

③ 1st Reading
3-6-13

INTRODUCED BY: _____

SECONDED BY: _____

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. Z-235

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; 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, 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 purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$2,500,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,375,000; and
- (c) a down payment in the amount of \$125,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$2,375,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$125,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$2,375,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$2,375,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$600,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the Director of the Department of Health and Human Services and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$2,500,000	\$125,000	\$2,375,000	15 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 15.00 years.

Section 9. Grants or other monies received from any governmental entity, any person, any corporation or any other source, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. 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 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. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is

increased by this Bond Ordinance by \$2,375,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Introduction:

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

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on March 6, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on March 20 __, 2013 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE
REHABILITATION AND RECONSTRUCTION OF PIER "A"
IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW
JERSEY; APPROPRIATING THE SUM OF \$2,500,000
THEREFOR; AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION BONDS OR BOND
ANTICIPATION NOTES OF THE CITY OF HOBOKEN,
COUNTY OF HUDSON, NEW JERSEY, IN THE
AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,375,000;
MAKING CERTAIN DETERMINATIONS AND
COVENANTS; AND AUTHORIZING CERTAIN RELATED
ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the Director of the Department of Health and Human Services and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$2,500,000	\$125,000	\$2,375,000	15 years

Appropriation: \$2,500,000
 Bonds/Notes Authorized: \$2,375,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$600,000
 Useful Life: 15.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey 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. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the Director of the Department of Health and Human Services and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$2,500,000	\$125,000	\$2,375,000	15 years

Appropriation: \$2,500,000
 Bonds/Notes Authorized: \$2,375,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$600,000
 Useful Life: 15.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

#VALUE!

Department of Community Affairs Supplemental Debt Statement

0905 **0905 Hoboken City - County of Hudson** Prepared as of: 6-Mar-2013

Budget Year Ending: 12/31/2013 (Month-DD) 2013 (year)

Name: George DeStefano Phone: 201-420-2028
 Title: CFO Fax: 201-420-2019
 Address: 94 Washington St. Email: gdestefano@hobokennj.org
Hoboken, NJ 07030 CFO Cert #: N-0362

George DeStefano, Being duly sworn, deposes and says: Deponent is the Chief Financial Officer of the 0905 Hoboken City - County of Hudson here and in the statement hereinafter mentioned called the local unit. The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed as provided by the Local Bond Law of New Jersey.

By checking this box, I am swearing that the above statement is true. (The Email function will not work until you acknowledge the above statement as true)

	Net Debt as per Annual Debt Statement	Decrease (Since December 31, last past)	Increase	Net Debt
Bonds and Notes for School Purposes	\$ -	\$ -	\$ -	\$ -
Bonds and Notes for Self Liquidating Purposes	\$ -	\$ -	\$ -	\$ -
Other Bonds and Notes	\$ 102,151,678.58	\$ 49,985.44	\$ -	\$ 102,101,693.14

2 Net Debt at the time of this statement is..... \$ 102,101,693.14

The amounts and purposes separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are: (see Note "C" below)

Bond Ordinance	Purposes	Amount	Deduction	Net
	Improvements to various parks and recreation facilities	\$ 1,140,000.00	\$ -	\$ 1,140,000.00
	Rehabilitation and reconstruction of Pier "A"	\$ 2,375,000.00	\$ -	\$ 2,375,000.00
	Construction of a 9/11 Memorial	\$ 475,000.00	\$ -	\$ 475,000.00
	Improvements to pedestrian walkways and installation of traffic safety improvements	\$ 2,850,000.00	\$ -	\$ 2,850,000.00
	Acquisition of various capital equipment and			

1st reading

2

9-3-13

Sponsored by: David M...
Seconded by: ...

CITY OF HOBOKEN
ORDINANCE NO. Z-250

**AN ORDINANCE TO AMEND AMENDING CHAPTER 190 ENTITLED
"VEHICLES AND TRAFFIC" TO AMEND PARKING REGULATIONS
RELATING TO PARKING PROHIBITION AND ANGLE PARKING**

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City's actual parking practices with the best practices for parking and transportation.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, deletions noted in strikethrough):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this § 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers, in accordance with N.J.S.A. 39:4-139:

Name of Street	Sides	Location
Madison Street	East	Beginning at the southerly curblin of Eleventh Street and extending to the northerly curblin of Fifteenth Street
<u>Sixteenth Street</u>	<u>North</u>	<u>Beginning at the easterly curblin</u> of Willow Avenue and <u>extending to the westerly curblin</u> of Park Avenue

§ 190-6B. No stopping or standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Limits
<u>Madison Street</u>	<u>East</u>	<u>Beginning at the northerly curbline of Eleventh Street and extending to the southerly curbline of Twelfth Street</u>
<u>Madison Street</u>	<u>West</u>	<u>Beginning at the northerly curbline of Twelfth Street and extending to a point 225 feet north of the northerly curbline of Thirteenth Street</u>
<u>Madison Street</u>	<u>East</u>	<u>Beginning at a point 145 feet north of the northerly curbline of Thirteenth Street and extending to the southerly curbline of Fifteenth Street</u>
<u>Sixteenth Street</u>	<u>South</u>	<u>Beginning at the easterly curbline of Willow Avenue and extending to the westerly curbline of Park Avenue</u>

§ 190-27. Angle parking locations.

