

**CITY OF HOBOKEN**  
**Department of Community Development**

**DAWN ZIMMER**  
Mayor



**BRANDY FORBES**  
Director

***MEMORANDUM***

Date: October 9, 2013

To: Hoboken City Council

Cc: Dawn Zimmer, Mayor  
Quentin Wiest, Business Administrator  
Mellissa Longo, Corporation Counsel

From: Brandy Forbes, Community Development Director *BF*

Subject: Ordinance Amending Chapter §104 Flood Damage Prevention

On the agenda for the October 17, 2013 Hoboken City Council Meeting is the public hearing on the ordinance to amend Chapter §104 Flood Damage Prevention. As I noted in my prior memo on this item, this proposed ordinance amends an existing chapter and is reflective of the new model ordinance released earlier this year by the New Jersey Department of Environmental Protection (NJDEP). The existence of the ordinance is to promote public health, safety, and general welfare of the citizenry of Hoboken, as well as to reduce flood losses, resulting in lower flood insurance rates for residents and property owners in Hoboken.

Updating this ordinance is critical for the City to remain in good standing with the National Flood Insurance Program (NFIP) and to benefit from the best rates available through NFIP. This chapter adopts construction standards for property within the Special Flood Hazard Area (SFHA) that reduce the hazards to health and safety, loss of life and property; minimize disruption of commerce and services; and reduce public expenditures for flood protection and relief.

The City is actively pursuing qualifications in the NFIP's Community Rating System (CRS). If qualified in the CRS program, flood insurance rates for all residents city-wide will be reduced by 5-10%, possibly more. As noted above, adoption and maintenance of this chapter is a prerequisite. By taking a proactive position and adopting the **Advisory Base Flood Elevation** maps and the higher standards proposed in this ordinance, as recommended in the NJDEP's model ordinance, the City will be awarded

significant points toward a more advantageous CRS rating. The better our municipality's CRS rating is, the greater the discount/reduction of flood insurance rates will be to Hoboken's residents.

The Planning Board did hold a public hearing and reviewed the ordinance at its October 1, 2013 meeting. The recommendation per the Planning Board resolution included with this memo was for the City to adopt the ordinance without changes.

There were comments both at the hearing and provided to you by the developer LCOR in a memo from their consultant engineer regarding the ordinance. I have provided a response to those comments below:

1. LCOR's consultant Langan Engineering suggests that the City is not using the "best available flood hazard data" when we choose to use the Advisory Base Flood Elevation (ABFE) maps. The map they reference and say we should use is technically called by FEMA the Preliminary Work Maps. The Preliminary Work Maps were prepared subsequent to the ABFE Map and will eventually be developed into the Flood Insurance Rate Maps (FIRMs) that demonstrate the 100 year flood event (has a 1% chance of occurring each year). The FIRMs are intended for use to determine flood insurance rates and are not necessarily for design standards for flood protection.

It is a very intentional decision to adopt the ABFE Maps for the following reasons:

- The ABFEs more closely reflect the flood elevations the City of Hoboken experienced during Superstorm Sandy. Sandy was approximately a 200 year storm event (has a .5% chance of occurring each year), so Hoboken has now experienced this level of storm. Considering sea level rise expected in the next 50 years, and the tough challenges Hoboken faces as an urban environment (i.e., combined sewer system, higher impervious coverage, etc.), it is better to use the more conservative data provided by FEMA with the ABFE Maps.
  - FEMA's flood modeling may not fully account for the unique characteristics found in an urban environment. Small scale site elements compound at the city scale to change the natural topography and hydrology of an area. Any change in road elevation, on or off site fill, impervious surface coverage, adjoining buildings, entrance heights, or a combined sewer system can create different flood consequences than in a suburban or rural environment. All of these factors, including the density of development, low lying areas at sea level, and relatively flat topography of the City of Hoboken contribute to the conservative standpoint on urban flooding.
  - Finally, per the NFIP Community Rating System, if a community adopts the ABFE Maps they receive 500 points toward flood insurance rate reduction. However, adopting other maps, including the Preliminary Work Maps, do not gain any points for the City. This is a major point amount, as the Community Rating System reduces rates 5% for every 1000 points a municipality gets.
2. Langan suggests that the ordinance confuses the application of freeboard in the V-zones and misapplies it to A-zones. They state that the V-zone areas are subject to wave action that is more severe than the A-zone.

Again, it is a very intentional decision to apply freeboard in all special flood hazard areas as an added measure of safety and sustainability. Here are the reasons:

- It was intentional to standardize the way freeboard is measured. In the ordinance, freeboard is measured to the bottom of the lowest horizontal structure member in all zones as opposed to measuring it that way only for V-zones. One reason for this is that Hoboken's A-zones are identified as "Coastal A" which are subject to moderate wave action (i.e., waves between 1.5' and 3' in height). The NFIP recommends application of the same standards to Coast A-zones as V-zones because of the damaging effects of moving water.
  - The severity and frequency of super storms is increasing. The application of freeboard measurement in A-zones takes into consideration the effects of sea level rise (expected to be 1.5' to 3' by the end of this century). Adding freeboard keeps us ahead of the trends.
  - Including freeboard measurements in the ordinance allow the municipalities in the Community Rating System up to 500 points toward flood insurance rate reduction.
3. The Langan memo suggests that the ordinance confuses V-zones and A-zones with regard to the prohibition of fill.

It is intentional to regulate fill in all areas of Special Flood Hazard for the following reasons:

- The NFIP recommends the prohibition of fill since the use of fill has a direct impact on floodplain storage capacity, drainage, and water quality. Addition of fill also has a significantly negative impact on neighboring properties as it changes the course of sheet flow, drainage, and watershed. According to the NFIP/CRS Coordinator's Manual: 2013 Edition - Pg. 430-6 – Development Limitations, "All of the benefits of using fill accrue to the developer and to the property owner. Conversely, all of the problems accrue to neighbors, taxpayers, the community, the NFIP, or the environment."
- The same section of the NFIP/CRS Coordinator's Manual noted above states, "Because filling is therefore not desirable floodplain management activity, this element credits communities that prohibit fill." Including prohibition of fill in the ordinance allows municipalities in the Community Rating System up to 280 points toward flood insurance rate reduction.

Please note that the DEP's model ordinance contains only the minimum requirements accepted by FEMA and the State of New Jersey. Municipalities are permitted to adopt more stringent standards. The point is to be as protective of the community as a whole when regulating new construction and substantial improvements. There may certainly be cases of hardship, so please note that this ordinance does provide a relief/variance mechanism to address those cases.

