

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JUNE 11, 2014
7 P.M.

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

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

ABSENT: Councilmember Bresenhan

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 June 11, 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

May 6, 2014	7 p.m.	Pre-Meeting Conference
May 12, 2014	7 p.m.	Regular Meeting
May 27, 2014	6:30 p.m.	Special Meeting

Motion was made by Councilmember Mione and seconded by Councilmember Cox and approve the above listed minutes.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

4. PRESENTATIONS

Commend Phillip Schroeder

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Wenson Maier moved to place O-20-14 on the Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

Councilmember Wenson Maier moved to place AR-143-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

Councilmember Wenson Maier moved to place AR-144-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

Councilmember Wenson Maier moved to place AR-145-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

Councilmember Wenson Maier moved to place AR-146-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

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 Cox to adopt the Consent Agenda, and was adopted by the following vote:

YES: Councilmember Baker, Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-16-14 City Clerk Jotz read AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE CITY OF RAHWAY, NEW JERSEY.

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

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

ABSENT: Councilmember Bresenhan

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, July 14, 2014 at 7 p.m.

O-17-14 City Clerk Jotz read AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, TO ACQUIRE, BY PURCHASE OR CONDEMNATION 194 WEST GRAND AVENUE, BLOCK 161, LOT 35 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY.

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

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

ABSENT: Councilmember Bresenhan

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, July 14, 2014 at 7 p.m.

O-18-14 City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AMENDING THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7.

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

ABSENT: Councilmember Bresenhan

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, July 14, 2014 at 7 p.m.

O-19-14 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 Giacobbe, seconded by Councilmember Cox and adopted by the following vote:

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

ABSENT: Councilmember Bresenhan

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, July 14, 2014 at 7 p.m.

O-20-14 City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-3-14 (WHICH PROVIDES VARIOUS HIGH SCHOOL PARK IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, ON MARCH 10, 2014, TO INCREASE THE APPROPRIATION BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$190,000.

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

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

ABSENT: Councilmember Bresenhan

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, July 14, 2014 at 7 p.m.

10. RESOLUTIONS

***AR-130-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE RAHWAY BOARD OF EDUCATION FOR IMPROVEMENTS TO RECREATIONAL FIELDS AT MADISON ELEMENTARY SCHOOL.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-131-14** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A COOPERATIVE AGREEMENT WITH THE COUNTY OF UNION FOR FISCAL YEARS 2015 - 2017.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-132-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE CITY OF RAHWAY TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2011.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-133-14** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFERRAL OF A DRAFT FRANCHISE RENEWAL ORDINANCE WITH COMCAST OF NEW JERSEY II, LLC TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES, OFFICE OF CABLE TELEVISION.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-134-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO LUIS A. LOPEZ FOR PERMIT# 03-13-729 DATED 05/24/13 FOR DRIVEWAY APRON AND CURB AT 875 JAQUES AVENUE.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-135-14** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A BUILDING PERMIT FEE TO JILL GELPKE FOR OVERPAYMENT OF ZONING PERMIT FEE.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-136-14** Councilmember Cox 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 Farrar.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-137-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-138-14** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-139-14** Councilmember Mione presented and moved A RESOLUTION APPOINTING A MEMBER TO THE RAHWAY PARKING AUTHORITY (SEAN KENNEDY).

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-140-14** Councilmember Mione presented and moved A RESOLUTION AWARDDING CONTRACTING SERVICES TO TOM KRUTIS EXCAVATING, INC. FOR MAKING EMERGENCY SANITARY SEWER MAIN REPAIR ALONG REAR OF PROPERTIES ON THE WESTERLY SIDE OF NEW CHURCH STREET.

