

December 6, 2023

Open Letter to Hoboken City Council from former Mayor Zimmer

Dear Council Members,

Thank you all for your unanimous support for the Rebuild by Design resolution sponsored by Council Members Ramos and Giattino. This easement issue represents a very serious and continuing threat to the completion of the Southern RBD alignment and by extension, to the health and safety of Hoboken residents. Your advocacy, in the form of this resolution, articulates Hoboken's position, and represents an important step in helping to give this vital project the best possible chance to succeed.

I urge the Council to request a full briefing from Dennis Reinknecht, DEP Director, Division of Resilience Engineering and Construction. It is clearly necessary for the Council to obtain complete and accurate information so that it can fill the vacuum and directly advocate for Hoboken. Two years have slipped by, and time is of the essence to make sure the remaining Jersey City easements are expeditiously obtained so this vital project can move forward without impediments.

Watching the last City Council meeting, I was extremely disappointed that the Administration was still not forthcoming in providing a complete and honest account of what is happening and why. Jason Freeman, Hoboken's Business Administrator, misleadingly framed the issue as:

"Look the reality is here is the State and Hoboken coming into another City saying give us this property and from their point of view, and I am not advocating for it, their point of view is that it's our property, what's the benefit to the residents of Jersey City, that is the argument they have made to us and we understand that just like if someone came to Hoboken and said give me this property, I would think the response from the City Council and the Mayor would be what is the overall benefit for Hoboken."

This is particularly disappointing because both Mr. Freeman and Mayor Bhalla well know that Mr. Freeman's "explanation" is false.

As Councilman Cohen correctly noted in his remarks, RBD was designed from the outset to protect not only Hoboken from storm surge, but Jersey City as well. Jersey City has been an active participant in the planning process for 9 years. The idea that "the State and Hoboken [are] coming into another City saying give us this property" is palpable nonsense.

Leaving aside the intentional false premise of Mr. Freeman's remarks, can anyone imagine Union City Mayor Brian Stack defending another City's right to put Union City residents at risk? Mayor Stack has always been a fierce advocate for the City he serves. Hoboken residents have a right to expect the same advocacy from Mayor Bhalla. Instead, he instructed Mr. Freeman to deliver a public service announcement on behalf of Mayor Fulop and Jersey City.

For two years, Mayor Bhalla has not only failed to advocate on behalf of the City he has an obligation to serve, but he even failed to advise his own City Council of the existence of the easement issue. Indeed, if not for the work of the *New York Times*, *the Jersey Journal*, *The Hudson County View*, and my own advocacy, Mayor Bhalla would still be hiding the existence of the problem from the public and the City Council. Even now, rather than fight on Hoboken's behalf for a project needed to protect the health and welfare of thousands of Hoboken residents, Mayor Bhalla sent his BA to a City Council meeting to advocate for Jersey City, not Hoboken.

If my understanding of the facts is correct, and I believe it is, BA Freeman also misled the City Council when he claimed Mayor Fulop was withholding the easements seeking additional benefit for the residents of Jersey City (beyond the flood protection clearly established by the RBD modeling). Rather, it appears Mayor Fulop is blocking this vital regional resiliency project to protect the financial interests of Lincoln Equities, a private developer with a 2021 approval to build "Holland Park" an 800 residential unit development project along the light rail tracks that would include a new light rail station.

Attached is a letter from the DEP to Jersey City dated July 19, 2023 (the DEP Letter). This letter clarifies several important facts:

1. There are two sets of easements needed - one set of private easements from Lincoln Equities and one set of public easements from Jersey City itself. The DEP was unable to negotiate an amicable purchase price with Lincoln Equities for the private easements, so the DEP obtained those easements by using eminent domain. The appraised value of the easements, \$2.1 million, was deposited with the Superior Court at the outset of the eminent domain proceedings. It is important to note that through this legal process, **Lincoln Equities will receive fair compensation as determined by a Court after a presentation of evidence by both parties** – i.e. the DEP and Lincoln Equities. Jersey City is not a party to that proceeding **because it involves only the private financial interests of a private developer, not the public interests of Jersey City.**
2. It appears that Jersey City is withholding the public easements to strong-arm the DEP into paying Lincoln Equities a higher price for the private easements, rather than to negotiate a fair price for the public easements on behalf of Jersey City residents and taxpayers. **Unlike with the private easements, the DEP has for unknown reasons, not commenced eminent domain proceedings to obtain the public easements, without which the Southern alignment of RBD cannot be completed.**
3. Mayor Fulop told *The Hudson County View* that the RBD plan "derails the long-established light rail commitment" to Jersey City. This claim is clearly untrue. His chronology is backwards. RBD predates the Holland Park development plan (that includes the light rail) by five years. Jersey City and Lincoln Equities were fully aware of the RBD alignment, finalized in 2016, when their development plan was designed in 2021. The existence of the RBD alignment not only could have, but obviously should have, been incorporated into the original planning process. **In my opinion, the Bhalla**

Administration ought to have been aware of the Holland Park project and weighed in during the planning process, to ensure that Jersey City incorporated the RBD resist structure into the Redevelopment Plan. Unfortunately, it does not appear that it did so.

4. Luckily, despite Lincoln Equities and Jersey City's irresponsible failure to plan around RBD and the Bhalla Administration's failure bring it to anyone's attention, the DEP Letter makes clear that the **"DEP Storm Surge Resist Structure, the Holland Park Site Development, and a light rail station can all be constructed at this site in a cohesive way."** The DEP Letter reiterates this point, further stating the **"DEP Structure, the proposed light rail station, and the Holland Park proposed development can all collocate on the property."** This makes clear that Mayor Fulop's repeated public claim that RBD derails the light rail project was knowingly false.

5. Interestingly, while Jersey City is delaying the construction of the Southern alignment by withholding the public easements, Lincoln Equities is apparently disingenuously expressing concerns about the delay they and Jersey City are themselves causing. The DEP Letter states that "If Jersey City's easements are granted in a timely manner, the DEP will comply with Holland Park's request to have the Resist Structure completed within 400 calendar days of contract award." Nevertheless, almost 5 months later, the public easements have not been granted.

Your continued focus and advocacy is clearly needed for the full completion of this vital resiliency project so that Hoboken residents are truly protected from the next major hurricane.

Thank you.

Dawn Zimmer
Mayor of Hoboken 2009-2017

cc: Shawn LaTourette, Commissioner, NJ DEP
Dennis Reinknecht, Director, Division of Resilience Engineering and Construction
Paul Presinzano, 1st Ward Council-Elect