Recognizing that this is a very detailed ordinance, please feel free to forward any questions you may have in advance of the meeting to Business Administrator Quentin Wiest so that we will be sure to address those inquiries at or before the meeting.

Thank you.

**CITY OF HOBOKEN**  
**Hoboken Planning Board**

**Vice Chairman**  
Gary Holtzman  
**Board Secretary**  
Patricia Carcone



**DAWN ZIMMER**  
Mayor

**Commissioners**  
Stephen Marks  
Brandy Forbes  
Ann Graham  
Frank Magaletta  
Gill Mosseri  
Rami Pinchevsky  
Dan Weaver  
**1<sup>st</sup> Alternate**  
Sasha Conroy  
**2<sup>nd</sup> Alternate**  
Phil Cohen

**Memo**

**To:** City Clerk  
**From:** Patricia Carcone  
**Date:** October 2, 2013  
**Re:** October 1, 2013 Planning Board Ordinance Review Chapter 104

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The City Council, at their meeting on September 17, 2013 passed the introduction and first reading of the following ordinance:

- o An ordinance amending Chapter 104 (Flood Damage Prevention) to reflect updates recommended by the New Jersey Department of Environmental Protections latest revised ordinance

The Municipal land Use Law requires that the governing body refer to the Planning Board all proposed development regulations, amendments, or revisions thereto so that the Board can report whether the proposed revision is consistent with the Master Plan.

On October 1, 2013 the Planning Board held a public hearing and discussed the amendments to Chapter 104. Attached is the signed resolution.

Please do not hesitate to contact me if you have any questions with the foregoing.

Very Truly Yours,



Patricia Carcone  
Planning Board Secretary

cc: Brandy Forbes, Director of Community Development  
Dennis Galvin, Planning Board Attorney

**RESOLUTION OF RECOMMENDATION TO THE GOVERNING BODY  
FOR AN ORDINANCE TO AMEND CHAPTER 104  
“FLOOD DAMAGE PREVENTION”**

**WHEREAS**, in accordance with N.J.S.A. 40:55D-62(a), the Governing Body is required to submit land use ordinances to the Planning Board for review and comment; and

**WHEREAS**, the City of Hoboken is seeking to amend Chapter 104 “Flood Damage Prevention”; and

**WHEREAS**, the governing body is seeking to amend the existing chapter reflective of the new model ordinance released earlier this year by the New Jersey Department of Environment Protection (NJDEP); and

**WHEREAS**, the Board considered the reports of its professionals as well as the City’s professionals in making the this determination; and

**WHEREAS**, the Board’s planning consultant has reviewed the Ordinance and issued a Report under date of October 1, 2013 confirming that the Ordinance is not inconsistent with the City’s Master Plan and setting forth his recommendations(if any) with respect to the Ordinance. A copy of the Report is attached hereto as Exhibit “A” and its contents are incorporated herein as if set forth herein at length; and

**WHEREAS**, the Board’s engineering consultant has reviewed the Ordinance and issued a Report under date of September 24, 2013 confirming that the Ordinance is not inconsistent with the City’s Master Plan and setting forth his recommendations(if any) with respect to the Ordinance. A copy of the Report is attached hereto as Exhibit “B” and its contents are incorporated herein as if set forth herein at length; and

**WHEREAS**, the Planning Board understands that this change is primarily necessitated by the newly established FEMA regulations issued in response to Super Storm Sandy and that these changes are vital to protect the public’s safety in the event of flood emergencies as may occur as the result of nor’easters and hurricanes; and

**WHEREAS**, updating this ordinance is critical for the City to remain in good standing with the National Flood Insurance Program (NFIP) and will allow the City to achieve the best rates available through NFIP; and

**WHEREAS**, the chapter adopts construction standards for property within the Special Flood Hazard Area (SFHA) that reduces the hazards to health and safety, loss of life and property; minimize

disruption of commerce and services; and reduce public expenditures for flood protection relief; and

**WHEREAS**, the City is pursuing participation in NFIP's Community Rating System (CRS) with the goal of reducing flood insurance rates for all residents city-wide; and

**WHEREAS**, the City has determined and the Planning Board agrees that the City adopt the Advisory Base Flood Elevation (ABFE) and the Advisory Flood Hazard Maps dated February 22, 2013 which establish a more accurate SFHA consistent with the flooding experienced during Hurricane Sandy; and

**WHEREAS**, the Planning Board finds protection from flood to be an essential goal of the Hoboken Master Plan and that this proposed ordinance satisfies the goal; and

**WHEREAS**, the Board concludes that based upon its experience with Super Storm Sandy, that the proposed amendment to the City Ordinance is sound public policy and promotes the public health and safety; and

**WHEREAS**, on October 1, 2013, the Planning Board held a public hearing and discussed the amendments to Chapter 104; and

**NOW, THEREFORE BE IT RESOLVED**, the Board recommends adoption of Chapter 104 amendments with respect to the "Flood Damage Prevention" without modification or revision.

**BE IT FURTHER RESOLVED**, that this resolution be forwarded to the Honorable Mayor Dawn Zimmer and the City Council.

  
\_\_\_\_\_  
Gary Holtzman, Chairman  
Hoboken Planning Board

#### **CERTIFICATION**

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Hoboken Planning Board, Hudson County, New Jersey, at a public meeting held on October 1, 2013.

  
\_\_\_\_\_  
Patricia Carcone, Secretary  
Hoboken Planning Board

The vote on the motion  
to approve this application  
was as follows:

Yes: 6  
No: 0  
Absent: 4

The vote on the resolution to  
approve this memorialization  
was as follows:

Yes: 6  
No: 0  
Absent: 4

Exhibit "A"

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Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

Corporate Headquarters  
331 Newman Springs Road, Suite 203  
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## MEMORANDUM

**To:** Hoboken Planning Board

**From:** David G. Roberts, AICP/PP, LLA, LEED AP ND

**Date:** October 1, 2013

**Re:** Ordinance Amendment  
Chapter 104 Flood Damage Prevention

MC Project No. HOP-133

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Pursuant to discussion with the Board Attorney regarding the relevance of the referenced ordinance amendments to public safety as addressed in the Municipal Land Use Law, I have reviewed City Council Ordinance Z-253 entitled "Chapter 104 (Flood Damage Prevention)" in order to offer comments relative to the purposes of planning and zoning and the consistency of the proposed amendments with the Hoboken Master Plan and 2010 Reexamination Report.

