

City Clerk File No. Ord. 08-001

Agenda No. 3.A. 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-001

TITLE: AN ORDINANCE GRANTING PERMISSION TO OLD AND NEW, LLC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 93 MONTGOMERY STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 102 LOT 61.

WHEREAS, Old and New, LLC having offices located c/o A.T. Holdings, Inc., 419 5th Street, Hoboken, New Jersey, 07030, is the owner of the property located at 93 Montgomery Street, Jersey City, and known as Block 102, Lot 61 on the current tax maps of the City of Jersey City; and

WHEREAS, pursuant to a Resolution for the Preliminary Site Plan and Final Site Plan Approval, Case # P06-043, Old and New LLC was granted approval to rehabilitate the existing building and add three stories, and provide for eight (8) residential units and retail/commercial use on the ground floor at the property; and

WHEREAS, part of the development includes the construction of 1st and 2nd floor bay windows and outward opening entrance doors within a portion of the Montgomery Street public right-of-way, the area of development which is more particularly described in the Franchise Plans, Exhibit A, and Current Survey with Metes and Bounds Description, Exhibit B, attached hereto; and

WHEREAS, Old and New LLC has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is essential for the completion of the construction of the development; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Old and New LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of bay windows on the first and second floors and outward-opening entrance doors to be located within the public right-of-way.
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, the said improvements will enhance the historical aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to Old and New LLC, its successors and assigns, to complete private improvements to a portion of lands located within the public right of way adjacent to 93 Montgomery Street, Jersey City, and known as Block 102, Lot 61 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the plan and survey with metes and bounds description attached hereto as Exhibit A and Exhibit B respectively.

1. The contemplated improvements will include the installation of bay windows on the first and second floors and outward-opening entrance doors to be located within the public right-of-way.
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Planning Board, the Jersey City Zoning Officer and Building Department.
3. All costs associated with these improvements will be incurred by the Petitioner.
4. The contemplated improvements are necessary to construct the proposed development, will greatly benefit the Petitioner's property and the surrounding neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Old and New LLC, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Old and New, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Old and New, LLC, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Old and New, LLC, its successor and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X. A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, Old and New, LLC, having its office located at c/o A.T. Holdings, Inc., 419 5th Street, Hoboken, New Jersey, 07030, respectfully says that:

1. Petitioner is the owner of the property located at 93 Montgomery Street, Jersey City, and known as Block 102 Lot 61 on the current tax maps of the City of Jersey City. The Petitioner rehabilitated the existing building and constructed a three story addition, which provides for eight (8) residential units and retail/commercial use on the ground floor at the property.

2. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

1. The contemplated improvements will include the installation of bay windows on the first and second floors and outward-opening entrance doors to be located within the public right-of-way; and
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Officer and Building Department.
3. All costs associated with these improvements will be incurred by the Petitioner.

Petitioner has presented the proposed improvements to the Jersey City Zoning Officer and Building Department, which have approved proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City.

4. The contemplated improvements are necessary to construct the proposed development and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the sidewalk area of the public right-of-way of Montgomery Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: _____


