Block, a former board member and a member of the Committee for Quality Education, said Hoboken should take little if any credit for the improved scores.

"There is little the district has done in the way of improvement that can account for the test results," said Block, a former board member. "There was some good in-house training but only for a handful of people," he added, referring to a program run in conjunction with the state Department of Education in which skilled trainers held in-

structional workshops for teachers.

"The personnel benefited greatly by it but it was very limited. In no way can it go to explain the district-wide improvements."

But school board President Richard England viewed this year's results as a step in the right direction, thanks to new personnel.

"I hope the results show the state that we are moving forward and would influence them not to intervene," he said.

England attributed improvements to Superintendent of Schools Walter Fine, who joined the district in late 1985. "He put a lot of things into place in terms of curriculum, teaching staff, parental groups. He really motivated the district."

Summer remedial classes for students failing the Basic Skills and High School Proficiency Tests may also have boosted the scores, he added. He said that in the case of the 150 HSPT, 85 percent of the students enrolled in last summer's remedial sessions scored passing grades this year. Those classes are being conducted again this summer.

Ed Board expected to pick new member

By Bill Campbell

The Hoboken Board of Education is expected to appoint a new board member tonight to fill the vacancy created in June when Zelma Lugo resigned her seat.

Although the item is not on the agenda for tonight's meeting, at least one board member said he will introduce a motion to fill the vacancy on the nine-member school policy board.

Sources said real estate developer Perry Belfiore, who withdrew as a candidate in last April's election, has "at least four votes." Belfiore has often been mentioned as a leading candidate for the post, which will be determined by a majority vote of the nine-member board.

Technically, the board has until mid-September to fill the post.

Belfiore considered leading candidate

"Why should we wait 65 days to appoint the member when we already know who we want?" said a board member who asked not to be identified.

One school trustee charged that Belfiore was promised the seat in April for his support of the successful slate of Richard England, Mario Mercado and Geraldine Pantoliano.

Belfiore and other trustees denied knowledge of the alleged deal.

Besides Belfiore, 18 others have expressed interest in the seat. Others mentioned as leading contenders include Gerard Costa, Felix Rivera and Michael Rossano.

Laurie Fabiano, an aide to Mayor Thomas Vezetti and a member of the Committee for Quality Education which Vezetti supports, said Costa, Rossano or Rivera would be acceptable to CQE.

Costa, a developmental psychologist, has actively campaigned for CQE candidates, while Rossano, a former CQE candidate, ran fourth in the past two elections, each for three seats. Rivera, a Port Authority police officer, ran as an independent in April's election.

The board is now controlled by an anti-Vezetti administration majority. "It doesn't matter who they propose because they don't have a majority," one board member said. CQE has two votes on the board.

Lugo was appointed to the board in 1979 by then-Mayor Steve Cappelletto.

In addition to Belfiore, Costa, Rivera and Rossano, other candidates include former trustees Mary Gaspar and Otto Hottendorf; George Crimmins Jr., Bob Drasheff, Ray Falco, Jude Fitzgibbons, Margaret Hart, James Gorwich, Margaret O'Brien, Joy Tyrell, Anthony Silvio, James Tummaro, Willy Dittman, Diane Louise and Peter Aleman.

Candidates were asked to send resumes to the board by July 1.

Tonight's meeting, open to the public, is set for 7 p.m. at headquarters, 1115 Clinton St.

DIVERSITY SHOWN

Hoboken offering its first city guidebook

By CHRISTOPHER AVE
Staff Writer

HOBOKEN—Have you ever been stumped trying to find a good tanning salon in town? Do you stay awake nights wondering what the public library's hours are? Ever get lost driving from Observer Highway to 16th Street?

Ladies and gentlemen, look no farther.

The city's Community Development Agency has put together a guidebook that answers these and hundreds of other queries. The book, 176 pages long, is scheduled to be available at retail stores for \$3 each starting Monday.

At a press conference in Mayor Thomas F. Vezetti's office yesterday, CDA Director Michael J. Coleman said he is happy with the combination business directory/tourist guide/travelogue.

"I think it will really impress people," he said, "and I think it will surprise longtime residents of the city with the great diversity of things the city offers."

The book has more than 1,100 entries, divided into 19 sections, including education, food, entertainment, annual events, professional and business services and medical services. Brief information, such as an establishment's telephone number and hours, is included under each entry.



THE COVER of the new Hoboken Guide Book, published by the city Community Development Agency, gives residents and tourists a view of the city.

Coleman estimated the cost of producing the book at about \$60,000. The project was paid for by a grant from the U.S. Department of Housing and Urban Development.

Coleman said the main reason for producing the book was to provide an aid to the city's consumers. But the free advertising for local businesses, Coleman said, was also a factor.

"This is intended as a way to encourage people to buy goods in the city," he said. "We see this as a boon to business locally."

Vezetti, who smiled when Coleman suggested he give honored guests guidebooks rather than keys to the city, said the book is "a vital step for making us the kind of city we should be."

Books can be ordered through the mail from the Community Development Agency, 124 Grand St., Hoboken 07030. The cost per book is reduced to \$2.50 when 10 or more are ordered.

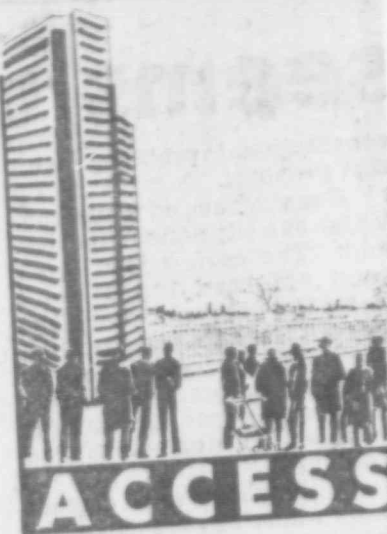
Developers must give river back

When the manufacturing and railroad industries held the Hudson River waterfront in their collective grip, public access to the water was limited.

Now for the first time in recent history, a waterfront that truly belongs to the people is possible. That's because New Jersey is requiring developers of luxury waterfront communities to provide access by including a public walkway in their projects.

Like swimming pools and tennis courts, this walkway — to run from Fort Lee to Bayonne — will be an amenity that developers can offer to prospective tenants. But, more importantly, it has the potential of serving as the public's gateway to the waterfront.

In a three-part series that begins today, The Jersey Journal will explore the access issue and discuss some ideas for protecting and improving the Hudson River walkway concept.



ACCESS

By Joni Scanlon
(First of a series)

A black, wavy line snaking its way across a map of the northern New Jersey coastline is all that prevents private developers from sealing off public access to the Hudson River waterfront.

The line on the map depicts a continuous pedestrian walkway that will someday skirt the riverfront from Bayonne to Fort Lee. This proposed walkway guarantees the public's access rights for the full length of the Hudson's 18-mile shoreline, where almost a dozen luxury communities are proposed.

While it appears frail and tenuous now, the walkway plan stands a strong chance of surviving intact, says architect Toni Seymour.

"From the start it seemed there was an unusually excellent opportunity to make this walkway work, because of the substantial amount of open space and abandoned railroad land and the tremendously strong drive for new development along the river," Seymour says.

Seymour's firm, Wallace Roberts & Todd of Philadelphia, worked with the DEP to design the walkway plan and

is currently planning components of the trail for Liberty State Park in Jersey City and Hartz Mountain Industries' Lincoln Harbor project in Weehawken.

"To have a successful walkway," says Seymour,

Private piers to be debated

The state Department of Environmental Protection has scheduled hearings this week to debate the extent of construction that should be allowed on piers, if any at all, and whether developers should be allowed to declare such piers private. The first hearing will be held at 2 p.m. Wednesday in Jersey City City Hall, 280 Grove St. Another hearing will be held at 7:30 p.m. on Thursday in Weehawken Town Hall, 400 Park Ave.

"you have to have new, major developers coming in to comply (with walkway requirements). Here you had more than 70 percent of the waterfront available for development and a market that looked like it could absorb all of it."

The walkway also has the law in its corner. In 1980, just as the railroads were releasing large chunks of land to private developers, state legislators gave the Department of Environmental Protection the legal power to require developers to contribute to the walkway plan.

Basically, landowners who want to redevelop their waterfront property and change its traditional use must guarantee public access across their land to the waterfront by means of an open pedestrian walkway, explains Douglas Wehrle, regional supervisor of the DEP's Division of Coastal Resources.

A developer who refuses to provide access simply will not get necessary development permits from the state, Wehrle adds.

Not every landowner is required to dedicate public walkway land, however. Those property owners who have owned their land before the walkway guidelines went into effect in 1980, and who do not now propose changing the use of the property, are exempt, Wehrle notes.

See REACHING — Page 4.



This peaceful walkway in front of Admiral's Walk in Edgewater is inviting — and off limits to the public.

'Watchdogs' are ready again to do battle

By Joni Scanlon

State officials say they will rely mostly on "public watchdogs" to ensure that public access to the Hudson River walkway is not violated now, or in the future.

The Jersey Journal found a few of the many community activists fighting for access rights along the Hudson River, who are likely to be pressed into service. Here are their stories:

• James Drago of Union City, president of the "Save the Palisades Association," has been at it for a long time. In 1962, he went to court to block a highrise apartment building from going up on the Palisades over the North Hudson waterfront, on property that had once been designated parkland.

He lost. The Versailles, the West New York luxury highrise that found an enemy in Drago, was completed long ago. The building now blocks the view of the North Hudson waterfront for all but a handful of its tenants, Drago charges.

"Are we in danger of losing access to the river? It was the question 20 years ago and it's still the question today," he says.

• Jack Bredin frequently showed up at the development site to protest when developers were building a condominium community on the Edgewater waterfront almost a decade ago.

"I was trying to warn everyone about the danger of losing access along the river," he explains.

Bredin failed. The condominium, Admiral's Walk, now bans non-residents from its waterfront.