1. As explained in the memorandum from Brandy Forbes, Community Development Director for the City of Hoboken to the Hoboken City Council, dated September 12, 2013, the City of Hoboken is taking a proactive measures to work with the National Flood Insurance Program (NFIP) to ensure that its construction standards for properties within the Special Flood Hazard Area (SFHA) are current and that the Base Flood Elevation Maps used for regulated development within the SFHA are the latest and most accurate available from the Federal Emergency Management Agency (FEMA). The amendments to Chapter 104 utilize the latest language provided by NJDEP and are considered critical to promoting the public health, safety and general welfare of the citizens of Hoboken, as well as to reduce flood losses.
2. Given the specific purposes of the proposed amendments to Chapter 104 summarized in (1) above, the proposed ordinance advances the following purposes of zoning as stated in the Municipal Land Use Law (NJSA 40:55D-2):
  - a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;*



Memo to Hoboken Planning Board  
RE: Amendments to Chapter 104 – Flood Damage Prevention  
October 1, 2013

The proposed ordinance amendments represent direct municipal action to guide the appropriate development of lands with demonstrated vulnerability to flood hazards in order to promote and protect the public health, safety and general welfare.

*b. To secure safety from fire, flood, panic and other natural and man-made disasters;*

The proposed ordinance will require new construction and substantial improvements to comply with standards that will minimize the damage to life and property during future major storm events and secure safety from future flooding. It will also regulate new construction in severely vulnerable locations such as Coastal High Hazard (V) Flood Zones to prevent loss of life and property in future storm events, such as Superstorm Sandy.

*f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*

The amendments to Chapter 104 include standards for infrastructure that will improve resiliency and lower reconstruction and recovery costs from future flood events. The ordinance amendments also are a prerequisite to the City's achievement of reductions in flood insurance premiums in the Community Rating System (CRS) of the NFIP, which would benefit all properties covered by flood insurance in the City of Hoboken.

*m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*

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The adoption of the proposed amendments to Chapter 104 is a specific action that coordinates public and private procedures for developing in the Special Flood Hazard Areas of the City of Hoboken in order to lessen the cost of property damage in the future due to storm events, as well for a more efficient and resilient recovery in the future.

3. The Hoboken Master Plan Reexamination Report of 2010 observes right in the Preface of Page 1: *"The City currently struggles to address the interrelated issues of flooding, aging infrastructure, and a combined stormwater and sewer system, not to mention their exacerbation with increasing storm frequency, storm surges and rising sea levels. These are challenges that the City will need to continue to address in the coming years."* The adoption of the proposed amendments to Chapter 104, "Flood Damage Prevention" is directly responsive to this discussion in the Master Plan.

## Exhibit "B"

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Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

200 Valley Road, Suite 400  
Mount Arlington, NJ 07856  
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F: 973.398.3199  
www.maserconsulting.com

September 24, 2013

VIA EMAIL

Ms. Patricia Carcone, Secretary to the Planning Board  
City of Hoboken  
94 Washington Street, 2nd Floor  
Hoboken, NJ 07030

Re: Ordinance Amendment  
Chapter 104 Flood Damage Prevention  
City of Hoboken, Hudson County, New Jersey  
MC Project No. HOP-100

Dear Ms. Carcone,

As requested, I have reviewed City Council Ordinance Z-253 entitled "Chapter 104 (Flood Damage Prevention)".

Based on a review of the above referenced Ordinance, I find it to be consistent with NJDEP and FEMA standards for a Flood Damage Prevention Ordinance and therefore, I recommend the Planning Board recommend adoption of said Ordinance by City Council.

If you have any questions or comments regarding this matter, please feel free to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in cursive script, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E  
Planning Board Engineer

cc: Brandy Forbes, AICP, PP, Community Development Director  
David G. Roberts, Planning Board Planner  
Dennis Galvin, Esq., Planning Board Attorney  
Gary Holtzman, Planning Board

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

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

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

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON  
REFERRING AN ORDINANCE TO AMEND CHAPTER 104 OF THE  
MUNICIPAL CODE TO THE PLANNING BOARD OF THE CITY OF  
HOBOKEN**

**WHEREAS**, the City Council of the City of Hoboken (“Hoboken”) proposes to adopt an ordinance to amend Chapter 104 of the Hoboken Municipal Code; and

**WHEREAS**, section N.J.S.A. 40:55D-26 of the Municipal Land Use Law provides, in part:

“Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make an transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.”

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Council of the City of Hoboken as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The City Council hereby refers the proposed amendment to Chapter 104 of the Municipal Code to the Planning Board, pursuant to N.J.S.A. 40:55D-26.

**Section 3.** This Resolution shall take effect immediately.

**Meeting Date:** \_\_\_\_\_, 2013

**Department of Administration**

**Approved as to form:**

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**Quentin Wiest**  
**Business Administrator**

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**Melissa Longo, Esq.,**  
**Corporation Counsel**

| <b>Councilperson</b>              | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>No Vote</b> |
|-----------------------------------|------------|------------|----------------|----------------|
| <b>Ravi Bhalla</b>                |            |            |                |                |
| <b>Theresa Castellano</b>         |            |            |                |                |
| <b>Jen Giattino</b>               |            |            |                |                |
| <b>Elizabeth Mason</b>            |            |            |                |                |
| <b>David Mello</b>                |            |            |                |                |
| <b>Tim Occhipinti</b>             |            |            |                |                |
| <b>Michael Russo</b>              |            |            |                |                |
| <b>President Peter Cunningham</b> |            |            |                |                |

1st reading (2)  
9-17-13

SPONSORED: \_\_\_\_\_  
SECONDED: \_\_\_\_\_

**CITY OF HOBOKEN, NEW JERSEY**  
**ORDINANCE NO. z\_254** 2-254

**REFUNDING BOND ORDINANCE PROVIDING FOR THE REFINANCING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING PARKING UTILITY GENERAL OBLIGATION BONDS, SERIES 2002A, DATED DECEMBER 15, 2002; AUTHORIZING THE ISSUANCE OF UP TO \$14,000,000 OF GENERAL OBLIGATION REFUNDING BONDS (PARKING UTILITY) OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The City of Hoboken, County of Hudson, New Jersey ("City"), is hereby authorized to refinance, from time to time, all or any portion of outstanding callable Parking Utility General Obligation Bonds, Series 2002A, dated December 15, 2002, and maturing in the years 2014, 2018 and 2023, respectively (collectively, the "Callable 2002 Bonds").

The exact principal amount of Callable 2002 Bonds to be refunded (which may be less than all of the Callable 2002 Bonds) shall be determined pursuant to a resolution adopted by the City Council by not less than two-thirds of all the members thereof.