In accordance with the provisions of this § 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers:

Name of Street	Sides	Angle	Location
<u>Madison Street</u>	<u>West</u>	<u>45A</u>	<u>From Eleventh Street to Twelfth Street</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

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

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: September 3, 2013

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council

By a Vote of ____ Yeas to ____ Nays

On the ____ day of _____, 2013

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor

On the ____ day of _____, 2013

James Farina, City Clerk

Dawn Zimmer, Mayor

3

1st reading 9-3-13

Sponsored by:

Seconded by:

CITY OF HOBOKEN
ORDINANCE NO. Z-251

"RESPONSIBLE" BIDDER ORDINANCE

WHEREAS, the City of Hoboken has a compelling interest in ensuring that contracts for construction projects that it undertakes or for which it provides financial assistance are performed promptly, at reasonable costs and with the highest degree of quality; and

WHEREAS, the City of Hoboken also seeks to ensure that job opportunities generated by contracts as described above are also utilized to help local citizens gain access to employment opportunities; and

WHEREAS, the City of Hoboken finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services; and

WHEREAS, the City of Hoboken wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable; and

WHEREAS, the City of Hoboken possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities; and

WHEREAS, the contracting authority of the City of Hoboken is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder"; and,

WHEREAS, the City of Hoboken solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community's welfare arising from each bid and in the exercise of its proprietary functions,

NOW THEREFORE, BE IT ORDAINED THAT financial responsibility is an important factor in determining the lowest responsible bidder, and the City of Hoboken through its contracting authority, shall require an entity that bids on a public construction contract or on a private construction contract that receives financial assistance produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with all valid licenses, registrations or certificates required by the federal, state, or county law, as well as complying with the general business license requirements of the City of Hoboken prior to the award and during the term of the contract.

BE IT FURTHER ORDAINED THAT the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids

and/or proposals.

BE IT FURTHER ORDAINED THAT the contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations. The contracting authority shall also determine as a condition of being deemed "responsible" that the successful bidder has not been debarred by any federal, state, county or local agency or authority within the past three years or has been convicted of any crime related to the construction business.

BE IT FURTHER ORDAINED THAT social responsibility is a concern in awarding public contracts, and the contracting authority shall factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. The bidder and its subcontractors must participate in an apprenticeship program, registered and approved by the United States Department of Labor, for each separate trade or classification for which it employs craft employees, unless the contractor or subcontractor certifies that every worker shall be paid not less than the journeyworker's rate established for the apprenticeable trade performed pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.). All bidders and subcontractors must continue to participate in such apprenticeship programs for the duration of the project. In addition, the bidder and any and all of its subcontractors, will be required to show that such apprenticeship programs provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.6. Furthermore, the bidder shall be required to demonstrate and affirm that it is in compliance with the provisions of N.J.S.A C.34:20-1 et. seq "Construction Industry Independent Contractor Act".

BE IT FURTHER ORDAINED THAT all bidding entities must provide satisfactory evidence that it provides a benefit configuration being no less than required under N.J.S.A. C.34:11-56.25 et seq., the "New Jersey Prevailing Wage Act" is minimally required to demonstrate that a bidding entity is "responsible". Furthermore, the bidder shall affirm that it has made a good faith effort to provide 25% of all project work hours to residents of City of Hoboken. For the purposes of this section, good faith effort, shall constitute a minimum of at least two community job fairs related to the construction of this project and adherence to the aforementioned provisions of being considered a "responsible bidder". That should it be established, after awarding of a contract, that any of the information required by this ordinance and provided by the bidding entity to the City of Hoboken was falsified or inaccurate, the contract shall be voided.

BE IT FURTHER ORDAINED THAT if any provision of the ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this ordinance and all remaining provisions shall remain in full force and effect.

BE IT FURTHER ORDAINED THAT the following definitions shall govern this ordinance.

A. **Public Construction Contract** shall mean any public construction project for the construction, reconstruction, demolition or renovation of buildings at the public expense, which it is required by law that workers be paid prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L. 1963, c.150(C.34:11-56.25 et seq).

B. **Financial Assistance** shall mean something of economic value provided by the City of Hoboken to a private entity, expressly articulated or identified in writing by the City of Hoboken, including, but not limited to: loans, loan guarantees, grants, tax exemptions, tax abatements, tax incentive financing, and rent subsidies or reductions approved, funded, authorized, administered

or provided by the local government entity or any of its instruments in connection with construction.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

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

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: September 3, 2013

Introduction:

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:

Vetoed by the Mayor for the following reasons: _____

Mellissa Longo, Interim 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

9-3-13 (4) 1st reading

SPONSORED:

SECONDED:

[Handwritten signatures]

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. Z-252

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE SUM OF \$400,000 IN FUNDS REPRESENTING THE PROCEEDS OF A GREEN ACRES GRANT FROM THE CAPITAL FUND FOR THE COMPLETION OF VARIOUS IMPROVEMENTS TO ELYSIAN PARK

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$400,000 from the Capital Fund of the City of Hoboken, County of Hudson, New Jersey ("City"), which \$400,000 represents the proceeds of a Green Acres grant from the New Jersey Department of Environmental Protection/Garden State Preservation Trust, to pay a portion of the costs of various improvements to Elysian Park including, but not limited to, the replacement of play equipment and the sprinkler play area, leveling/resurfacing of the basketball court, improvements to the dog run and improvements to the lighting and electrical systems, together with all costs associated therewith or incidental thereto, all as is currently described and as shall be hereafter described and set forth in the office of the City Administrator.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

PETER CUNNINGHAM, Council President

Attest:

JAMES J. FARINA, RMC, City Clerk

[Seal]

Date of Introduction: September 3, 2013

Date of Final Adoption: _____

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:

Vetoed by the Mayor for the following reasons: _____

Mellissa Longo, Interim 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