"There's not much access to the waterfront in Edgewater now," he says. "The old people resent it the most, because all their lives, as kids, they were able to play by the river. Now there's a fence and a guy at the gate saying 'Sorry, you can't come in here.'"

• Jersey City architect and historian Theodore Conrad has been fighting for years to protect the public's view of the river. His current target is a pedestrian walkway now under development at Liberty State Park. Planners have designed the walkway to discourage automobile traffic at the water's edge, which they say could destroy the pedestrian path. But Conrad believes this makes the walkway inaccessible to the elderly and the disabled.

"All I'm saying is, 'Why not have a road with five or six spots along the way that you could stop with a car and look at the view and then drive on?'" says Conrad. "You can't expect a senior citizen to walk a mile from a parking lot to the (walkway)."

• For decades, Jersey City resident Joseph Duffy fought attempts by the Colgate Palmolive Company to fence off its

waterfront property at Exchange Place, making the river inaccessible to residents of Jersey City's Paulus Hook and Exchange Place sections. Duffy, president of the Historic Paulus Hook Association, is still fighting the same fight now that the soap manufacturer is planning to redevelop its property as office space.

Duffy has also been trying for some time to get the state to connect Liberty State Park and Paulus Hook, separated now only by a narrow channel of water called the Morris Canal Tidewater Basin. Recently, the Port Authority of New York and New Jersey agreed to build a public walkway from Exchange Place to the park, in a plan that includes constructing a footbridge over the basin.

"There is always the possibility that a developer will say 'The hell with the neighbors' and he'll get what he wants and we'll lose access," says Duffy.

• Jersey City residents Audrey Zapp and Morris Pesin spent years getting Liberty State Park developed. Now the two Liberty State Park Advisory Commission members are fighting to keep all of the 800-acre park open to the public. Pesin and Zapp recently lost their crusade to block a private marina from being developed in the park.

• Weehawken Environmental Committee President Ruth Elsasser made an emergency phone call the night the Weehawken Zoning Board memorialized a previously approved marina and ferry slip development plan submitted by developer Arthur Imperatore. In its final resolution, she said, the board had failed to mention provisions for the public walkway that Imperatore was required to build alongside the marina and ferry slip.

At the time, Elsasser was fighting Imperatore's attempt to build a walkway half the width of what is required by state law. Imperatore's proposal was defeated by Weehawken zoners, but they granted permission last Wednesday to build a temporary walkway.

Elsasser also worked to block Hartz Mountain Industries of Secaucus from building a highrise condominium on a private pier overlooking the river at its Lincoln Harbor development. Weehawken planners rejected the Hartz proposal, even after Hartz bowed to public pressure and volunteered to open the proposed residential pier to the public.

"When you're out on that pier, you feel you are almost in the middle of the Hudson River," says Elsasser. "It's a breathtaking view. And Hartz wanted it exclusively for the residents of their 'Millionaires' row.'"



Morris Pesin



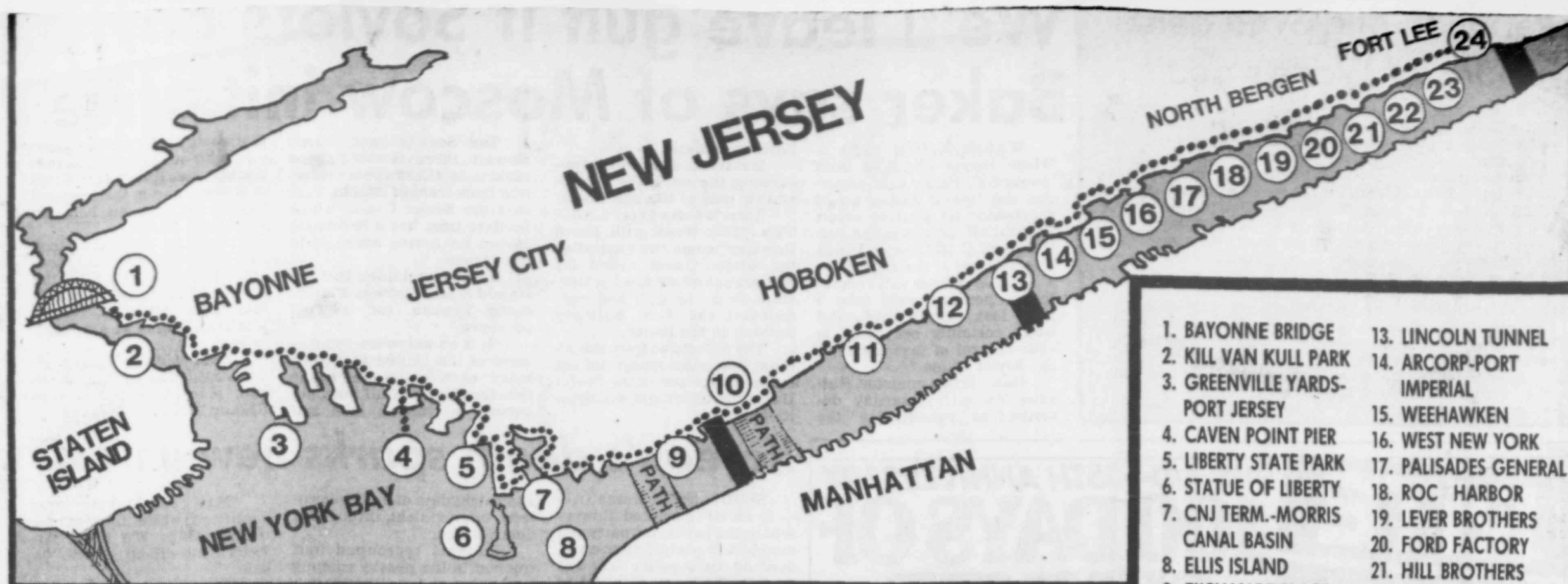
Joseph Duffy



Theodore Conrad



Audrey Zapp



The dotted line on this map depicts the public walkway that will run alongside the Hudson River from Bayonne to Fort Lee.

1. BAYONNE BRIDGE
2. KILL VAN KULL PARK
3. GREENVILLE YARDS-PORT JERSEY
4. CAVEN POINT PIER
5. LIBERTY STATE PARK
6. STATUE OF LIBERTY
7. CNJ TERM.-MORRIS CANAL BASIN
8. ELLIS ISLAND
9. EXCHANGE PLACE
10. NEW PORT
11. CASTLE POINT
12. HARTZ MOUNTAIN-LINCOLN HARBOR
13. LINCOLN TUNNEL
14. ARCORP-PORT IMPERIAL
15. WEEHAWKEN
16. WEST NEW YORK
17. PALISADES GENERAL
18. ROC HARBOR
19. LEVER BROTHERS
20. FORD FACTORY
21. HILL BROTHERS
22. ADMIRAL'S WALK
23. EDGEWATER MUN. PARK
24. GEO. WASHINGTON BRIDGE

Reaching the riverfront

Continued from Page 1

As a result, there are many "gap" sites along the waterfront, owned primarily by industrial users, that will make it difficult to establish a continuous walkway along the river's edge, Wehrle says. In such areas, he adds, the riverfront path will probably have to continue inland, away from the water's edge.

Waterfront industry

Because of industrial uses along Upper New York Bay, most of the walkway in Bayonne and in southern Jersey City at Port Jersey and Greenville Yards will be located inland, Wehrle says. Other areas along the waterfront that still support industrial uses include the Union Drydock and Maxwell House properties north of Castle Point in Hoboken and the Lever Brothers light industrial facility in Edgewater, he says.

The DEP has retained the New York-based, non-profit Trust for Public Land to determine ownership of these so-called gap sites. Later, the DEP will try to negotiate public access easements with the owners of such properties. The agency hopes to establish, if not a walkway at the water's edge, then at least observation areas near the industrial waterfront, says Wehrle.

Industrial gap sites along the non-gentrified waterfront represent more of a challenge than a problem, says Rick Cohen, director of the Jersey City Department of Housing and Economic Development. Cohen favors continuing industrial uses along the southern Jersey City waterfront and creating a walkway system that would allow visitors to observe the day-to-day operations of the maritime industry.

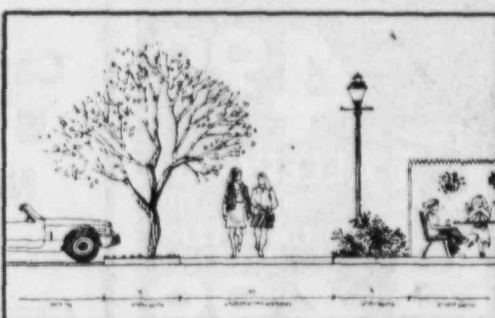
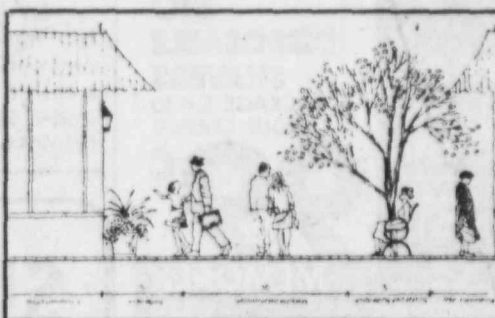
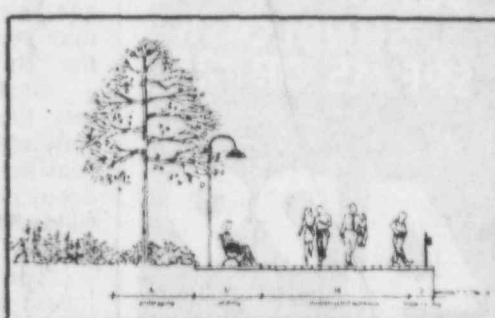
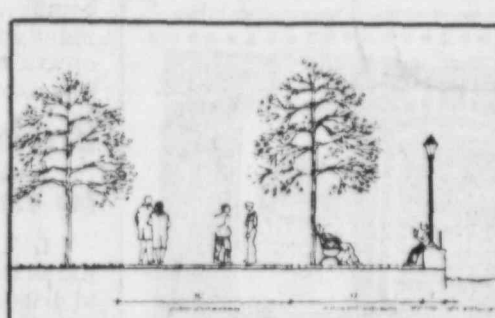
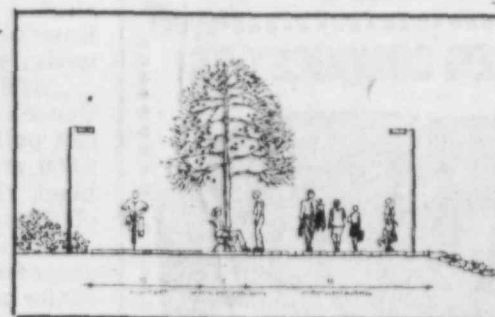
Natural impediments

A sensitive pocket of nature blocks access to the waterfront at Caven Point in Jersey City. This area, immediately south of Liberty State Park, shelters a natural beach and shellfish habitat that should not be disturbed by a walkway, Wehrle says. Walkway planners have opted for building a thin boardwalk near this wildlife preserve for restricted use only, and moving the bulk of pedestrian traffic inland, he said.