**Section 2.** To effectuate the refinancing of the Callable 2002 Bonds, negotiable general obligation refunding bonds of the City are hereby authorized to be issued in one or more series, from time to time, in an aggregate principal amount not to exceed \$14,000,000 ("Refunding Bonds"), pursuant to the Local Bond Law. The principal amount of Refunding Bonds to be issued and other terms thereof shall be determined pursuant to a resolution adopted by the City Council by not less than two-thirds of all the members thereof.

**Section 3.** An aggregate amount not exceeding \$135,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A. 40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

**Section 4.** The purpose of the Refunding Bonds is to effect an interest cost savings for the City.

**Section 5.** Each Refunding Bond authorized herein shall be designated, substantially, "City of Hoboken, County of Hudson, New Jersey, General Obligation Refunding Bond (Parking Utility) Series 201\_" and shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the City shall approve.

**Section 6.** The Refunding Bonds may be sold at public or private sale pursuant to and in accordance with the requirements of the Local Bond Law.

**Section 7.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this refunding bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

**Section 8.** A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer and/or Director of Finance of the City.

**Section 9.** This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

**Date of Introduction:** September 17, 2013

**Date of Final Adoption:** October, 17, 2013

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                | /   |     |         |         |
| Theresa Castellano         | /   |     |         |         |
| Jen Giattino               | /   |     |         |         |
| Elizabeth Mason            | /   |     |         |         |
| David Mello                | /   |     |         |         |
| Tim Occhipinti             | /   |     |         |         |
| Michael Russo              |     |     |         | /       |
| President Peter Cunningham | /   |     |         |         |

Final Reading:

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                |     |     |         |         |
| Theresa Castellano         |     |     |         |         |
| Jen Giattino               |     |     |         |         |
| Elizabeth Mason            |     |     |         |         |
| David Mello                |     |     |         |         |
| Tim Occhipinti             |     |     |         |         |
| Michael Russo              |     |     |         |         |
| President Peter Cunningham |     |     |         |         |

Approved as to Legal Form:

\_\_\_\_\_  
Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council  
By a Vote of \_\_\_\_ Yeas to \_\_\_\_ Nays  
On the \_\_\_\_ day of \_\_\_\_, 2013

\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-or-**

Approved by the Mayor  
On the \_\_\_\_ day of \_\_\_\_, 2013

\_\_\_\_\_  
Dawn Zimmer, Mayor

The foregoing is a true copy of a refunding bond ordinance introduced by the City Council on Sept 17, 2013.

  
\_\_\_\_\_  
JAMES J. FARINA, RMC, City Clerk

**Statement to be Published with Ordinance After Introduction.**

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the City Council of the City of Hoboken held on Sept 17, 2013. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon, at a meeting of the City Council of the City of Hoboken to be held at City Hall, 94 Washington Street, Hoboken, New Jersey, on Oct 17, 2013 at 7:00 p.m. During the week prior to and up to and including the date of said meeting, copies of said Ordinance will be made available at City Hall for members of the general public who request the same.

  
\_\_\_\_\_  
JAMES J. FARINA, RMC, City Clerk

**Statement to be Published with Ordinance After Final Adoption.**

**STATEMENT**

The Ordinance published herewith has been finally adopted on \_\_\_\_\_, 2013 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

\_\_\_\_\_  
JAMES J. FARINA, RMC, City Clerk

1st reading  
10-2-13

①

Sponsored By: *David J. Merz*  
Seconded By: *Pat H. Wright*

City of Hoboken  
Ordinance No        *7-256*

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN  
ENTITLED (PARKING FOR HANDICAPPED)  
Approval Re: 521 Garden, 151 3<sup>rd</sup>, and 1115 Park**

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:**

Handicapped Parking

Section 192-4 is hereby amended to add the following restricted handicapped parking spaces:

**Cora Paznokas Losordo**                      521 Garden Street                      east side  
Beginning at a point of 195 feet south of Sixth Street and extending 22 feet southerly therefrom.

**Mehmet Esendemir**                      151 3<sup>rd</sup> Street Apt#1                      south side  
Beginning at a point of 178 feet east of Garden Street and extending 22 easterly therefrom.

**Mario Mercado Jr.**                      1115 Park Avenue                      east side  
Beginning at a point of 160 feet north of Eleventh Street and extending 22 feet northerly therefrom.

**Section 2:** This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

**Section 3:** The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

**Section 4:** This ordinance shall take effect as provided by law.

**Date of Introduction: October 2, 2013**

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council  
By a Vote of \_\_\_\_ Yeas to \_\_\_\_ Nays  
On the \_\_\_\_ day of \_\_\_\_\_, 2013

**-or-**  
 Approved by the Mayor  
On the \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
James Farina, City Clerk

\_\_\_\_\_  
Dawn Zimmer, Mayor

First Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                | /   |     |         |         |
| Theresa Castellano         | /   |     |         |         |
|                            |     |     |         |         |
| Jen Giattino               | /   |     |         |         |
| Elizabeth Mason            | /   |     |         |         |
| David Mello                | /   |     |         |         |
| Tim Occhipinti             | /   |     |         |         |
| Michael Russo              | /   |     |         |         |
| President Peter Cunningham | /   |     |         |         |

Final Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                |     |     |         |         |
| Theresa Castellano         |     |     |         |         |
|                            |     |     |         |         |
| Jen Giattino               |     |     |         |         |
| Elizabeth Mason            |     |     |         |         |
| David Mello                |     |     |         |         |
| Tim Occhipinti             |     |     |         |         |
| Michael Russo              |     |     |         |         |
| President Peter Cunningham |     |     |         |         |

1st reading (2)  
10-2-13

Sponsored by: David Mello  
Seconded by: Peter Cunningham

CITY OF HOBOKEN  
ORDINANCE NO. 2-257

AN ORDINANCE TO AUTHORIZE THE GRANTING OF A TEMPORARY EASEMENT TO PSE&G FOR THE STORAGE AND MAINTENANCE OF CONSTRUCTION EQUIPMENT AND VEHICLES WITHIN THE BOUNDARIES OF LANDS OWNED AND CONTROLLED BY THE CITY OF HOBOKEN ON THE 17<sup>TH</sup> STREET PUBLIC RIGHT OF WAY

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The attached Easement Agreement, and all attachments thereto, shall become legally valid, shall be properly executed by the Mayor or her designee, as provided by law, and shall be complied with and enforced by and on behalf of the City of Hoboken.
2. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
3. This ordinance shall take effect as provided by law.

