

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
MARCH 10, 2014
7 P.M.

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

PRESENT: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

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.

This meeting of March 10, 2014 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the Union County *Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2014 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. PLEDGE OF ALLEGIANCE

In the absence of a Member of the Clergy, Council President Brown offered an invocation.

3. APPROVAL OF MINUTES

December 3, 2013		Executive Session
February 4, 2014	7 p.m.	Reorganization Meeting
February 10, 2014	7 p.m.	Pre-Meeting Conference
February 26, 2014	7 p.m.	Regular Meeting

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

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

4. PRESENTATIONS

George Geduldig – 2013 Senior of the Year

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Mione moved to place O-11-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier,
Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

Councilmember Baker moved to place AR-78-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier,
Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

Councilmember Giacobbe moved to place AR-79-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier,
Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

Councilmember Brown moved to place AR-80-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier,
Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

Councilmember Baker moved to place AR-81-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

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

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

8. CONSENT AGENDA

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

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-8-14 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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 a Council Meeting at Monday, April 14, 2014 at 7 p.m.

O-9-14 City Clerk Jotz read AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND DORNOCH RAHWAY II URBAN RENEWAY, L.L.C. FOR PROPERTY LOCATED ON LOTS 1 THROUGH 10 AND 23 IN BLOCK 318 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE CENTRAL BUSINESS DISTRICT AREA.

Motion to introduce the above Ordinance on first reading was made by Council President Brown, seconded by Councilmember Giacobbe and adopted by the following vote:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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 a Council Meeting at Monday, April 14, 2014 at 7 p.m.

O-10-14 City Clerk Jotz read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5, SECTION 77 "SPECIAL-DUTY JOBS, SALARY AND VEHICLE FEES" OF THE CODE OF THE CITY OF RAHWAY.

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

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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 a Council Meeting at Monday, April 14, 2014 at 7 p.m.

O-11-14 City Clerk Jotz read AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).

Motion to introduce the above Ordinance on first reading was made by Councilmember Mione seconded by Councilmember Saliga and adopted by the following vote:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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 a Council Meeting at Monday, April 14, 2014 at 7 p.m.

10. RESOLUTIONS

AR-56-14 Councilmember Mione presented and moved A RESOLUTION APPROVING THE CY 2014 SPECIAL ASSESSMENT ROLL FOR THE RAHWAY CENTER SPECIAL IMPROVEMENT.

The motion was seconded by Councilmember Saliga.

Council President Brown 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.

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

Roll Call for AR-56-14:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-57-14** Councilmember Wenson Maier presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY 2014 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-58-14** Councilmember Giacobbe presented and moved A RESOLUTION AWARDDING CONTRACT FOR THE PURCHASE OF A NEW ELECTRONIC PROGRAMMABLE SIGN BOARD.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-59-14** Councilmember Baker presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BIDS FOR A REFUSE TRUCK AND WOOD CHIPPER FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-60-14** Councilmember Mione 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 Saliga.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-61-14** Councilmember Farrar 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, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-62-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE LEASE/PURCHASE OF THREE FORD POLICE CARS UNDER STATE CONTRACT FOR THE RAHWAY POLICE DEPARTMENT.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-63-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF A 2014 CHEVROLET TAHOE 4WD VEHICLE UNDER STATE CONTRACT FOR THE POLICE DEPARTMENT .

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-64-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO PARTICIPATE IN THE SOMERSET COUNTY COOPERATIVE PRICING AGREEMENT.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-65-14** Councilmember Saliga presented and moved A RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR TUBERCULOSIS DISEASE SERVICES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

- *AR-66-14** Council President Brown presented and moved A RESOLUTION GRANTING PERMISSION FOR THE RAHWAY CENTER PARTNERSHIP TO HOLD THE 12th ANNUAL HOT RODS AND HARLEYS EVENT.

The motion was seconded by the Entire Council.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

- *AR-67-14** Councilmember Wenson Maier presented and moved A RESOLUTION TEMPORARILY SUSPENDING PROVISIONS OF 365-1 THROUGH 365-3 (SIDEWALK ENCUMBRANCES) AND 365-50 THROUGH 365-51 (CLOSING OF STREETS) OF THE CODE OF THE CITY OF RAHWAY.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

- *AR-68-14** Councilmember Brown presented and moved A RESOLUTION OPPOSING THE PRIVATIZATION OF TOLL COLLECTION SERVICES ON THE NEW JERSEY TURNPIKE AND GARDEN STATE PARKWAY.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-69-14** 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 Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-70-14** Councilmember Brown presented and moved A RESOLUTION AWARDDING A SERVICE CONTRACT FOR CUTTING AND CONTROL OF VEGETATION ON THE RAHWAY FLOOD CONTROL LEVEE, BETWEEN MONROE STREET AND REGINA AVENUE.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-71-14** Councilmember Wenson Maier presented and moved A RESOLUTION DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE ALL NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECT TREATMENT WORKS APPROVAL PERMIT AND BUREAU OF WATER SYSTEM ENGINEERING PERMIT APPLICATION ENDORSEMENTS, AS REQUIRED.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-72-14** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE SALE OF CERTAIN OBSOLETE POLICE RADIOS, NO LONGER NEEDED FOR PUBLIC USE, TO THE TOWN OF WESTFIELD FOR NOMINAL CONSIDERATION.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-73-14** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE SALE OF CERTAIN OBSOLETE POLICE RADIOS, NO LONGER NEEDED FOR PUBLIC USE, TO THE BOROUGH OF GARWOOD FOR NOMINAL CONSIDERATION.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-74-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

AR-75-14 Councilmember Bresenhan presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2013 BUDGET APPROPRIATION RESERVES.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

AR-76-14 Councilmember Brown presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY 2014 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-78-14** Councilmember Baker presented and moved A RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR SEXUALLY TRANSMITTED DISEASE SERVICES.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-79-14** Councilmember Giacobbe presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR AN ASPHALT HOT BOX FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-80-14** Council President Brown presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND THE CITY OF LINDEN FOR THE INSPECTION AND MAINTENANCE OF THE ALLEN STREET BROOK CULVERT.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

***AR-81-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION OF A DEFERRED CHARGE BALANCE.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.