In addition to this inland walkway leading to Liberty State Park, the public will have access to the mile-long, state-owned pier located at the southern end of Caven Point, at the foot of Chapel Avenue, and to walkways proposed along a series of interior canals that the developers of Port Liberty are building nearby, says Wehrle.



A waterfront park, such as the Owen Grundy Park, left, at Exchange Place in Jersey City, brings the public to the water's edge. In the sketches, the state DEP shows ways to design the walkway within development projects.



Walkway to give fun, quiet times

State law requires every developer of the Hudson River's western shore to provide a public walkway that is close to the water's edge as possible and that runs parallel to the river.

One day this proposed pedestrian path that developers are to build and maintain will run in a continuous line from the George Washington Bridge in Fort Lee to the Bayonne Bridge.

Planners have brought up the possibility of looping the walkway around to include the waterfronts of Newark Bay and the Hackensack River. And, a few of them have suggested that the Hudson River walkway could be connected to Palisades Interstate Park, to the north of the George Washington Bridge, creating what some walkway enthusiasts are calling an urban-styled "Appalachian Trail."

Since all developers are being asked to build the walkway in individual sections, planners are expecting the path's design will be interesting and diverse.

In some areas, for example, the walkway will simply exist as a quiet area filled with shrubs and benches where pedestrians can get away from the noise of the city, or where joggers can find a smooth trail for running.

Sometimes the walkway might branch out to lead the pedestrian to local points of interest, such as inland historical areas or atop the cliffs of the Palisades.

In other places, the walkway will be jammed with PATH and ferry commuters.

Many areas will feature links to fishing piers and other quiet recreation spots. Still, other sections of the walkway will be linked to adjoining trails for bicycles and skateboards.

Some developers will install sidewalk cafes and shops and sprinkle pushcart vendors along the path. Others may provide areas along the walkway where crowds can collect for formal concerts or impromptu performances by strolling musicians and magicians.

While architects of the walkway plan expect that the pedestrian path will reflect each developer's individual style, they are requiring certain design standards to ensure that the walkway is of a substantial quality.

According to state Department of Environmental Protection guidelines, access to this proposed waterfront walkway would have to be provided via connecting walkways at the first public road leading inland from each development site. Every new development must have at least one connecting passage to the main walkway, and access points must be furnished at intervals of no greater than one-half mile. Also at each half-mile interval, developers are required to provide rest areas in the form of parks or plazas.

Guidelines also require that the walkway must be at least 30 feet wide, with a width of at least 16 feet of that consisting of a paved surface. The balance of the public walkway can be paved or landscaped with street lighting or seating, or developers can opt to build a bikeway of at least 10 feet wide. — By Joni Scanlon

Hoboken awarded \$8M for lost pier

By JOHN ROFE
and CHRISTOPHER AVE
Staff Writers

HOBOKEN—This year's city budget crisis is finally over.

The Port Authority was ordered yesterday to pay the city nearly \$8 million dollars by the county's top judge, who ruled that the authority used a "strange and unusual" interpretation of a lease agreement to keep insurance money from a burned pier.

And on the heels of that decision, the City Council received a surprising statement from the authority's executive director yesterday afternoon giving up \$4.7 million of the money immediately.

The influx of money enabled the council to pass a budget resolution last night that avoids a large tax increase that had been feared.

"My line now," Mayor aide Laurie Fabiano said of the authority's offer, "is that it made a good day better."

Authority lawyers said they still planned to appeal the remaining \$3.2 million the judge awarded the city. Both sides have asked the court for an expedited ruling, but City Law Director William Graves said it probably would be six months before the court decides on it.

The city had been working furiously to get enough money to submit a budget before Monday, the deadline the state has imposed. If the money from the insurance suit

See AWARD, Page 34

Landlords lose warehousing law deferral

By Laurie Kalmanson

A group of property owners may appeal a second court decision allowing the enforcement of local laws that require landlords to rent vacant apartments within 60 days.

Quick rental ordinances passed by the Jersey City and Hoboken councils have already been challenged by landlords and developers, and a full trial is scheduled later this month. But counsel for the Committee for Housing Alternatives, a group of property owners, argued unsuccessfully yesterday that the laws should not be enforced until the court showdown.

On July 2, and again yesterday, Superior Court Assignment Judge Burrell Ives Humphreys ruled that municipalities may prosecute violations of the quick rental law.

"I will have to discuss with my clients whether they want to file an appeal," attorney H. Neil Broder, representing the Committee, said yesterday.

The Committee has challenged the ordinances which it

believes abridges property rights.

Politicians and tenant groups supporting the ordinances say quick rental laws prevent landlords from stockpiling vacant units and driving up rental rates in a tight housing market.

"We believe we will prevail," Jersey City counsel Mark Mordchev said yesterday.

In a related housing issue, a Weehawken ordinance setting a limit on the sale price of condos was added to a pending dispute over similar laws in Jersey City, North Bergen and West New York.

Laws banning condo conversions and sales in those towns were recently ruled invalid, but Humphreys agreed to hear further arguments on the price laws.

The ordinances set 72 months' rent as the maximum purchase price a developer can ask when converting an apartment into a condominium.

Supporters of the price fixing rule say the law will ensure the availability of moderately priced condos for middle-class families.

Hoboken seeks state funds to complete asbestos work

Hoboken officials plan to apply for state grant to remove additional asbestos found in the Brandt School.

Hoboken Health Department officials from the Hudson Regional Health Commission have inspected the school and found asbestos in the basement despite asbestos removal done in 1985.

School board officials have asked the Health Department to re-inspect all other schools.

The matter will be discussed at Tuesday's Board of Education meeting, according to board Secretary Anthony Curko. The meeting is scheduled for 7 p.m. in the board offices, 1115 Clinton St. Officials were not sure how much state money Hoboken may be entitled to for the work.

Budget crunch battle stalled

By CHRISTOPHER AVE
Staff Writer

HOBOKEN—The city's latest efforts to stave off a tax increase were in full swing yesterday, but officials here report no progress yet.

There are two potential sources of relief for the current budget crisis: A lawsuit against the Port Authority of New York and New Jersey could bring the city up to \$9.5 million in insurance proceeds, and the Board of Education might be persuaded to reduce its budget request.

But a city request for summary judgment in the authority lawsuit

was met with silence from Assignment Judge Burrell Ives Humphreys of Hudson County Superior Court in Jersey City yesterday, and a meeting between the City Council and the school board ended without a settlement.

The state has imposed a Monday deadline on the city to submit its budget or face possible fines and other state intervention. If the current proposed budget is submitted and the city does not find at least \$3 million in additional revenue, the tax rate will rise by as much as \$50 per \$1,000 of assessed valuation.

Council President Patrick Pasculli and city Law Director William Graves delivered letters to

Humphreys yesterday morning asking that he grant a summary judgment in the insurance suit between the city and the authority. The suit concerns a pier, owned by the city and rented by the authority, that burned in 1980.

But according to a law clerk for Humphreys, the judge is scheduled to be on vacation this week and next. The clerk said she did not know whether Humphreys will announce a decision on the motion before leaving for vacation. Humphreys himself was not available for comment.

Council members met with school board members for about three hours yesterday afternoon, but ac-

cording to mayor aide Laurie Fabiano, no significant progress was made.

"They're still miles apart," she said of the two sides.

Fabiano also said that talks are continuing between the authority and city officials to reach an agreement that the council can vote on when it meets tomorrow.

The administration of Mayor Thomas F. Vezette negotiated such a settlement three months ago, but the council refused to approve it, citing criticism of the agreement by the Waterfront Advisory Committee. The council submitted its own settlement offer, which the authority rejected last month.

AWARD

Continued from Page 1
had not been granted, the city might have had to raise its county-high tax rate by \$40 per \$1,000 of assessed valuation.

The city had anticipated \$3 million of the insurance money as revenue in the budget. The other \$1.7 million that the city is to receive will be used to repair tidesgates and regulators, eliminating the need for a city bond issue next year.

Authority director Stephen Berger and city councilmen said yesterday that talks over the remaining money will continue this week.

Council members expressed their surprise at the apparent concession by the authority. But Graves said that he thought the authority "was conceding nothing" and Councilwoman Helen Cunningham called Berger's statement "a great p.r. (public relations) move."

"They're a public agency," she said, noting the publicity the case has received. "They don't need to be in the press every day."

In court, Graves had argued that the authority owed a total of \$9.4 million, which stemmed from insurance paid to the authority in 1984 for a fire that destroyed a pier it leased from the city.

The authority said its 1982 lease for Pier A on the city's valuable waterfront allowed the agency to keep the money if it proposed to rebuild the pier.