**Date of Introduction: October 2, 2013**

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council  
By a Vote of \_\_\_ Yeas to \_\_\_ Nays  
On the \_\_\_ day of \_\_\_, 2013

-or-  
 Approved by the Mayor  
On the \_\_\_ day of \_\_\_, 2013

\_\_\_\_\_  
James Farina, City Clerk

\_\_\_\_\_  
Dawn Zimmer, Mayor

First Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                | /   |     |         |         |
| Theresa Castellano         | /   |     |         |         |
| Jen Giattino               | /   |     |         |         |
| Elizabeth Mason            | /   |     |         |         |
| David Mello                | /   |     |         |         |
| Tim Occhipinti             | /   |     |         |         |
| Michael Russo              | /   |     |         |         |
| President Peter Cunningham | /   |     |         |         |

Final Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                |     |     |         |         |
| Theresa Castellano         |     |     |         |         |
| Jen Giattino               |     |     |         |         |
| Elizabeth Mason            |     |     |         |         |
| David Mello                |     |     |         |         |
| Tim Occhipinti             |     |     |         |         |
| Michael Russo              |     |     |         |         |
| President Peter Cunningham |     |     |         |         |

**CITY OF HOBOKEN**  
**Department of Community Development**

**DAWN ZIMMER**  
Mayor



**BRANDY FORBES**  
Director

***MEMORANDUM***

Date: October 9, 2013

To: Hoboken City Council

Cc: Dawn Zimmer, Mayor  
Quentin Wiest, Business Administrator  
Mellissa Longo, Corporation Counsel

From: Brandy Forbes, Community Development Director *BF*

Subject: Ordinance for Temporary Easement Agreement with PSE&G

On the agenda for the October 17, 2013 Hoboken City Council Meeting is an a public hearing and second reading of an ordinance to enter into a temporary easement agreement with PSE&G. As you may recall from my September 26, 2013 memo, this easement would be temporary for construction staging and access for work that PSE&G is doing to upgrade their substation at the north end of town.

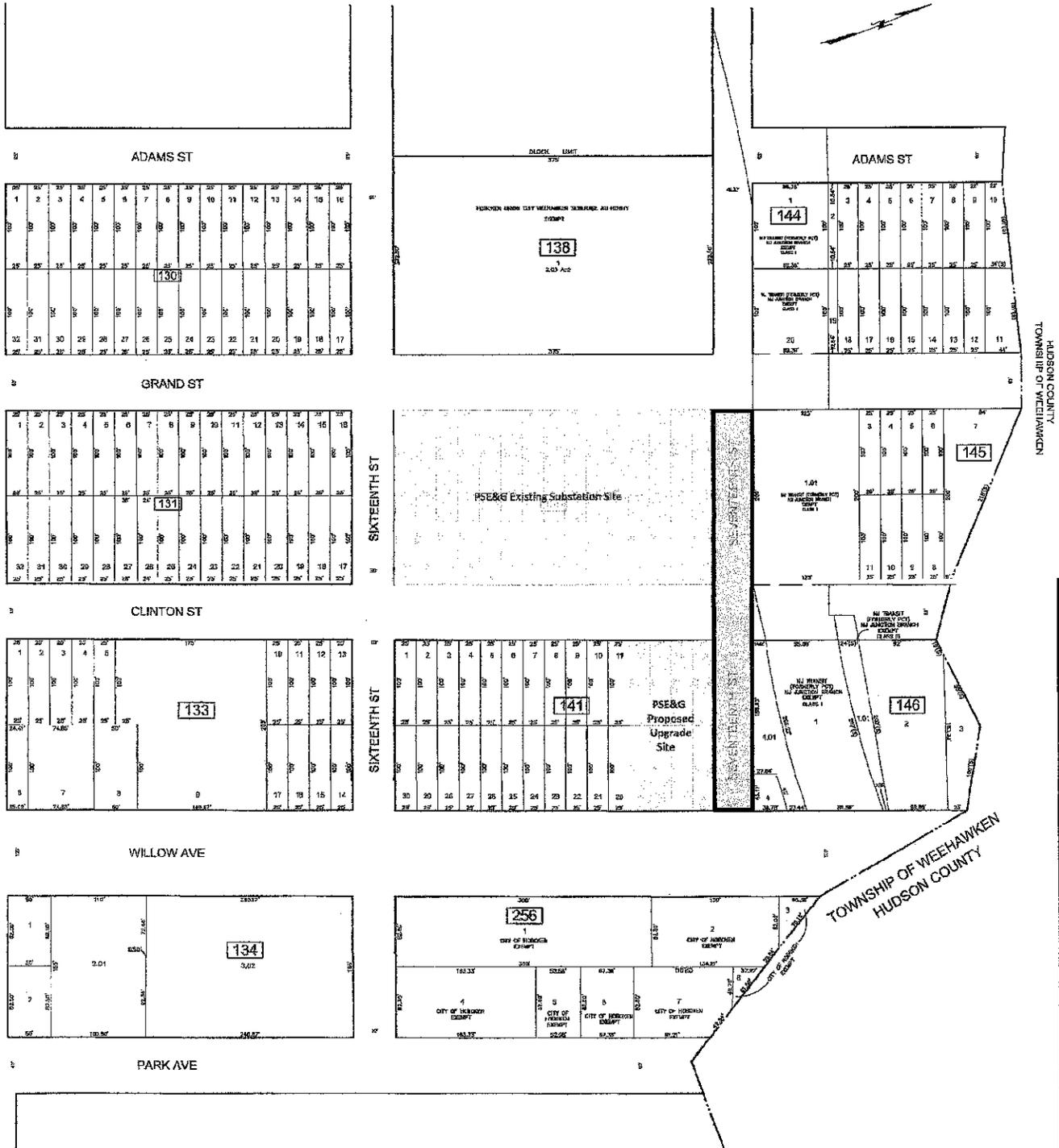
PSE&G is upgrading the northernmost substation in Hoboken at Clinton Street to 230kV and needs to update capacity as well. This requires improvements to their property immediately across Clinton Street from the existing substation (see map). The improvements are expected to include a building to house the new equipment (requiring Planning Board approval). This proposed upgrade is necessary and would need to be done prior to any increase in elevations to the existing substation itself as proposed in the Energy Strong program. The proposed upgrade is proposed to be elevated to the FEMA level plus 1' freeboard for flood protection.

To conduct the construction, the area is very constrained. The site is at the dead end of Clinton Street at the 17<sup>th</sup> Street right of way, yet 17<sup>th</sup> Street is not a constructed roadway. There is much underground wiring that must be installed from the substation to the site, so the use of the existing roadway on Clinton for construction staging is further limited. PSE&G has requested that during construction of this much-needed upgrade the City grant a temporary easement for use of the 17<sup>th</sup> Street right of way for construction staging (see map). They propose improvements to the right of way (i.e., fencing and gravel base) for which PSE&G would pay for and install.