11. ORDINANCES – SECOND READING

O-2-14 Council President Brown: 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 AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC – STOP INTERSECTIONS)

BE IT ORDAINED BY THE MAYOR AND THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY, THE FOLLOWING CHAPTER BE AMENDED AS FOLLOWS:

401-65 Schedule VII: Stop Intersections.

ADD

Intersection

Stop Sign On

Westfield Ave and Bedford St

Bedford St

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

Council President Brown 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.

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

Roll Call for O-2-14:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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-3-14 Council President Brown: 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 HIGH SCHOOL PARK IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$540,000 (INCLUDING CONTRIBUTIONS/GRANTS FROM THE COUNTY OF UNION AND THE RAHWAY BOARD OF EDUCATION IN THE AGGREGATE AMOUNT OF \$290,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,000 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 \$540,000, which sum includes a contribution/grant expected to be received from the County of Union in the amount of \$120,000 and a contribution/grant expected to be received from the Rahway Board of Education in the amount of \$170,000 (collectively, the "Contributions/Grants") and a down payment in the amount of \$26,000 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 \$540,000 appropriation not provided for by application hereunder of said down payment and until the Contributions/Grants are received, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$514,000 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 \$514,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Upon the City's receipt of the Contributions/Grants, the bonds and notes authorized by this Section 2 hereof shall be reduced by the Contributions/Grants in accordance with Section 4 hereof.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is various High School Park improvements, including but not limited to, demolition, site preparation, the construction of athletic courts and fields and a marching band field and the

acquisition and installation of various park amenities, including but not limited to, as applicable, benches, bicycle racks, lighting, waste baskets and signage, fencing and landscaping and other aesthetic improvements, and also including, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing, analysis and disposal and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$514,000. Upon the City's receipt of the Contributions/Grants, the maximum amount of bonds or notes issued for said improvement or purpose shall be reduced by such amounts in accordance with Section 4 hereof.

(c) The estimated cost of said improvement or purpose is \$540,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$26,000 is 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, including the Contributions/Grants, 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, including the Contributions/Grants, 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 property 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 15 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 \$514,000 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 \$108,000 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 property 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 reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources

other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "Controlled Group" as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the City for any expenditure or payment that was originally paid with the proceeds of any obligation of the City (other than borrowing by the City from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$514,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. 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 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Brown 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.

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

Roll Call for O-3-14:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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-6-14 Council President Brown: 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 2014 SIDEWALK REPLACEMENT PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 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 \$150,000, which sum includes \$7,500 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 \$150,000 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 \$142,500 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 \$142,500 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 2014 Sidewalk Replacement Program (the “Program”), said Program to include but is not limited to, improvements to various sidewalks in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved, and where necessary, the repairing and/or installation of curbs and driveway aprons, installation of curb ramps, resetting utility castings, drainage work, landscaping and aesthetic improvements, and also including 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, 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 \$142,500.

(c) The estimated cost of said improvement or purpose is \$150,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$7,500 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 property 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 10 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 \$142,500 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 \$35,000 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 property 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 reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and

paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$142,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. 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 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Brown 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.

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

Roll Call for O-6-14:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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-7-14 Council President Brown: 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 A CONTRIBUTION TO THE COUNTY OF UNION FOR THE RAHWAY RIVER PARK ATHLETIC FIELD IMPROVEMENTS, A LAWFUL PUBLIC PURPOSE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$2,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,238,000 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 \$2,350,000, which sum includes \$112,000 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 \$2,350,000 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 \$2,238,000 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 \$2,238,000 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 a contribution to the County of Union for the Rahway River Park Athletic Field Improvements, including but not limited to, the acquisition, installation or construction, as applicable of, bleachers, a press box, a sound system, a scoreboard, team pavilions, bathrooms/comfort stations, concession buildings, fencing and sewer and other utility connections and also including 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.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,238,000.

(c) The estimated cost of said improvement or purpose is \$2,350,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$112,000 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 property 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 19.57 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 \$2,238,000 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 \$500,000 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 property 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 reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and

paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$2,238,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. 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 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Brown 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.

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

Roll Call for O-7-14:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson
Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown: 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.

***12. MISCELLANEOUS**

13. COMMUNICATIONS - Hearing of Citizens

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

14. COUNCIL COMMENT

Councilmember Baker: Praised new ordinances, especially those for the new athletic fields.

Councilmember Giacobbe: Offered condolences to Mary Garay, who passed away over the weekend.

Council President Brown: Offered condolences for Mary Garay and her family. Asked for moment of silence.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:27 p.m. was made by Councilmember Baker and seconded by Councilmember Wenson Maier:

YES: Councilmembers Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Bresenhan, Cox

Council President Brown declared the motion carried.