Authority attorney Hugh H. Welsh also argued that the agency had made that proposal, a waterfront development project to be called "Hudson Center at Hoboken," within the time required in 1985.

However, Humphreys said the money belonged to the authority only if it proposed to rebuild the pier for marine purposes, and made that proposal within two years of receiving the insurance money.

Lloyd's of London paid the authority \$7.5 million in insurance. The figure grew to \$9.4 million when the agency invested the money. In his ruling, Humphreys subtracted the \$1.5 million loaned to the city by the authority when Hoboken purchased the pier from the federal government.

The major unsettled amount now facing the board is the school board's budget request.

After the decision, Councilman Joseph Della Fave said that talks between the City Council and the Board of Education will continue in order to reach an agreement on the school board's budget request.

State will not rescind sewer hook-ups ban

By Bill Campbell

Despite a commitment from Hartz Mountain Industries to upgrade the Hoboken sewage treatment plant, the state-imposed ban on sewerage connections won't be lifted for at least three years.

Roy Haack, Hoboken Public Works director, said yesterday that the state Department of Environmental Protection is "steadfastly" holding to the ban until the Hoboken sewerage district's proposed \$52 million secondary treatment facility is completed — expected in July of 1990.

The city's agreement with Hartz has given many real estate developers the "misimpression" that the hookup moratorium has been lifted, he said.

Treatment plant must be completed first

Some 25 developers a day from Hoboken, Union City and Weehawken, the three municipalities in the Hoboken sewerage district, have been calling Haack seeking permits to connect their projects to the sewerage system, he said.

Delays in implementing secondary treatment, which will remove 85 percent of pollutants from wastewater, last summer resulted in the state placing a moratorium on sewer hookup permits.

Hartz last week agreed to spend \$1.6 million on repairs to the Hoboken primary treatment plant. The plant, which is required to remove 30 percent of pollutants, has been cited by the DEP as inadequate.

Hartz has also agreed to pay the state \$250,000 in municipal fines levied by the DEP after Hoboken fell behind its schedule to repair tide gates and regulators and the Fifth Street pump station.

In turn, the DEP will accept Hoboken's amended consent order to make infrastructure repairs and allow conditional approval for some wet hookup permits, Haack said.

Hoboken and Hartz, whose mammoth Lincoln Harbor and Metropolitan Opera building projects in Weehawken have been affected by the sewage ban, are expected to sign the agreement this month, said city Law Director William Graves. The City Council ratified the agreement June 30.

Graves said the project to rehabilitate tide gates, regulators and the pump station could begin as early as next week.

Final DEP approval for the plan could come as early as

See SEWER — Page 16.

What do builders plan to discourage walkway?

By Joni Scanlon
(Second of a series)

Edgewater officials don't want a public walkway running through a borough-owned waterfront park. In fact, they have posted boldly lettered signs warning non-residents to keep out or risk prosecution.

The park's neighbor, the heavily guarded Admiral's Walk condominium community, also bans non-residents from its neatly landscaped property along the Hudson River. Closed-circuit cameras, steel fences and security patrols enforce the policy.

These are some of the more blatant examples of property owners' cutting off public access to the waterfront. Laws are now in place to prevent such incidents

from ever occurring again, but some guardians of the public interest believe an effort is quietly under way to circumvent them.

Legislation enacted in 1980 requires all waterfront developers to provide public access by means of a continuous walkway along New Jersey's 18-mile Hudson River shoreline. Officials say some developers are just barely complying.

"We see the walkway as something developers are going to have to learn to adjust to. Developers look at the walkway as a liability and a problem which has to be fitted to their needs," says Rick Cohen, director of the Jersey City Department of Housing and Economic Development.

The most prevalent example of developers attempting to minimize public access

involves plans to develop luxury housing on private piers overlooking the river, says James Wunsch of the Regional Plan Association, a non-profit organization that studies planning issues in New York, New Jersey and Connecticut.

See WALKWAY — Page 7.

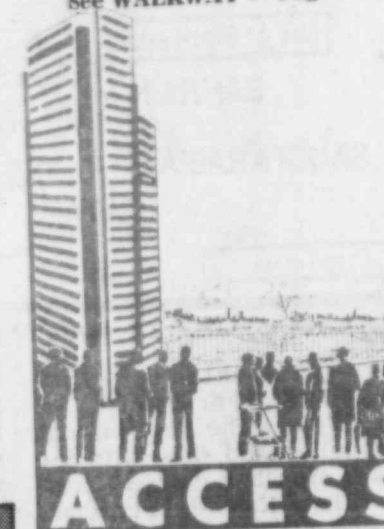


Photo by Wally Henning

Edgewater officials say they can't afford to allow a public walkway in this municipal park on the waterfront. Non-residents who venture into the park risk prosecution.

Sewer links ban won't be lifted

Continued from Page 1

next month, Haack said. The likely acceptance of the plan would be welcome news to the developers of 17 projects in the district who filed sewer exemption requests.

However, Haack said DEP approval of the Hartz plan does not mean developers can automatically obtain permits to connect their projects to the sewerage system. Developers must apply for CP-1, wet and dry hookup, applications with the City Council's committee on exemptions. Once the municipality approves the appli-

cation, the request must be ratified by the Hudson County Utilities Authority and the DEP.

Haack said conditional approval, which applies to projects approved before the ban was imposed or those expected to be completed after July 1990, can take as long as five to six months.

Until the DEP approves the city's revised consent order, the agency will automatically reject each application, Haack said.

The only projects exempt from the ban are those which will discharge fewer than 2,000

gallons of sewage a day or those which have DEP approval to operate an interim "package" treatment plant on the site of the building.

Gerald Baker, a principal in Baker Waterfront Plaza at 2 Hudson Place, Hoboken, is the only developer authorized to operate an interim facility so far.

Baker said the Hartz agreement "does not affect me at all" and added that the first tenants are scheduled to move into the building in October.

However, other projects like the conversion of the old

St. Michael's Monastery in Union City, the Hartz projects in Weehawken and the Skyline and Presidential Towers in Hoboken, are barred from obtaining wet sewage permits until the DEP ratifies the consent order.

"It looks like the Hartz deal will be good news to these developers and others who are planning projects," Haack said.

"But we're not out of the woods yet and developers are not necessarily going to get sewer permits, not at least until we complete the secondary treatment plant," he said.

7/9/87

HOBOKEN PRIMARY

Judge to ask 44 voters who they backed

By JOHN ROFE
Staff Writer

Like death and taxes, one's right to a secret ballot is assured. Or is it?

In Hoboken, that right may conflict with the desire for a fair election. On Monday, a Hudson County judge will ask 44 voters in May's City Council election to reveal which lever they pulled in what they thought was the privacy of the voting booth.

Judge Dorothea O'C. Wefing of Superior Court in Jersey City also may subtract those votes from the final totals in the race, which sent former Mayor Steve Cappiello and Frank "Pupi" Raia, a local developer, into a June runoff won by Cappiello.

Third-place finisher Anthony Russo challenged the election and Wefing ruled July 3 that the 44 voters had been registered improperly and that those votes should not be counted.

Legal experts who spoke to The Dispatch yesterday disagreed on whether these voters were being disenfranchised through no fault of their own or whether they were forfeiting a basic right or the constitutional guarantee of free speech and political association.

Experts also were uncertain about whether these voters had any recourse if they refused to tell it to the judge.

"It seems (the voters) have a credible claim that both of those

See VOTERS, Page 8

City's week 1 of glad tidings

By CHRISTOPHER AVE
Staff Writer

HOBOKEN—A collective sigh of relief swept through City Hall yesterday as city officials reviewed the week's gains: victory in the long contested Port Authority insurance suit, passage of a city budget that may actually lower taxes and — for many — the hope of getting some needed rest.

"I'm so tired," mayoral aide Laurie Fabiano said as she slumped over a desk outside the Mayor's Office.

"I've got to rest some tired bones," City Council President Pat Pasculli said, boasting a day's growth of beard.

But their exhaustion, and that of other city officials, was well rewarded. Yesterday, two officials of the Port Authority of New York and New Jersey — John Donovan and Michael Krieger — hand-delivered a check for \$4.7 million to the Mayor's Office, honoring an agree-

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GLAD

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ment announced Wednesday by authority Executive Director Stephen Berger.

The city won a court judgment earlier Wednesday. The authority is appealing the remaining \$3.2 million.

Word that the authority would pay \$4.7 million so soon was what ensured passage of the budget Wednesday. The city had been under intense state pressure to pass the budget by Monday or face fines and state intervention.

According to Fabiano, the tax rate will actually go down "a few dollars" if no further demands are made on the budget. The current rate, the highest in the county, is \$216.50 per \$1,000 of assessed valuation.

But the threat of higher taxes lingered because of a dispute with the Board of Education over its budget request. The city ordered the board to cut \$3 million from its request, and the city budget reflects that order.

The board, however, has appealed the order to state education officials.

Talks between the city and the board continued this week, but a school board member, who did not want to be identified, said he doubted a settlement would be reached before state Education Commissioner Saul Cooperman issues a decision on the appeal. It is not expected until August.

Yesterday, the city sent an eight-page questionnaire to the school board seeking to find why the budget cuts are unworkable.

Despite that ongoing conflict, the

mood was light as Fabiano, city Law Director William Graves, Councilman Joseph Della Fave and Roy Haack, the public works director who is acting mayor in Mayor Thomas F. Vezetti's absence, waited for the check.

"No kidding," Graves said when told the check was on the way. "I want to see it."

"I think we should go to the bank and cash it together," Fabiano said.

"I'd be acting mayor every week if that would happen every week," Haack said.

Vezetti left earlier yesterday for Jacksonville, Fla., where he plans to attend a reunion of his old Navy aircraft squadron. He was in his usual jovial mood as he inspected his carry-on bag.

"I'll be the only mayor there," he boasted.