Currently this right of way is not in use and is an undeveloped dirt area. This temporary easement and the proposed improvements would delineate the City's property, while providing PSE&G construction staging and access to their site. If the City does not provide this easement, PSE&G will be required to find an alternate staging area further from the site, creating extra traffic on the roadways necessary to transport materials from the staging site to the construction site.

If you have any questions prior to the meeting regarding this ordinance on introduction, please notify Business Administrator Quentin Wiest so we can provide information to answer your questions.

Thank you.



Proposed Temporary Easement Area = 

TOWNSHIP OF WEEHAWKEN  
HUDSON COUNTY

SHEET 41

\* THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (GCOORD).

TAX MAP  
CITY OF HOBOKEN  
HUDSON COUNTY  
SCALE: 1" = 50'  
DATE: JUNE 2011  
CHARLES A. ATKINSON  
LICENSED LAND SURVEYOR  
NEW JERSEY LICENSE NO. 2504  
160 SOUTH WASHINGTON ST.  
HOBOKEN, NEW JERSEY 07030  
908-962-9999

**CITY OF HOBOKEN**  
**Department of Community Development**

**DAWN ZIMMER**  
Mayor



**BRANDY FORBES**  
Director

***MEMORANDUM***

Date: September 26, 2013

To: Hoboken City Council

Cc: Dawn Zimmer, Mayor  
Quentin Wiest, Business Administrator  
Mellissa Longo, Corporation Counsel

From: Brandy Forbes, Community Development Director *BF*

Subject: Ordinance for Temporary Easement Agreement with PSE&G

On the agenda for the October 2, 2013 Hoboken City Council Meeting is an ordinance on introduction to enter into a temporary easement agreement with PSE&G. PSE&G is upgrading the substation at the north end of town at Clinton Street to 230kV and needs to update capacity as well. This requires improvements to their property immediately across Clinton Street from the existing substation (see map). The improvements are expected to include a building to house the new equipment (requiring Planning Board approval). This proposed upgrade is necessary and would need to be done prior to any increase in elevations to the existing substation itself as proposed in the Energy Strong program. The proposed upgrade is proposed to be elevated to the FEMA level plus 1' freeboard for flood protection.

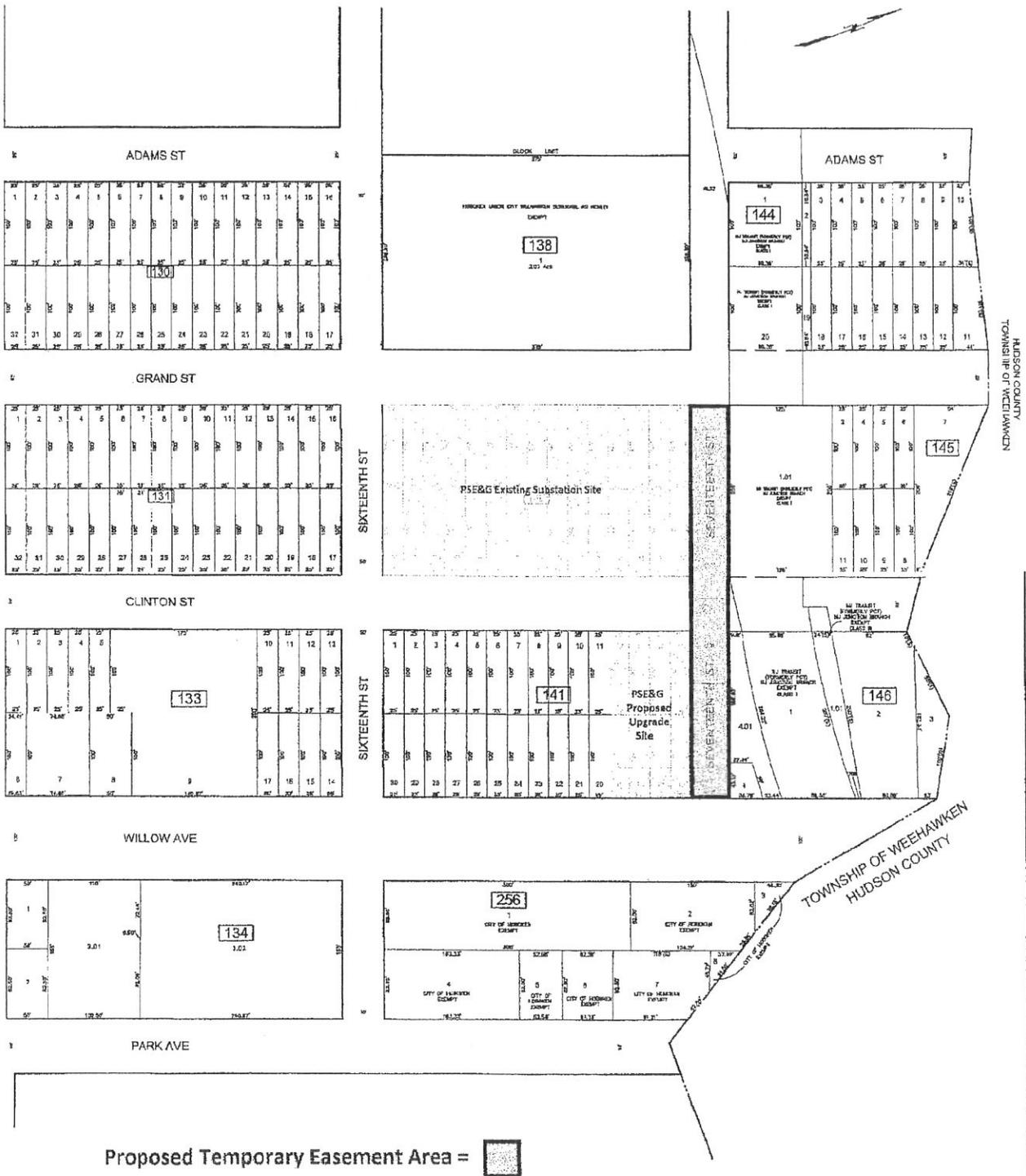
To conduct the construction, the area is very constrained. The site is at the dead end of Clinton Street at the 17<sup>th</sup> Street right of way, yet 17<sup>th</sup> Street is not a constructed roadway. There is much underground wiring that must be installed from the substation to the site, so the use of the existing roadway on Clinton for construction staging is further limited. PSE&G has requested that during construction of this much-needed upgrade the City grant a temporary easement for use of the 17<sup>th</sup> Street right of way for construction staging (see map). They propose improvements to the right of way (i.e., fencing and gravel base) for which PSE&G would pay for and install.