o/b/o Old and New, LLC
William D. Deveau
Attorney for the Petitioner

P.L. CAULFIELD, JR.
N.J. LIC. NO. 16757

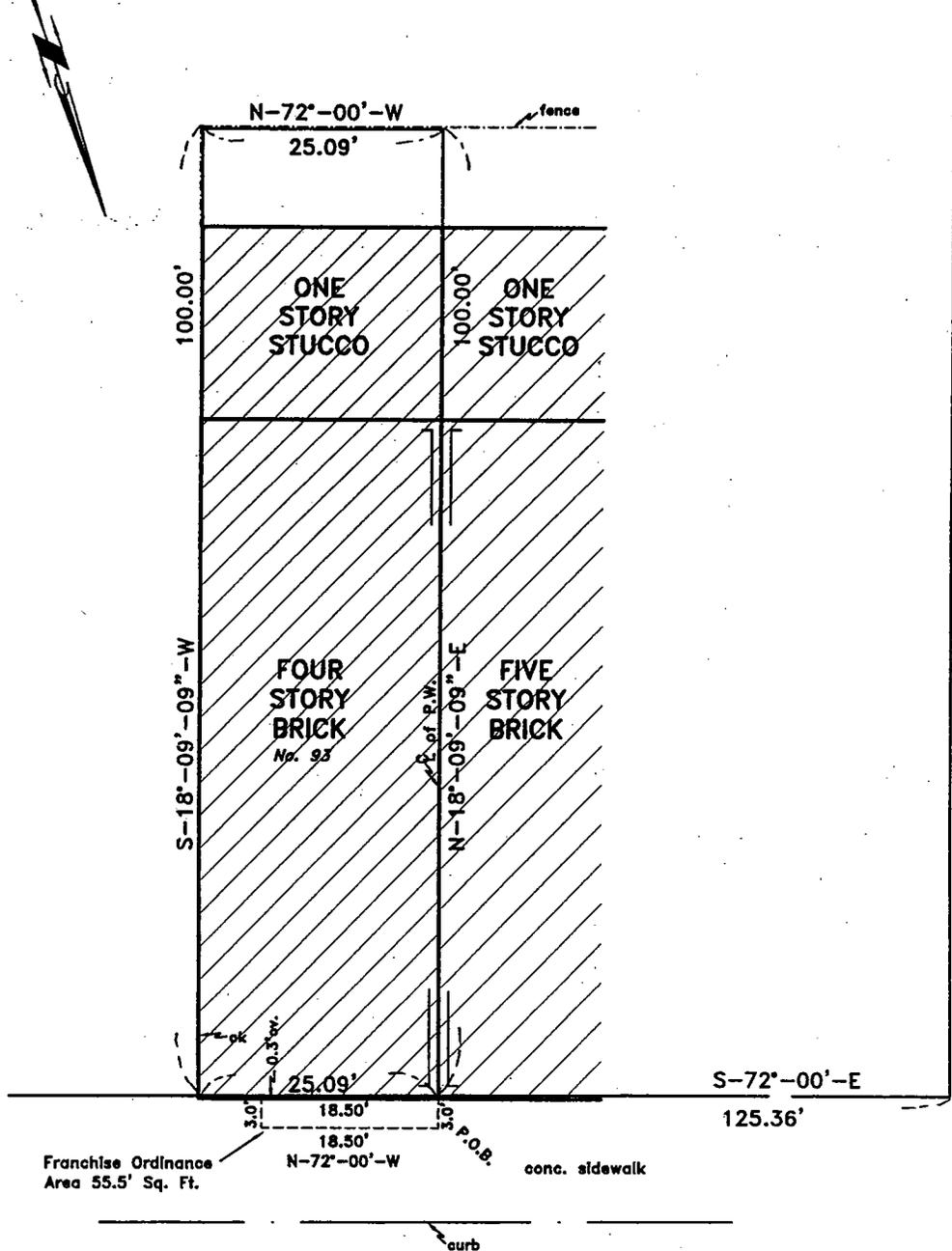
JOSEPH T. CAULFIELD
N.J. LIC. NO. 37579

CAULFIELD ASSOCIATES, LLP.

PROFESSIONAL LAND SURVEYOR
132 MADISON STREET
HOBOKEN, N.J. 07030

TELEPHONE (201) 792-0445
FAX (201) 792-7714

JOB NO. HUD-6126X-05



STREET

WARREN

MONTGOMERY 100' R.O.W. STREET

Exhibit B

SURVEY OF PROPERTY

LOCATED AT 93 MONTGOMERY STREET
JERSEY CITY, HUDSON COUNTY, N.J.