Vezetti credited Fabiano, Graves, Della Fave and Councilwoman Helen A. Cunniff for the authority settlement and the passage of the budget.

"It just shows you the caliber of the people I'm surrounded with," he said.

Pasculli, a political foe of Vezetti's who, with Graves delivered a letter to Assignment Judge Burrell Ives Humphreys of Hudson County Superior Court in Jersey City Monday asking him to expedite his decision on the insurance suit, praised the council for refusing to back down to the authority.

"The majority of the council stood firm and relied on the justice of the court," he said. "We thought a collective effort on the part of the City Council and the director of law would send a strong message to the judge."

VOTERS

Continued from Page 1

federal rights are being violated if having their vote counted is contingent on their revealing their vote in an otherwise anonymous election," said Kathleen Sullivan, a professor at the Harvard Law School in Cambridge, Mass.

She added that a court cannot compel a voter to divulge his choice, but likely would hold that voter in contempt and either fine him or send him to prison.

Edward Martone, director of the New Jersey Civil Liberties Union, said the "onus is on the voter" to make sure he is registered properly, "not the campaign manager or even the (local) board of elections."

He said he knew of no circumstance that would prevent a court from asking voters to reveal their choices in the name of a fair election.

"Whether they refuse or not is up to the voter," Martone said. He also expects that a judge would hold in contempt a voter who does not comply.

Annette Illing, a Hoboken resident who was an elections deputy during the May election, is urging the 44 voters not to reveal their choices. She fears not only that they will be disenfranchised but that they may face retaliation from both political leaders and employers.

"The inference is that they are somehow guilty of something when they have done nothing wrong," Illing said. "I would not divulge how I voted if I did anything willfully incorrect."

Hoboken is trying to save athletics

By Bill Campbell

Hoboken school officials are to meet this week in the hopes of restoring nearly \$200,000 earmarked for athletic programs but cut from the 1987-88 school budget.

Board of Education trustee James Farina, chairman of the board's athletics committee, said he will meet with Superintendent of Schools Walter Fine and board Secretary Anthony Curko to "develop a plan" to fund athletic programs for the 1987-1988 school year.

Fine earlier this month cut the entire budget line-item for athletics, \$168,000, due to a City Council mandate to pare the board's \$26 million budget for the next fiscal year.

See HOBOKEN — Page 6.

Hoboken is trying to save athletics

Continued from Page 1

on the budget totem pole," Farina said.

"The superintendent told me that priority for funding was given to educational programs, not athletics."

Fine was unavailable for comment on the cuts or the possible restoration of the money.

Farina said he has urged Fine to reduce other budget line-items to fund the athletic programs. He said he could not identify the other areas to be cut.

The budget cuts have also resulted in the elimination of the summer recreation program. Farina said it would be

"very unlikely" the \$44,000 summer budget could be restored.

"In urban areas, athletics are important because they keep students in school and later enable kids to apply for athletic scholarships in college," Farina said. "As it stands now, these cuts will hurt us because everything has been wiped out."

Representatives of the council and school board are expected to resume budget negotiations this week.

Both sides are hoping to strike a compromise, sources said, with the school board willing to accept no more than \$1 million in cuts.

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Hoboken tax rate 'falls' to \$216.40, but there are ifs

By Michele Drayton

At last, Hoboken's 1987 municipal tax rate has been adopted.

Last night the City Council unanimously approved a \$28 million spending plan that translates to a \$216.40 rate per \$1,000 of assessed valuation.

The current rate is \$216.50. Hoboken's tax rate is the highest in the state.

The budget is dependent upon two factors that would offset a tax hike.

The first is an insurance settlement between Hoboken and the Port of Authority of New York and New Jersey. Hoboken has been fighting for \$10 million, of which \$3 million would be used to ease the tax rate.

Part of these anticipated funds were realized yesterday after a tentative settlement awarded \$4.7 million to Hoboken. City clerk James Farina said that the other \$1.7 million is targeted for capital improvements.

The second factor, concerning school board cuts, is pivotal.

The budget approved last night includes \$3 million in revenues that would come from that amount being cut from the school board. The Board of Education is currently appealing the council's vote to drastically cut the school budget.

Any deviation from these provisions to the budget would result in a higher tax rate for 1988, said assistant city clerk, Robert Drasheff. For instance, if the School Board is cut by only \$2 million, the remaining \$1 million would be adjusted in next year's budget.

Last night's budget represented an amended version of the budget originally approved on May 20. Inclusion of the amendments didn't require a

another public hearing since the budget figures didn't change dramatically. Actually, the figures were adjusted by less than one percent.

The budget includes:

- The creation of an Office of Hispanic Affairs.
- Extra monies for municipal elections.
- The appointment of a Director of Finance.

• The appointment of a Director of Engineering.

The passage of the budget was held up because of the ongoing battle between Hoboken and the P.A. Had the settlement not been reached, taxes could have reached \$260 per \$1,000 of assessed valuation.

That battle is not over yet, however. Although a press release from the P.A. stated that \$4.7 million is in the mail to Hoboken, the P.A. plans to appeal the court settlement. Council president Patrick Pasculli, who has been one of the forerunners in the battle with the P.A., said that he expects the "full return of \$10 million to Hoboken toward the budget and capital developments."

The council passed an ordinance to consider creating a council on affordable housing and condominiums. Councilman Robert Raineri, who introduced the ordinance, said he felt the concept was needed and would welcome input from other community organizations, like the Community Development Agency.

No planning now, no future for walkway

By Joni Scanlon

Imagine that the year is 2020, and a waterfront walkway proposed during the gilded age of the Hudson River's left bank has been in place for three decades.

The path is starting to show its age now. In places, it has been overtaken by weeds and debris. Overgrown trees and shrubs and broken light fixtures make other areas lonely and dangerous.

Developers have long vanished from the scene, leaving the path's security and maintenance to the various homeowners' associations that have taken over. These associations can no longer afford to pay for security, and they have taken to warning pedestrians to use the walkway at their own risk. Crime has become so prevalent in some sections that the walkway's guardians have had to close them to the public.

This dismal picture could become a reality unless current planning for the walkway takes future maintenance needs into consideration, planning experts warn.

For example, planners say, no one has specified whether it is the responsibility of the municipality, the state or the waterfront developer to provide security along the walkway. Similarly, they add, responsibility for the path's long-term maintenance hasn't been mapped out.

Another problem is that no mechanism is in place for the state to maintain gap sites along the river that are owned by industrial users, according to planners. The state

Department of Environmental Protection will negotiate easements so the walkway can run through these gap sites.

Also, notes Jersey City's Rick Cohen, there is nothing to prevent some future state administration from rewriting existing laws and closing the waterfront off to the public. Jersey City planners aren't taking a chance, adds Cohen, who is director of the city's Department of Housing and Economic Development. He says Jersey City planning commissions duplicate state efforts and require the walkway in every waterfront redevelopment plan they approve.

Some groups are pressing for the state or some other public body to take control of the walkway, which will run through nine waterfront communities in Hudson and Bergen counties.

Edgewater officials, for example, object to running the walkway along the borough's waterfront park because they claim they can't take responsibility for it.

"We have no objection to the walkway, as far as access is concerned," Borough Administrator Charles Susskind says. "If the state would take responsibility for it, we would change our mind."

Susskind estimates it would cost the municipality about \$75,000 each year to insure, maintain and police a walkway.

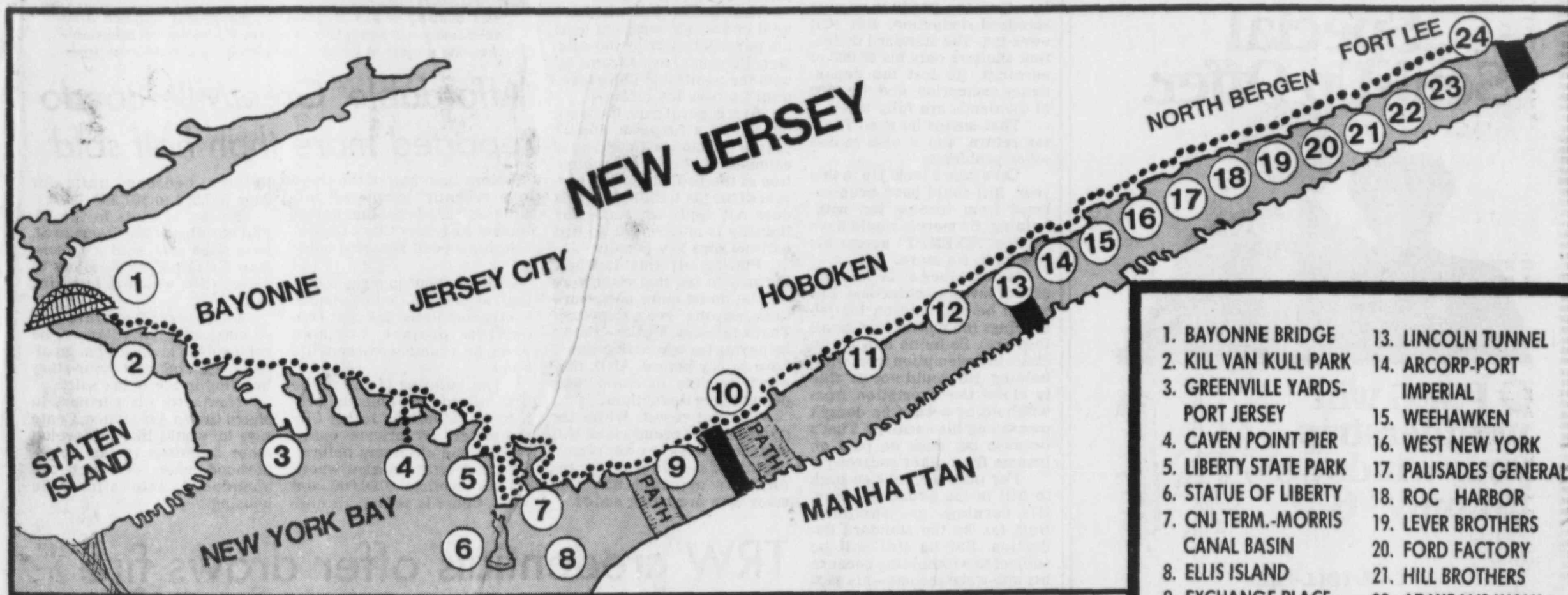
The borough developed the park with municipal funds, and because no state or federal funds were involved, it can ban non-residents, according to officials.

