

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JUNE 16, 2015
7 P.M.

1. Council President Bresenhan called the meeting to order at 7:01 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

City Clerk Jeffrey J. Jotz announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

2. PLEDGE OF ALLEGIANCE

In the absence of a member of the Clergy, Council President Bresenhan offered an invocation.

3. APPROVAL OF MINUTES

March 4, 2014		Executive Session
May 5, 2015	6:45 p.m.	Special Meeting
May 5, 2015	7 p.m.	Pre-Meeting Conference
May 11, 2015	7 p.m.	Regular Meeting
May 14, 2015	7 p.m.	Special Meeting

Motion was made by Councilmember Wenson Maier and seconded by Councilmember Baker to accept and approve the above listed minutes.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

4. PRESENTATIONS

5. COMMUNICATIONS FROM MAYOR, REPORTS OF CITY OFFICERS AND LIST OF PAYMENT OF BILLS FOR MAY

6. REPORTS OF COUNCIL COMMITTEES

6A. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

7. HEARING OF CITIZENS Items on Agenda, Except Ordinances on Second Reading

With no one appearing, Council President Bresenhan closed the Public Hearing.

Council President Bresenhan removed AR-121-15, AR-122-15 and AR-143-15 from the Consent Agenda

8. CONSENT AGENDA

Motion made by Councilmember Wenson Maier seconded by Councilmember Baker to adopt the Consent Agenda, and was adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

9. ORDINANCES - First Reading

O-14-15 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE 2015 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,050,000 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$551,595 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

Motion to introduce the above Ordinance on first reading was made by Councilmember Wenson Maier, seconded by Councilmember Baker and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Combined Meeting on Monday, July 13, 2015 at 7 p.m.

10. RESOLUTIONS

AR-121-15 Councilmember Farrar presented and moved A RESOLUTION APPROVING THE CY 2015 SPECIAL ASSESSMENT ROLL FOR THE RAHWAY CENTER SPECIAL IMPROVEMENT DISTRICT.

The motion was seconded by Councilmember Giacobbe.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

William Michaelson, Esq. 282 South Ave., Fanwood

With no one else appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for AR-121-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

AR-122-15 Councilmember Mojica presented and moved A RESOLUTION ADOPTING THE CITY OF RAHWAY 2015 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Brown.

Council President Bresenhan opened the Public Hearing on this matter and asked if any

citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Joanne Wakefield 73 E. Cherry St.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for AR-122-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
 Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-123-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
 Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-124-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
 Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-125-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-126-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-127-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-128-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF A WIDOW OF A VETERAN DEDUCTION FOR C/Y 2014.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-129-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR C/Y 2014.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-130-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF SENIOR DEDUCTION FOR C/Y 2014.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-131-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED DEDUCTION FOR C/Y 2014.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-132-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF CY 2015 TAX LIEN PAYMENT.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- AR-134-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2015 "LEADERS OF TOMORROW" SUMMER ENRICHMENT CAMP PROGRAM.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSTAIN: Councilmember Brown

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-135-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION CONCERNING THE CITY'S POTABLE WATER TREATMENT AND SUPPLY SYSTEM.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- * **AR-136-15** Councilmember Brown presented and moved A RESOLUTION APPROVING AN APPLICATION FEE AGREEMENT WITH MERIDIA BROWNSTONES URBAN RENEWAL RAHWAY, LLC.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- ***AR-137-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF A 2016 POLICE VEHICLE AND A LEASE/PURCHASE OF TWO 2016 FORD POLICE VEHICLES UNDER THR MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE RAHWAY POLICE DEPARTMENT.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-138-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE SALE OF ABANDONED MOTOR VEHICLES BY THE POLICE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 39:10A-1.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica,
Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-139-15** Councilmember Mojica presented and moved A RESOLUTION OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE INTERIM FINANCING TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$21,700,000 (IN ONE OR MORE SERIES), AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE (IN ONE OR MORE SERIES) TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE (IN ONE OR MORE SERIES) BY THE CITY OF RAHWAY IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING TRUST LOAN PROGRAM.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica,
Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-140-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION FOR EXPENSES RELATED TO THE REPAIR OF A BROKEN WATER MAIN OVER THE SOUTH BRANCH OF THE RAHWAY RIVER AT STATE HIGHWAY 35.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica,
Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-142-15** Councilmember Baker presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL GEOTECHNICAL ENGINEERING AND INVESTIGATIONAL SERVICES FOR THE RAHWAY RIVER LEVEE UNDER A FAIR AND OPEN PROCESS.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica,
Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-143-15** Councilmember Cox presented and moved A RESOLUTION AMENDING THE CY 2015 CAPITAL BUDGET.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica,
Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-144-15** Councilmember Miles presented and moved A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948).