BLOCK 102
LOT 61
DATE AUGUST 15, 2005
REV. 3-5-2007
SCALE 1 INCH = 15 FEET

A written "Waiver and Direction Not to Set Corner Markers," has been obtained from the ultimate user pursuant to N.J.A.C. 13:40-5.1(d).
THIS SURVEY IS NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION. IT IS SUBJECT TO THE FACTS REVEALED BY AN ACCURATE AND COMPLETE TITLE SEARCH. THE CERTIFICATION IS MADE ONLY TO THE PARTIES NAMED HEREON, AND IS NONTRANSFERABLE. BEARINGS ARE RELATIVE.

P.L. Caulfield, Jr.
P.L. CAULFIELD, JR.
PROF. LAND SURVEYOR
N.J. LIC. NO. 16757



CAULFIELD ASSOCIATES, LLP.

PROFESSIONAL LAND SURVEYORS
PLANS — SURVEYS

132 MADISON STREET
HOBOKEN, NEW JERSEY 07030

Telephone: (201) 792-0445
FAX: (201) 792-7714

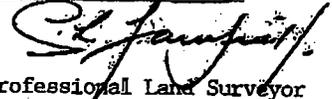
DESCRIPTION
FRANCHISE ORDINANCE AREA
93 MONTGOMERY STREET
BLOCK 102 - LOT 61
JERSEY CITY, HUDSON CO., N. J.

BEGINNING at a point in the southerly line of Montgomery Street, distant 125.36 feet easterly from the intersection formed by the easterly line of Warren Street with the southerly line of Montgomery Street and running thence:

- (1) S-72°-00'-E and along the southerly line of Montgomery Street a distance of 18.50 feet to a point, thence
- (2) N-18°-09'-09"-E and onto the right of way of Montgomery Street a distance of 3.00 feet to a point, thence
- (3) N-72°-00'-W and continuing in the right of way of Montgomery Street a distance of 18.50 feet to a point, thence
- (4) S-18°-09'-09"-E a distance of 3.00 feet to a point in the southerly line of Montgomery Street, said point being the point or place of beginning.

Said parcel lying in the right of way of Montgomery Street, fronting No. 93 Montgomery Street and containing 55.5 square feet.

P.L. Caulfield, JR.


Professional Land Surveyor
N.J. Lic. 16757

City Clerk File No. Ord. 08-002

Agenda No. 3.B. 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-002

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

Labor Grade

Title

*

Technical Asst. Management Information Systems

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

*Pursuant to N.J.S.A. 40:69A-43a.

JM/he
12-20-07

APPROVED AS TO LEGAL FORM

Joanne Novolan
Corporation Counsel

APPROVED:

B. O'Reilly
Business Administrator

Certification Required

Not Required

City of
JERSEY CITY
JERRAMIAH T. HEALY, Mayor
280 Grove Street
Jersey City, New Jersey 07302

(201) 547-5000
Fax (201) 547-4288

E.O. _____

December 20, 2007

**EXECUTIVE ORDER OF THE MAYOR
OF THE
CITY OF JERSEY CITY**

CLASSIFIED POSITIONS FOR CITY EMPLOYEES

Pursuant to the Faulkner Act, N.J.S.A. 40:69A-48, as amended by L.1985, c.374, the Mayor is now authorized to set the salaries, wages or other compensation of all employees of administrative departments except department directors and employees whose salaries are required to be set by ordinance.

Pursuant to this authorization, I issue the following Executive Order establishing guidelines for salaries and wages of those employees whose salaries are set by the Mayor:

Labor Grade

Title

10

Technical Asst Management Information Systems

This order shall take effect immediately.

Very truly yours,

JERRAMIAH T. HEALY, MAYOR

JTH/he

cc: Brian O'Reilly, Business Administrator
William T. Matsikoudis, Corporation Counsel
Robert Byrne, City Clerk
Paul Soyka, Chief Financial Officer
Larry Ross, Personnel Director

Ordinance/Resolution Fact Sheet

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement, or contract that is submitted for Council consideration. Incomplete or sketch summary sheets will be returned with the resolution or ordinance. The Department, Division, or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate state of facts.