The state official who will oversee the walkway's development agrees that a long-term solution is needed to provide for the walkway after management agreements currently being negotiated with developers have expired. One state official hopes state planners won't have to impose stringent requirements to induce property owners to take care of the walkway, says the official, Douglas Wehrle. "We want it to be in the property owner's best interests to maintain the walkway," says Douglas Wehrle of the state Department of Environmental Protection's Division of Coastal Resources. "That's why we believe a walkway that serves the development is so important. A walkway that is only for the public can't work as well."

As for the long-term maintenance of the walkway, state planners have considered creating a regional commission that would assume this responsibility, Wehrle says. This proposed body would be similar to the Liberty State Park Development Commission or the Palisades Interstate Park Commission.

"We have considered this, but the sentiment is that it's too early to put the walkway under the control of a regional commission," says Wehrle.

Wehrle notes that waterfront property owners would have to donate land to the proposed commission for it to be effective. "It will require a major coming together of all developers, and it's too early to do that," he adds.



The dotted line on this map depicts the public walkway that will run alongside the Hudson River from Bayonne to Fort Lee.

Walkway won't win in a walk

Continued from Page 1

This type of "pier housing" is proposed in more than a half-dozen development plans filed with the state, including the blueprints for Harsimus Cove and Newport in Jersey City, Lincoln Harbor in Weehawken and Port Imperial in Weehawken and West New York.

Wunsch and other planners believe that developing housing on private piers jeopardizes the one portion of the waterfront that is undoubtedly public — the walkway.

"People would have to drive their cars across the walkway to get to their homes," Wunsch points out. "Your walkway would be broken, pierced by the automobile." Towering pier development also would block off the best views from the waterfront and would throw long shadows over the walkway itself, making it unattractive and potentially unsafe, Wunsch adds.

Access vs. privacy

There is nothing illegal about designating a pier private, according to walkway guidelines. In fact, those guidelines recognize that such restricted-access piers are sometimes necessary for security and privacy.

"For the walkway to work, it must be as much an amenity for residents of waterfront developments as for the general public," says Douglas Wehrle, regional supervisor of the northern waterfront for the state Department of Environmental Protection, Division of Coastal Resources.

"For example, while we'd like to see the walkway open 24 hours to accommodate late-night restaurant patrons or commuters coming home on PATH, we have to think about the privacy needs of residents as well," says Wehrle.

The solution to the particular need Wehrle cites might mean closing portions of the walkway bordering residential areas during the late evening and early morning hours, he says. In other instances, private piers and other restricted areas would be appropriate, as long as they don't block access to the water and the walkway, Wehrle adds.

Unlike residential developers, developers of commercial projects are likely to welcome crowds to the waterfront, Wehrle says. "The walkway is a

stimulus to retail activities. Just about any commercial developer welcomes the walkway."

Newport general manager Barry Light will vouch for that: "Believe me, we have nothing against public access. We're building a huge shopping mall and lots of retail. Hundreds of thousands of people coming to the waterfront do not bother us at all."

Newport is asking the DEP to declare one, 70-foot-wide residential pier private. The developer is also reserving four other piers for public cultural and recreational use.

Light says snobbery is not behind the decision to exclude the public from the residential pier, but that the pier is simply too narrow to support a pedestrian walkway.

The DEP has scheduled hearings this month to debate the extent of construction that should be allowed on piers, if any at all, and whether developers should be allowed to declare such piers private. The first hearing will be held tomorrow at 2 p.m. in Jersey City City Hall, 280 Grove St. Another hearing will be held at 7:30 p.m. on Thursday in Weehawken Town Hall, 400 Park Ave.

"Some developers want to build highrises on piers and restrict public access," says Tom Norris, a senior environmental specialist with the DEP's Division of Coastal Resources. "We want to know how the public feels about it. Should all piers provide public access, or should we allow private piers?"

Other problems

Many other planning problems remain to be solved to ensure that the waterfront is as accessible as possible, experts say.

In the future, a proposed waterfront transit system will serve some walkway users. But, Cohen notes, the transitway will be developed long after most of the walkway is in place, and in many locations along the waterfront the transportation system and the walkway will not be located all that close to each other.

Planners must now begin to explore all existing and proposed transportation links along the waterfront with an eye toward providing the best possible mass transit access to the walkway, Cohen says.

"The guidelines say you have to have (an access link) every half mile, but how do you get there if you're older or handicapped and you don't have a car?" he questions. To further compound the problem, walkway planners say automobile traffic near the waterfront should be discouraged.

Simple things like the availability of sheltered rest areas and bathrooms will also determine the success or failure of the walkway, according to planners.

In most development plans, provisions for such facilities are vague or non-existent. For

example, Weehawken planners were told by Hartz Mountain Industries that the company didn't plan for restrooms along its portion of the walkway because pedestrians would be able to use bathrooms in nearby office buildings at Lincoln Harbor.

Cohen says he objects to this kind of "haphazard" planning — mostly because walkway users will feel uncomfortable entering office buildings in search of a restroom, and also because there's no guarantee such quasi-public facilities will always be available. It would be better, he adds, to provide facilities along the 18-

mile walkway that are exclusively for the path's users.

Psychological barriers

Not all barriers to public access are physical. Some of them are psychological, says Michael Coleman, executive director of the city Community Development Agency.

Such barriers were considered by Hoboken planners when they dismissed a plan by the Port Authority to develop a mixed-use project, Hudson Center, on the city's southern waterfront. The Hudson Center plan, for example, needed

more "active" recreation space — such as concert areas — to entice people to come to the waterfront, explains Coleman.

Many planners believe rigid security systems proposed by just about every waterfront developer could also work to discourage the public from using the walkway. Such safeguards might include foot and boat patrols, guardhouses at entry points and closed-circuit cameras.

Coleman recognizes that some degree of security is necessary but fears overzealous attempts to secure the walkway. "We want to make sure people are not intimidated," he says.



The message to the public in each of these signs, posted by Hudson County waterfront property owners, is the same: "Keep Out!" Most of the signs are only temporary, meant to protect pedestrians while construction is going on.

Photos by Wally Kermig

7/11/87 D-2P

Tenants find a champion

For Ira Karasick, the job never ends

By JANET WILSON
Staff Writer

Ira Karasick has written or helped defend every major piece of housing legislation in Hudson County in the last year. He receives phone calls at midnight from residents asking for help in blocking development projects.

Yet until August, Karasick, a 39-year-old newcomer to Hoboken, had never handled a housing case in his life. Karasick is one of a handful of tenant attorneys working in Hudson

County, but even among them he is atypical.

A roly-poly bearded man, Karasick looks more comfortable in faded corduroys and a flannel shirt than a suit. When he wears a suit, there tends to be a shirttail straining to get out in back.

Appearances can be deceiving. Karasick graduated from Harvard Law School in 1978, and was one of four lawyers who wrote the Con-

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TENANTS

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stitution for the Marshall Islands a few years later.

It is Karasick's skills as a constitutional lawyer that have made him an invaluable player in the Hudson County housing battles. He wrote the powerful and controversial law that attempted to bring to a halt the torrent of conversions of rental apartment buildings to luxury condominiums in Jersey City.

The law answered the landlords' persuasive argument that their property rights were being violated. Karasick argued that communities have an equally strong responsibility to provide decent and affordable housing to their citizens.

"We're not talking about telling somebody where they have to plant azaleas," Karasick said. "We're talking about preserving people's homes. Developers are able to take out huge profits by treating buildings just as commodities — there's this tremendous race fueled by the desire for profit that has to be slowed."

"Housing is a regulated industry, just like drugs are," he noted. "Being in the housing business is not like being in the coat business."

The law has been copied nearly verbatim in North Bergen, West New York, Weehawken and Union City, and he is now helping Hoboken to write one, even though all the legislation was struck down last month by a judge in Hudson County Superior Court in Jersey City.

Karasick downplays his role in the battles, even in authoring the legislation.

"I was just the new face who didn't have a history in the area. I was the one more person you need to be able to push the car out of the hole," he said.

To a certain extent he is right. Maureen Schweitzer, then an attorney at Hudson County Legal Services, and George Aviles, a City Council member in Jersey City, were in the trenches in the spring, fighting to make Hoboken's anti-warehousing law stick when Karasick was still just Schweitzer's Sunday evening poker partner. It was Aviles, along with Rick Cohen, Jersey City's director of Housing and Economic Development, and Mayor Anthony R. Cucchi who decided that Jersey City had to try to force landlords to stop converting rental housing.

But when the landlords fought back with big-gun lawyers and deep pockets, it was Karasick, the constitutional law practitioner, who was uniquely suited to respond with equally stirring arguments.

"He's an excellent writer," Schweitzer said. "He's got a brilliant mind, and he thinks very analytically."

Assignment Judge Burrell Ives Humphreys of Superior Court, however, is the man who read Karasick's condominium legislation and issued an injunction against it. He commented that the law was "good creative thinking ... but it's out in space."

The creative thinking of Ira Karasick stems from an idiosyncratic background. In addition to legal battles, he has built houses and run an organic vegetable farm.

He looks like an overgrown flower child, but has none of the ennui or

passivity of a lifelong drifter. He was in San Francisco's Haight Ashbury section in the 1960s, admits he lived in "what could be called communes — they were farms with a lot of people on them" — and spent a number of years working for the Liberation News Service, which provided stories for such alternative publications as the Great Speckled Bird in Atlanta, and the Chicago Seed.

