



March 21, 2023

Via e-mail

Mayor Ravi S. Bhalla
Hoboken City Hall
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Hoboken, NJ 07030
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James R. Farina, City Clerk
Hoboken City Council
Hoboken City Hall
94 Washington Street
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Re: Lease between City of Hoboken and Port Imperial Ferry Corp., approved Ordinance B-534, February 15, 2023

Dear Mayor Bhalla and Councilmembers:

I am writing to you on behalf of Fund for Better Waterfront ("FBW"), a 501 (3) local organization, that has had a longstanding interest in the development of the Hoboken waterfront as a continuous, public park. Since 2016, FBW has been actively involved in securing the Union Dry Dock site for public purposes and, as you know, has worked closely with your administration to this end. FBW seeks to continue this constructive, working relationship with the City of Hoboken to facilitate the conversion of this property for use as a public park.

In 2018, the City first decided by ordinance (later repealed and reinstated in 2019) to put money aside in the municipal Open Space Trust Fund ("OSTF") to purchase and

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exercise eminent domain to create a park at that site. Most recently, FBW, though understanding the need for a temporary lease-back of the property to Imperial Ferry Corp., spoke at the recent City Council meeting against the afore-captioned lease for several reasons, including but not limited to, the anticipated interference with recreational activities on the waterfront and the ambiguous wording of the agreement as to the duration of the diversion.

Notwithstanding FBW's misgivings about the terms of the lease, we are writing to you at this time to inform you that pursuant to Hoboken's ordinance governing the use of, and properties acquired with OSTFs, the sale or lease of such property -- i.e., a diversion of the property from its dedicated open space and recreational use -- is not valid until approved by the voters of Hoboken in a referendum election.

Hoboken Ordinance §55-3 Trust Fund for Open Space Acquisition (Sale) reads in part:

No property acquired with funds from the Trust Fund shall be leased or sold, unless action has been authorized by the Mayor and City Council and by referendum in the manner prescribed by law.

(emphasis added)

N.J.S.A. 19:1-4 and N.J.S.A. 19:3-6 are the two provisions of Title 19 that govern "the determination of public questions under the referendum procedure," which is required by other statutes, such as the Faulkner Act, or ordinances, such as Hoboken Ordinance §55-3. It is our understanding that such ordinance is authorized by and implements N.J.S.A. 40:12-15.7(d).

FBW is thus offering its assistance to the City to ensure that the referendum occurs in a timely, proper and fair manner. First, in accordance with N.J.S.A. 19:3-6, we would like to work with the City to guarantee that the public question presented to the voters is accurate, simply stated and easy to understand.

Second, we would welcome the opportunity to discuss with the City Council and the Mayor additional legislative and other actions the City could take to assure the public that this lease is in fact a temporary diversion, and that the City is committed

to establishing, at the end of the five-years, the public park promised the voters of Hoboken and the court when it exercised eminent domain and deployed OSTF to acquire the property for public purposes.

In addition, our research has indicated that the City has yet to place an OSTF deed restriction on the property. This too is required by Hoboken Ordinance §55-3, which states:

The deed of any property acquisition with funds from the Trust Fund shall contain the specific notation reflecting that the property was acquired with funds from the Trust Fund, and are subject to the limitations contained herein.

We request that such "specific notation" be placed on the deed at once.

We look forward to further discussions with you about the subject matter of this letter.

Respectfully,

/s/Renée Steinhagen
Renée Steinhagen, Esq.
on behalf of FBW

cc: FBW