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

11. Ordinances – Second Reading

O-10-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

A BOND ORDINANCE PROVIDING FOR VARIOUS 2015 WATER UTILITY CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$925,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$880,952 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the “City”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$925,000 from the Water Utility of the City, said sum being inclusive of said sum being inclusive of a down payment in the aggregate amount of \$44,048 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). The down payment is now available by virtue of surpluses in the Water Utility capital fund or a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet part of the

said \$925,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Water Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$880,952 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$880,952 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various Water Utility improvements, including but not limited to, improvements to the Water Distribution Systems along East Scott Avenue, Campbell Street and Elm Avenue, and East Hazelwood Avenue, improvements to and replacement of approximately 20 existing fire hydrants throughout the City, and improvements to Water Treatment Plant, including but not limited to, acquisition and installation, as applicable, of raw and finished water flow meters.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$880,952.

(c) The aggregate estimated cost of said improvements or purposes is \$925,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes.

(d) The above improvements and purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the City Clerk and shall also include, but are not limited to, as applicable, excavation, fittings, valves, curb boxes, hydrants, sidewalks, curbing, site restoration and traffic control as necessary therefor or incidental thereto and, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Union or a private entity make a contribution or grant in aid, as applicable, to the City for the improvements or purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Union. In the event, however, that any amount so contributed or granted, as applicable, by the United States of America, the State of New Jersey, the County of Union or a private entity, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds

from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Water Utility of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Water Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$880,952 and the said obligations

authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Edward Peart 891 Main St.
Eric Rickes 940 Maurice Ave.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-10-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
 Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-11-15

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

A REFUNDING BOND ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS OF THE CITY DATED JUNE 28, 2005 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,100,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), the City of Rahway, in the County of Union, State of New Jersey (the "City"), had previously issued \$8,530,000 aggregate principal amount of General Obligation Refunding Bonds on June 28, 2005 (the "Original Bonds"); and

WHEREAS, \$4,740,000 outstanding Original Bonds maturing in the years 2016 through 2024 (the "Refunded Bonds") are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the City Council has determined that the current tax-exempt interest rate environment would enable it to realize debt service savings for the City taxpayers by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$5,100,000 (the “Refunding Bonds”); and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the “Refunding Bond Ordinance”) authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$5,100,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$5,100,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 *et seq.*, and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as “General Obligation Refunding Bonds” with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$150,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel and the City auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel and the City auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel and the City auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

No one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-11-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-12-15

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF
RAHWAY AMENDING CHAPTER 97 OF THE CODE OF THE CITY OF
RAHWAY ENTITLED “SPECIAL IMPROVEMENT DISTRICTS”**

WHEREAS, on December 8, 2014 the City Council adopted Ordinance No. O-42-14 amending Chapter 97 of the Code of the City of Rahway entitled “Special Improvement Districts”; and

WHEREAS, Ordinance No. O-42-14 renamed the “Rahway Center Special Improvement District” the “Rahway Special Improvement District” and expanded the Special Improvement District (“SID”) to include additional properties and areas of the City; and

WHEREAS, the City has determined that an expanded SID, beyond the limits of the City’s downtown area, would help to revitalize the entire City of Rahway; and

WHEREAS, the City specifically finds that an expanded SID will achieve the City’s revitalization, strengthen the economic, cultural, institutional, residential and commercial contributions of all commercial and industrial areas of the City for the benefit of the residents and property owners of the entire City and preserve the City’s historic past as a foundation for its future; and