"I can't remember if I wore flowers, or just that Time magazine tells me I did," he said. "That time period has become so wrapped up in myth, and rightfully so. It's the last time there was still a feeling of idealism. The flag-waving on both sides is much more mechanical now. There's a depression of spirit in America." Karasick is sitting in his "office," a room next to the kitchen in his apartment on Jefferson Street. Next to the sink, his well-loved, well-worn fishing gear is piled high.

Above him are his books, many of them original editions from the 18th and 19th centuries. He lovingly shows off an old leather-bound edition of an 18th century magazine that describes the shouting and dancing in the streets of Philadelphia after the Constitution was signed.

Beneath the scholarly volumes sits a state-of-the-art computer. Karasick owned a New York computer consulting company for three years. It "went South" in his words, and he still does occasional consulting and legal work for major corporations such as DuPont. But generally, he said, he is able to survive because of his low overhead.

Karasick lives on the southwestern edge of the city, in the poor 4th Ward. He lives there because a friend of his happened to be moving to Cleveland and the rent was low.

Karasick, unlike some of his colleagues, cheerfully admits that he could pay a little more rent than he currently does, and thinks that rent control laws should be fine-tuned to allow "good landlords" to make up the cost of maintaining their buildings while still reaping some profit.

But he is adamantly opposed to the elimination of rent control, and musters strong constitutional arguments against its elimination.

"Every citizen deserves a decent place to live," he said. "No one should be on the street. Rent control guarantees that without any cost to the government. We're using our police powers rather than the city's pocket to keep affordable housing."

Karasick does not perceive himself as an activist, and he admits he prefers to be a negotiator. He is proud of his role in concluding a lengthy and complicated agreement with 32 families and Murray Connell, one of Hoboken's largest developers — which gives the families the right to buy their apartments and still affords the landlord some profit.

Schweitzer and Connell both say they feel Karasick can do a great deal more good as a middleman between landlords and tenants. Whether he chooses to adopt this role permanently, Karasick has found a place for himself for now on Hudson County's landscape.

"He's finally found his niche," Schweitzer said, teasing him one day over lunch.

"No I haven't," Karasick said hurriedly. "I just take small steps."

No planning now, no future for walkway

By Joni Scanlon

Imagine that the year is 2020, and a waterfront walkway proposed during the gilded age of the Hudson River's left bank has been in place for three decades.

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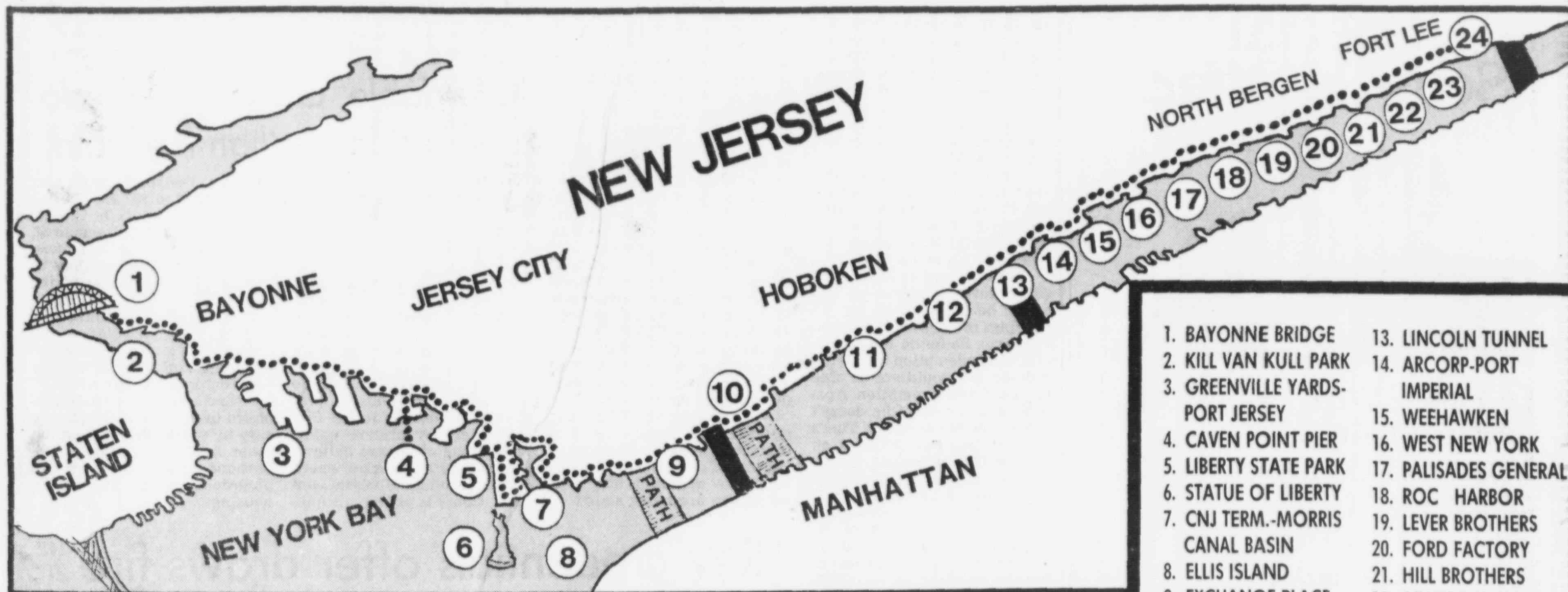
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This type of "pier housing" is proposed in more than a half-dozen development plans filed with the state, including the blueprints for Harsimus Cove and Newport in Weehawken and Lincoln Harbor in Weehawken and Port Imperial in Weehawken and West New York.

Wunsch and other planners believe that developing housing on private piers jeopardizes the one portion of the waterfront that is undoubtedly public — the walkway.

"People would have to drive their cars across the walkway to get to their homes," Wunsch points out. "Your walkway would be broken, pierced by the automobile."

Towering pier development also would block off the best views from the waterfront and would throw long shadows over the walkway itself, making it unattractive and potentially unsafe, Wunsch adds.

Access vs. privacy

There is nothing illegal about designating a pier private, according to walkway guidelines. In fact, those guidelines recognize that such restricted-access piers are sometimes necessary for security and privacy.

"For the walkway to work, it must be as much an amenity for residents of waterfront developments as for the general public," says Douglas Wehrle, regional supervisor of the northern waterfront for the state Department of Environmental Protection, Division of Coastal Resources.

"For example, while we'd like to see the walkway open 24 hours to accommodate late-night restaurant patrons or commuters coming home on PATH, we have to think about the privacy needs of residents as well," says Wehrle.

The solution to the particular need Wehrle cites might mean closing portions of the walkway bordering residential areas during the late evening and early morning hours, he says. In other instances, private piers and other restricted areas would be appropriate, as long as they don't block access to the water and the walkway, Wehrle adds.

Unlike residential developers, developers of commercial projects are likely to welcome crowds to the waterfront, Wehrle says. "The walkway is a

stimulus to retail activities. Just about any commercial developer welcomes the walkway."

Newport general manager Barry Light will vouch for that: "Believe me, we have nothing against public access. We're building a huge shopping mall and lots of retail. Hundreds of thousands of people coming to the waterfront do not bother us at all."

Newport is asking the DEP to declare one, 70-foot-wide residential pier private. The developer is also reserving four other piers for public cultural and recreational use.

Light says snobbery is not behind the decision to exclude the public from the residential pier, but that the pier is simply too narrow to support a pedestrian walkway.

The DEP has scheduled hearings this month to debate the extent of construction that should be allowed on piers, if any at all, and whether developers should be allowed to declare such piers private. The first hearing will be held tomorrow at 2 p.m. in Jersey City City Hall, 280 Grove St. Another hearing will be held at 7:30 p.m. on Thursday in Weehawken Town Hall, 400 Park Ave.

"Some developers want to build highrises on piers and restrict public access," says Tom Norris, a senior environmental specialist with the DEP's Division of Coastal Resources. "We want to know how the public feels about it. Should all piers provide public access, or should we allow private piers?"

Other problems

Many other planning problems remain to be solved to ensure that the waterfront is as accessible as possible, experts say.

In the future, a proposed waterfront transit system will serve some walkway users. But, Cohen notes, the transitway will be developed long after most of the walkway is in place, and in many locations along the waterfront the transportation system and the walkway will not be located all that close to each other.

Planners must now begin to explore all existing and proposed transportation links along the waterfront with an eye toward providing the best possible mass transit access to the walkway, Cohen says.

"The guidelines say you have to have (an access link) every half mile, but how do you get there if you're older or handicapped and you don't have a car?" he questions. To further compound the problem, walkway planners say automobile traffic near the waterfront should be discouraged.

Simple things like the availability of sheltered rest areas and bathrooms will also determine the success or failure of the walkway, according to planners.

In most development plans, provisions for such facilities are vague or non-existent. For

example, Weehawken planners were told by Hartz Mountain Industries that the company didn't plan for restrooms along its portion of the walkway because pedestrians would be able to use bathrooms in nearby office buildings at Lincoln Harbor.

Cohen says he objects to this kind of "haphazard" planning — mostly because walkway users will feel uncomfortable entering office buildings in search of a restroom, and also because there's no guarantee such quasi-public facilities will always be available. It would be better, he adds, to provide facilities along the 18-

mile walkway that are exclusively for the path's users.