Full Title of Ordinance/Resolution/Cooperation Agreement:

Technical Asst. Management Information Systems

Name & Title of Person Initiating Ordinance/Resolution, Etc.:

Larry Ross, Personnel Director

Concise Description of the Program, Project, or Plan Proposed in the Ordinance:

To establish a new title in accordance with New Jersey Department of Personnel Rules and Regulations.

Reasons for the Proposed Program, Project, Etc.:

Ankit Upadhyay As per the NJDOP

Anticipated Benefits to the Community:

Cost of Program, Project, Etc. : (Indicate the dollar amount of City, State, Federal funds to be used as well as match and in-kind contributions.)

Date Proposed Program or Project will Commence:

Anticipated Completion Date:

Person Responsible for Coordinating Proposed Program, Project Etc.:

Additional Comments:

Union Affiliation- 246 Labor Grade - 10

I Certify That All Facts Present Herein Are Accurate.

12/14/07
Date

Samuel Jefferson
Department Director

Date Submitted to Business Administrator

RECEIVED
7017 DEC 18 AM 11:42
CITY OF JERSEY
LAW DEPARTMENT

New Title

Technical Assistant Management Information Systems

Labor Grade 10

Min: \$10450 ----- Max: \$42531

Union 246

Department : Police

Ankit Upadhyay
207 Bowers Street
Jersey City NJ 07307

Brian O'Reilly (re: Ankit Upadhyay)

November 26, 2007

Page 4

The work that Mr. Upadhyay performs is technical in nature and requires in-depth knowledge of the workings of an abstract database. The work also requires some analysis and independent judgment, as Mr. Upadhyay must note trends in crime and bring them to the attention of supervisors.

Determination:

The review revealed that this employee's current duties and responsibilities are commensurate with the attached job specification for the title of Technical Assistant, Management Information Systems. This specification is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification. [REDACTED]

53096
Mr. Upadhyay is considered to be serving provisionally in the title of Technical Assistant, Management Information Systems, pending promotional examination procedures. This action is effective June 9, 2007.

According to the New Jersey Administrative Code 4A:3-3.9, either the appointing authority or the affected employee may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,

Sucel Gonzalez / 19

Sucel Gonzalez, Acting Manager
Human Resource Management

new title

SG/AG

c: Enclosure
Ankit Upadhyay
Record Unit
05070300

ly. 10

Union 246

City Clerk File No. Ord. 08-003

Agenda No. 3.C. 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-003

TITLE:

ORDINANCE AMENDING CHAPTER 23 (COURT, MUNICIPAL) OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendment to Chapter 23 (Court, Municipal) of the Jersey City Code is hereby adopted:

Chapter 23

COURT, MUNICIPAL

§23-7. Judges' salaries; vacation leaves and other benefits.

- A. Pursuant to N.J.S.A. 2B:12-7b, the annual salaries of the Judges of the Municipal Court shall be set as follows:

Salary	Title
\$20,000	Judge of Municipal Court (part-time, less than 20 hours per week)
\$35,000	Judge of Municipal Court (part-time, 20 hours or more per week)
70,000 <u>\$85,000</u>	Judge of Municipal Court (full-time)
76,000 <u>\$90,000</u>	Judge of Municipal Court (Central Judicial Processing)
\$100,000	Judge of Municipal Court (designated Chief Judge)

- B. **No change.**

- B. All ordinance and parts of ordinances herewith are hereby repealed.

- C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

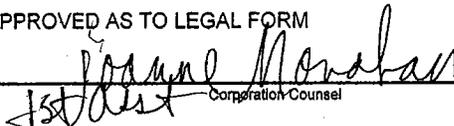
- D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in {brackets} are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*

JM/he
12/20/07

APPROVED AS TO LEGAL FORM



Joanne Novak
Corporation Counsel

APPROVED: _____



B. O'Reilly
Business Administrator

Certification Required
Not Required