WHEREAS, the City desires to further amend Chapter 97 of the Code of the City of Rahway to include the additional properties referred to herein and included on the attached property list which properties were inadvertently left off the list attached to Ordinance No. O-42-14; and

WHEREAS, the City also wishes to remove the property referred to herein and included on the attached property list which property was inadvertently included on the list attached to Ordinance No. O-42-14 and is a single family residential property and should not have been so included; and

WHEREAS, pursuant to N.J.S.A. 40:56-68b the City has found, and continues to find, that:

1. The area within the City, as described by lot and block numbers and by street addresses listed on Schedule A referenced in subsection C of §97-3 as amended herein, will benefit from being designated as a SID;
2. The district management corporation will be able to provide administrative and other services to benefit the businesses, employees, residents and consumers in the SID as it is amended herein;
3. A special assessment shall be imposed and collected by the City with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of such payments shall be transferred to the district management corporation to effectuate the purposes of N.J.S.A. 40:56-65 et seq. and to exercise the powers given to it by Chapter 97 of the Code of the City of Rahway;
4. It is in the best interests of the City and the public to create an expanded SID as amended herein.

WHEREAS, the expansion of the SID to include additional properties and areas of the City set forth herein is intended to encourage the development of the entire City, allowing the entire Rahway community to benefit from a stronger and healthier City.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that Chapter 97 of the Code of the City of Rahway is hereby amended and supplemented as follows:

Section 1. §97-3 **Findings** is hereby amended as follows:

Subsection C is hereby amended as follows: Schedule A is amended to include and exclude, as indicated herein, the properties referred to and included on the attached property list by Block and Lot as shown on the official tax maps of the City of Rahway. The properties indicated as being included are in addition to all other properties currently included in the Rahway Special Improvement District.

Section2. §97-4 **Creation of District** is hereby amended as follows:

Subsection D, which was added by Ordinance No. O-42-14, is hereby amended to read as follows: The Official Map of the City of Rahway shall be

amended to include properties referred to and included in Schedule A, as amended herein and as noted on the attached property list by Block and Lot as shown on the official tax maps of the City of Rahway, and such map shall be included at the end of this chapter.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Joanne Wakefield 75 E. Cherry St.
William Michelson, Esq. 282 South Ave., Garwood

With no one else appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-12-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
 Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-13-15

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

A BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF POLICE BODY CAMERAS AND ASSOCIATED EQUIPMENT, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$100,000, which sum includes \$5,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$100,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$95,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and installation, as applicable, of police body cameras and associated equipment and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the aforesaid plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$95,000.

(c) The estimated cost of said improvement or purpose is \$100,000, the excess thereof over the said estimated maximum amount of bonds or

notes to be issued therefor, being the amount of \$5,000 is comprised of the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Union make a contribution or grant in aid to the City, for the improvement and purpose authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Union. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Union, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on Properties specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$95,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real Properties within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements

Susan Sallamack 989 Hamilton St.
Asked the Administrator if there will be questions and answers concerning Rahway River Park at the meeting. Said that open space is healthy; it has been documented to reduce crime. Claimed that Greenfield is a more suitable location for the football field and that she would welcome it there.

Raffio Giacobbe 1034 Midwood Dr.
Said he is paying SID taxes for two empty lots.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

City Engineer James Houston, Administrator Cherron Rountree and CFO Frank Ruggiero responded to the citizens' comments.

14. COUNCIL COMMENT

Councilmember Brown: Noted old buildings in Rahway that were repurposed into new uses. Stated that concerned citizens should share their concerns with the Chamber of Commerce. Commented on the City's upgrade of the pumping stations. Supported efforts to equip police with body cameras.

Councilmember Baker: Said that the City is addressing vacant properties. Rahway's tax base has changed over the years due to the loss of industries like Purolator, Quinn & Boden, Regina, etc. and that the City must adapt. Claimed that redevelopment helps grow the City's tax base.

Council President Bresenhan: Thanked everyone for attending and for showing their passion for the City.

ADJOURNMENT

Motion to adjourn the meeting at 8:32 p.m. was made by Councilmember Brown and seconded by Councilmember Wenson Maier:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.