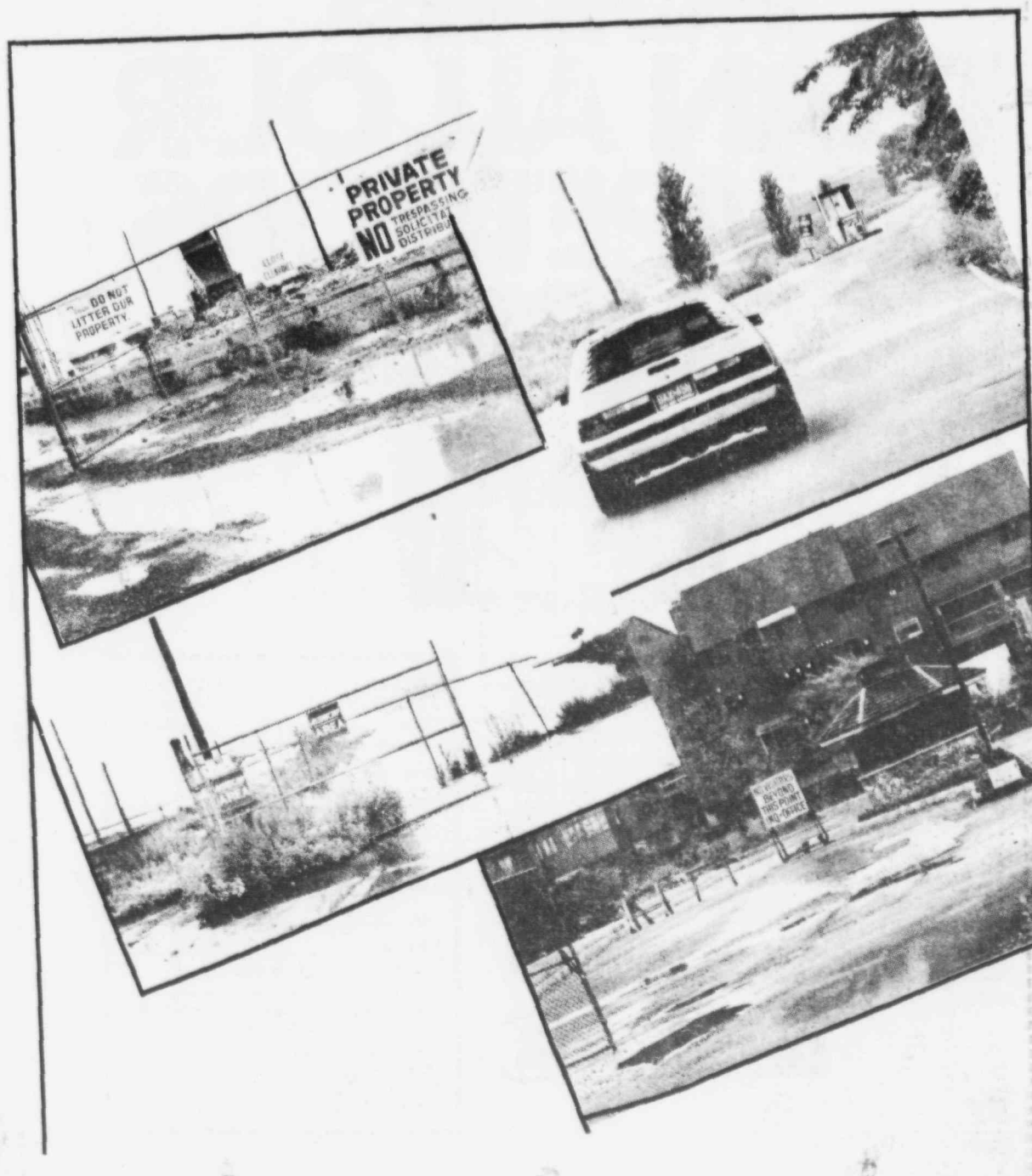
Psychological barriers

Not all barriers to public access are physical. Some of them are psychological, says Michael Coleman, executive director of the city Community Development Agency.

Such barriers were considered by Hoboken planners when they dismissed a plan by the Port Authority to develop a mixed-use project, Hudson Center, on the city's southern waterfront. The Hudson Center plan, for example, needed

more "active" recreation space — such as concert areas — to entice people to come to the waterfront, explains Coleman. Many planners believe rigid security systems proposed by just about every waterfront developer could also work to discourage the public from using the walkway. Such safeguards might include foot and boat patrols, guardhouses at entry points and closed-circuit cameras.

Coleman recognizes that some degree of security is necessary but fears overzealous attempts to secure the walkway: "We want to make sure people are not intimidated," he says.



The message to the public in each of these signs, posted by Hudson County waterfront property owners, is the same: "Keep Out!" Most of the signs are only temporary, meant to protect pedestrians while construction is going on.

Photos by Wallace/Heming

FIERCE FOE OF CONDOS

Tenants find a champion

For Ira Karasick, the job never ends

By JANET WILSON
Staff Writer

Ira Karasick has written or helped defend every major piece of housing legislation in Hudson County in the last year. He receives phone calls at midnight from residents asking for help in blocking development projects.

Yet until August, Karasick, a 39-year-old newcomer to Hoboken, had never handled a housing case in his life. Karasick is one of a handful of tenant attorneys working in Hudson

County, but even among them he is atypical.

A roly-poly bearded man, Karasick looks more comfortable in faded corduroys and a flannel shirt than a suit. When he wears a suit, there tends to be a shirttail straining to get out in back.

Appearances can be deceiving. Karasick graduated from Harvard Law School in 1978, and was one of four lawyers who wrote the Con-

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stitution for the Marshall Islands a few years later.

It is Karasick's skills as a constitutional lawyer that have made him an invaluable player in the Hudson County housing battles. He wrote the powerful and controversial law that attempted to bring to a halt the torrent of conversions of rental apartment buildings to luxury condominiums in Jersey City.

The law answered the landlords' persuasive argument that their property rights were being violated. Karasick argued that communities have an equally strong responsibility to provide decent and affordable housing to their citizens.

"We're not talking about telling somebody where they have to plant azaleas," Karasick said. "We're talking about preserving people's homes. Developers are able to take out huge profits by treating buildings just as commodities — there's this tremendous race fueled by the desire for profit that has to be slowed."

"Housing is a regulated industry, just like drugs are," he noted. "Being in the housing business is not like being in the coat business."

The law has been copied nearly verbatim in North Bergen, West New York, Weehawken and Union City, and he is now helping Hoboken to write one, even though all the legislation was struck down last month by a judge in Hudson County Superior Court in Jersey City.

Karasick downplays his role in the battles, even in authoring the legislation.

"I was just the new face who didn't have a history in the area. I was the one more person you need to be able to push the car out of the hole," he said.

To a certain extent he is right. Maureen Schweitzer, then an attorney at Hudson County Legal Services, and George Aviles, a City Council member in Jersey City, were in the trenches in the spring, fighting to make Hoboken's anti-warehousing law stick when Karasick was still just Schweitzer's Sunday evening poker partner. It was Aviles, along with Rick Cohen, Jersey City's director of Housing and Economic Development, and Mayor Anthony R. Cucchi who decided that Jersey City had to try to force landlords to stop converting rental housing.

But when the landlords fought back with big-gun lawyers and deep pockets, it was Karasick, the constitutional law practitioner, who was uniquely suited to respond with equally stirring arguments.

"He's an excellent writer," Schweitzer said. "He's got a brilliant mind, and he thinks very analytically."

Assignment Judge Burrell Ives Humphreys of Superior Court, however, is the man who read Karasick's condominium legislation and issued an injunction against it. He commented that the law was "good creative thinking ... but it's out in space."

The creative thinking of Ira Karasick stems from an idiosyncratic background. In addition to legal battles, he has built houses and run an organic vegetable farm.

He looks like an overgrown flower child, but has none of the ennui or

passivity of a lifelong drifter. He was in San Francisco's Haight Ashbury section in the 1960s, admits he lived in "what could be called communes — they were farms with a lot of people on them" — and spent a number of years working for the Liberation News Service, which provided stories for such alternative publications as the Great Speckled Bird in Atlanta, and the Chicago Seed.

"I can't remember if I wore flowers, or just that Time magazine tells me I did," he said. "That time period has become so wrapped up in myth, and rightfully so. It's the last time there was still a feeling of idealism. The flag-waving on both sides is much more mechanical now. There's a depression of spirit in America," Karasick is sitting in his "office," a room next to the kitchen in his apartment on Jefferson Street. Next to the sink, his well-loved, well-worn fishing gear is piled high.

Above him are his books, many of them original editions from the 18th and 19th centuries. He lovingly shows off an old leather-bound edition of an 18th century magazine that describes the shouting and dancing in the streets of Philadelphia after the Constitution was signed.

Beneath the scholarly volumes sits a state-of-the-art computer. Karasick owned a New York computer consulting company for three years. It "went South" in his words, and he still does occasional consulting and legal work for major corporations such as DuPont. But generally, he said, he is able to survive because of his low overhead.

Karasick lives on the southwestern edge of the city, in the poor 4th Ward. He lives there because a friend of his happened to be moving to Cleveland and the rent was low.

Karasick, unlike some of his colleagues, cheerfully admits that he could pay a little more rent than he currently does, and thinks that rent control laws should be fine-tuned to allow "good landlords" to make up the cost of maintaining their buildings while still reaping some profit.

But he is adamantly opposed to the elimination of rent control, and musters strong constitutional arguments against its elimination.

"Every citizen deserves a decent place to live," he said. "No one should be on the street. Rent control guarantees that without any cost to the government. We're using our police powers rather than the city's pocket to keep affordable housing."

Karasick does not perceive himself as an activist, and he admits he prefers to be a negotiator. He is proud of his role in concluding a lengthy and complicated agreement with 32 families and Murray Connell, one of Hoboken's largest developers — which gives the families the right to buy their apartments and still affords the landlord some profit.

Schweitzer and Connell both say they feel Karasick can do a great deal more good as a middleman between landlords and tenants. Whether he chooses to adopt this role permanently, Karasick has found a place for himself now on Hudson County's landscape.

"He's finally found his niche," Schweitzer said, teasing him one day over lunch.

"No I haven't," Karasick said hurriedly. "I just take small steps."