Currently this right of way is not in use and is an undeveloped dirt area. This temporary easement and the proposed improvements would delineate the City's property, while providing PSE&G construction staging and access to their site. If the City does not provide this easement, PSE&G will be required to

find an alternate staging area further from the site, creating extra traffic on the roadways necessary to transport materials from the staging site to the construction site.

If you have any questions prior to the meeting regarding this ordinance on introduction, please notify Business Administrator Quentin Wiest so we can provide information to answer your questions.

Thank you.



Proposed Temporary Easement Area = 

TAX MAP  
CITY OF HOBOKEN  
HUDSON COUNTY NEW JERSEY  
SCALE: 1" = 40'  
CHARLES A. ATKINSON  
LITLED CO. AND INVENTOR  
NON-BENT DESIGN AND PLOTTING  
48 SOUTH OGDEN AVE  
HARRISON, NEW JERSEY 07033  
(908) 426-7338  
© 2008 CHARLES A. ATKINSON

SHEET 41

\* THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING / DESIGN (CAD/CAD) AND COORDINATE GEOMETRY (COORD).

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**TEMPORARY EASEMENT AGREEMENT**

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**BETWEEN**  
**THE CITY OF HOBOKEN**  
**AND**  
**PSE&G**

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**DATED: October , 2013**

---

**RECORD AND RETURN TO:**

**Attn: Corporate Properties Dept.**  
**PSEG Services Corporation**  
**80 Park Plaza, T6B**  
**Newark, New Jersey 07102**

**TEMPORARY EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** made this                    day of October, 2013 by and between **THE CITY OF HOBOKEN**, a Municipal Corporation, of the State of New Jersey, having an address at 94 Washington Street, Hoboken, New Jersey 07030, (hereinafter referred to as the “Grantor”) and **PSE&G**, a public utility of the State of New Jersey, having an address at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter referred to as the “Grantee”).

**W I T N E S S E T H:**

**WHEREAS**, Grantor is the owner in fee simple of that certain real property and public right-of-way located in the City of Hoboken, Hudson County, New Jersey, as more particularly depicted in Exhibit “A” attached hereto and made a part hereof, together with all improvements now or hereafter constructed thereon (collectively the “Property”); and

**WHEREAS**, Grantee owns and operates a public utility which services the residents of the City of Hoboken, and which seeks to do construction work in the area of the property, and wishes, as part of the construction plan, to utilize the property for construction and construction storage; and

**WHEREAS**, in order to properly and efficiently construct its upgrade and expansion of the electrical substation and installation of its control house at Clinton Street, hereinafter the “Project,” the Grantee must construct a fenced, secure area for storage of construction equipment and trailers along the surface of a dirt path consisting of the road bed of the paper street known as Seventeenth Street, (see site plan, EXHIBIT A);

**WHEREAS**, Grantee requires a temporary non-exclusive Twenty-One Thousand Five Hundred Forty-Two (21,542) square foot easement over that portion of the Property as more particularly described herein, at EXHIBIT B, (hereinafter the "Easement"), for the right, privilege and authority to lay, install, construct, operate, inspect, maintain, repair and remove the fenced area for storage of construction equipment and trailers; and

**WHEREAS**, the timeline for Grantee's need for the easement is Twenty-Four (24) months, with a start date of October 1, 2013, and a termination date of September 30, 2015; and

**WHEREAS**, this Agreement shall not exceed more than Twenty Four (24) Months, plus one (1) option to extend the term for an additional Six (6) months (the "Extension Period"), which must be exercised by written notice at least Thirty (30) days prior to expiration of the original term, from October 1, 2015, or past the date of completion of the Project, whichever occurs first (should the completion of construction occur prior to commencement of the Six (6) month option, the Six (6) month option shall be relinquished automatically without a right of revival.

**NOW THEREFORE**, in consideration of the sum of One Dollar (\$1.00) and mutual covenants and restrictions set forth herein and other good and valuable consideration, the parties hereto hereby agree as follows:

1. Grantor, its successors and assigns, hereby grant a non-exclusive temporary Twenty-One Thousand Five Hundred Forty-Two (21,542) square foot easement for the purpose of constructing a fence and storing construction equipment and trailers (hereafter

collectively referred to as the "Easement Area"), until September 30, 2015, provided that the Extension Period is not exercised, or until the project is complete, whichever occurs first.

A. The Easement Area being known as a portion of the public right-of-way of Seventeenth Street, fronting Block 141 Lots 15 and 16 and Block 140 Lots 15 and 16, as shown on the official Tax Map of the City of Hoboken, and commonly known as PSE&G Substation and PSE&G Vacant Lot. This Easement shall be in accordance with the \_\_\_\_\_ Survey dated \_\_\_\_\_, attached hereto as Exhibit A.

B. This Agreement shall not entitle the Grantee to any rights to store and/or park materials and/or equipment on City property, other than exclusively within the Easement Area. Any such storage or parking of materials or equipment on City property outside of the storage area shall require a separate written agreement.

C. Grantee's rights hereunder are non-exclusive and Grantor shall have the right to: (1) perform emergency work in the Easement Area; (2) grant additional, non-exclusive easements in, over, above, across or parallel to the Easement Area to one or more public utilities, municipal corporations, authorities, or private non-profit entities so long as the other easements do not unreasonably interfere with Grantee's use and enjoyment of the rights granted hereunder; (3) require cooperation from Grantee when needing to coordinate the construction, installation, or maintenance of its respective property and appurtenances thereto which are in, over, above, across or parallel to the Easement

Area with any work being conducted by the Grantee, and require that such use conducted by the Grantee does not unreasonably interfere with or delay any of Grantor's necessary emergency work within the Easement Area. In any instance where the Grantee's use timelines cannot be coordinated with any Grantor emergency activity, it shall be deemed reasonable for the Grantor's emergency timeline to trump that of the Grantee; however, to the extent that any of the Grantor's activities result in a delay in the Grantee's construction timelines, Grantor agrees to extend the duration of this Easement Agreement by the number of days equal to such delay. Any person, except Grantor, who performs work in the Easement Area shall be required to take all reasonable and necessary measures to secure any and all of Grantee's property from damage, and to repair promptly any damage done to Grantee's property,

D. Grantee acknowledges that the public may have access to a Public Walkway(s) adjacent to portions of the Easement Area and Grantee shall take all measures necessary, as and when necessary, to insure the safety of the public on the Public Walkway(s). Grantee agrees that the public's use of the Public Walkway(s) shall be subject to the reasonable rules and regulations imposed by the Grantor, in the Grantor's sole discretion, to the extent permitted by law. Grantee agrees to absolve and indemnify the City of all liability, including without limitation, death and serious bodily injury, relating to or in any way resulting from the use and enjoyment of the Easement Area by the Grantee. Notwithstanding the foregoing, Grantee has no obligation to indemnify the City for acts of the City or its agents.

E. The Grantor shall have the right, but not the obligation, to entirely relocate the Easement Area to a comparable location at Grantor's sole cost and expense, provided that the same is technically feasible and the proposed location is acceptable to Grantee, whose acceptance shall not be unreasonably withheld. In such event, the Grantor shall have the option of either (i) performing all work necessary to relocate the Easement Area; or (ii) reimburse Grantee for the costs incurred by Grantee in connection with relocating the Easement Area. Notwithstanding anything to the contrary set forth in this Agreement, Grantee's rights pursuant to this Agreement are limited to the continued maintenance and safety precautions necessary to protect the Grantee, its agents, officers and employees, as well as the general public during the term of the Easement, and Grantee shall not extend, expand, alter or modify the construction project, the Easement, or the respective uses thereof, without the Grantor's prior written consent.

F. The Grantee shall be responsible for returning the Easement Area back to a condition as good as or better than its original condition at the commencement of the Easement term, normal wear and tear excepted. The City agrees that Grantee may place gravel on and fence around the paper street within the Property during the Easement term, and said gravel and fence may be considered a condition as good as the original paper street. Upon termination of the Easement, the Grantor shall execute an instrument indicating that the restoration has been completed to Grantor's satisfaction.

G. The Grantee agrees to defend, indemnify and hold harmless Grantor, its officers, agents

and employees, from and against all claims, demands, judgments, costs and expenses (including reasonable attorney's fees) which may arise by reason of injury to any person or damage to any property attributable to the negligence of Grantee, Grantee's officers, agents and employees, in connection with Grantee's construction, operation and maintenance of said Improvements and its use of or presence on the property.

H. Grantee agrees to provide for general liability insurance in an amount of at least \$1,000,000.00/\$2,000,000.00, which shall include the City of Hoboken and its officers and employees as additional insured. Grantee also agrees to provide for an insurance policy of \$1,000,000 combined single limit for auto liability coverages. Said insurance policies shall have a thirty day notice of policy cancellation upon the City of Hoboken. A copy of said insurance coverages shall be provided to the Office of Corporation Counsel prior to this easement becoming effective. If at any point any of the insurance lapses or is otherwise terminated, for any reason, this easement shall terminate effective immediately without notice or opportunity to cure. Grantee reserves the right to self-insure for these coverages.

I. The rights granted to and duties assumed by Grantee under this Easement are personal, and shall not run with the land, and may not be assigned or delegated by Grantee without the prior written consent of Grantor, which shall not be unreasonably withheld. Any attempted assignment or delegation by Grantee without the prior written consent of the Grantor shall be void ab initio. Notwithstanding the foregoing, any assignment to another PSE&G parent, subsidiary, or sister entity shall not require Grantor's consent.

J. This Easement may be amended from time to time, as may be necessary, by mutual written consent of both parties; provided, however, that no amendment to the Easement shall be effective unless in writing, adopted by ordinance of the governing body, and signed by both parties.

K. Both parties agree that time is of the essence and that time specifications contained herein shall be strictly construed. Both parties were represented by competent legal counsel of their own choosing during the drafting of this agreement, and this agreement shall not be construed in favor of or against either party. This agreement shall be subject to and interpreted in accordance with the laws of the State of New Jersey.

L. Both parties agree that this Agreement expresses all of the terms and obligations of the parties with respect to this Easement, and that no other terms or obligations, whether expressed or implied, shall be enforceable against the parties unless and until same are incorporated into this Agreement in writing and signed by both parties as a formal amendment to this Agreement. Both parties agree that any waiver in any term of this Agreement shall not be construed as a general waiver of the terms and conditions herein.



STATE OF NEW JERSEY            )  
  : SS.  
COUNTY OF ESSEX                )

BE IT REMEMBERED, that on this \_\_\_\_ day of October, 2013, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Richard A. Franklin, who I am satisfied, is the Manager – Corporate Properties of PSEG Services Corporation, agent for Public Service Electric and Gas Company, the corporation named in and which executed the foregoing instrument for and on behalf of said corporation,

and acknowledged that said instrument was made by said corporation and sealed with its corporate seal as the voluntary act and deed of said corporation.

\_\_\_\_\_ Notary

10-2-13  
1st reading

(3)

Sponsored by: [Signature]  
Seconded by: [Signature]

CITY OF HOBOKEN  
ORDINANCE NO. 7-258

AN ORDINANCE TO APPROVE AN AUTHORIZE THE USE OF THE ATTACHED MAPS IN ACCORDANCE WITH N.J.S.A. 2C:35-7 AND N.J.S.A. 39:4-50

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The attached Drug Free School Zone Map and Public Park and Recreation Map, and all attachments thereto, shall become legally valid and enforceable, shall be properly executed by the Mayor or her designee and an Engineer authorized by the City of Hoboken, as provided by law according to N.J.S.A. 2C:35-7 and N.J.S.A. 39:4-50, and shall be complied with and enforced by and on behalf of the City of Hoboken.
2. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
3. This ordinance shall take effect as provided by law.

Date of Introduction: October 2, 2013

Approved as to Legal Form:  
[Signature]  
Melissa Longo, Corporation Counsel

Vetoed by the Mayor for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adopted by the Hoboken City Council  
By a Vote of \_\_\_\_\_ Yeas to \_\_\_\_\_ Nays  
On the \_\_\_\_\_ day of \_\_\_\_\_, 2013

-or-  
 Approved by the Mayor  
On the \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
James Farina, City Clerk

\_\_\_\_\_  
Dawn Zimmer, Mayor

First Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                | /   |     |         |         |
| Theresa Castellano         | ✓   |     |         |         |
| Jen Giattino               | /   |     |         |         |
| Elizabeth Mason            | /   |     |         |         |
| David Mello                | /   |     |         |         |
| Tim Occhipinti             | /   |     |         |         |
| Michael Russo              | /   |     |         |         |
| President Peter Cunningham | /   |     |         |         |

Final Reading

| Councilperson              | Yea | Nay | Abstain | No Vote |
|----------------------------|-----|-----|---------|---------|
| Ravi Bhalla                |     |     |         |         |
| Theresa Castellano         |     |     |         |         |
| Jen Giattino               |     |     |         |         |
| Elizabeth Mason            |     |     |         |         |
| David Mello                |     |     |         |         |
| Tim Occhipinti             |     |     |         |         |
| Michael Russo              |     |     |         |         |
| President Peter Cunningham |     |     |         |         |