The motion was seconded by Council President Brown.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-141-14** Councilmember Wenson Maier presented and moved A RESOLUTION APPROVING THE PURCHASE OF AN AM RADIO STATION AND ASSOCIATED EQUIPMENT.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

- *AR-142-14** Councilmember Mione presented and moved A RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING THE AWARD OF A CONTRACT TO USGOVBID/AUCTION LIQUIDATION SERVICES AND THE SALE ON AN ONLINE AUCTION WEBSITE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-143-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING CITY OF RAHWAY TO APPLY FOR AND ACCEPT FUNDS FOR 2014 NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS “RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES” PROGRAM.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-144-14** Councilmember Wenson Maier presented and moved A RESOLUTION AWARDED THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED “HIGH SCHOOL PARK PROJECT” FOR THE CITY OF RAHWAY TO ZENITH CONSTRUCTION SERVICES, INC.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-145-14** Councilmember Wenson Maier 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 Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

***AR-146-14** Councilmember Wenson Maier presented and moved A RESOLUTION AMENDING THE 2014 CAPITAL BUDGET.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.

11. ORDINANCES – SECOND READING

O-5-14 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 OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF AN AMENDMENT TO THE USE, OCCUPANCY AND CAPITAL GRANT AGREEMENT WITH THE RAHWAY REDEVELOPMENT AGENCY (THE "AGENCY") RELATING TO THE ISSUANCE OF CITY-SECURED PUBLIC LIBRARY REVENUE REFUNDING BONDS, SERIES 2014 BY THE AGENCY TO REALIZE DEBT SERVICE SAVINGS FOR THE CITY TAXPAYERS

WHEREAS, the Rahway Redevelopment Agency (the "Agency") has been duly created by resolution of the City of Rahway, in the County of Union, State of New Jersey (the "City"), duly adopted January 25, 2001, as a public body corporate and politic pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Act"); and

WHEREAS, the Agency is authorized to issue its bonds pursuant to the provisions of the Act and other applicable provisions of law; and

WHEREAS, the Agency has undertaken a capital project entailing the acquisition of land located in the City (the "Land") as described in the Capital Grant Agreement (as hereinafter defined) and the construction of a multi-use building that will house both the new Free Public Library of Rahway (the "Library") and private office space for SDI Technologies, Inc. (collectively, the "Facilities"), such Facilities to be located on the Land and a portion of such Facilities to be used and occupied by the City and operated by the Library in connection with the Capital Grant Agreement between the City and the Agency (the "Project"); and

WHEREAS, pursuant to a resolution entitled “Resolution of the Rahway Redevelopment Agency Authorizing the Issuance of City-Secured Public Library Project Notes and City-Secured Public Library Revenue Bonds” duly adopted by the Agency on June 19, 2001, as amended and restated on September 17, 2002, October 21, 2003 and October 19, 2004 (the “General Bond Resolution”), the Agency issued \$2,000,000 aggregate principal amount of City-Secured Public Library Revenue Bonds, Series 2004, dated October 29, 2004 (the “Series 2004 Bonds”), of which \$1,195,000 aggregate principal amount of Series 2004 Bonds maturing on or after October 15, 2015 is currently Outstanding, which Series 2004 Bonds were originally issued to provide funds to pay the costs of the Project; and

WHEREAS, \$1,195,000 aggregate principal amount of the Series 2004 Bonds maturing on October 15 in the years 2015 through and including 2024 (the “Callable Bonds”) are subject to redemption at a price equal to one hundred one percent (101%) of the principal amount thereof (the “Redemption Price”) on or after October 15, 2014 and will be redeemed at the Redemption Price, together with accrued interest thereon, on or after October 15, 2014 (the “Redemption Date”); and

WHEREAS, in an effort to realize an aggregate debt service savings equal to or greater than three percent (3%) of the net present value of the Callable Bonds, the Agency is desirous of paying the principal of and redemption premium, if any, and accrued and unpaid interest due on the Callable Bonds on the Redemption Date (the “Refunded Bonds”); and

WHEREAS, the City, by final adoption of this ordinance, has determined and hereby gives its consent to refund the Refunded Bonds through the issuance by the Agency of City-Secured Public Library Revenue Refunding Bonds, Series 2014 (or such other year designation as may be appropriate at the time of issuance) (the “Refunding”) in an aggregate principal amount not to exceed \$1,500,000 (the “Refunding Bonds” or the “Bonds”); and

WHEREAS, the Agency has determined pursuant to the Act to issue the Bonds for the purpose of refunding the Callable Bonds, which Bonds constitute Refunding Bonds under Section 206 of the General Bond Resolution and which Bonds shall be on parity with any bonds issued or to be issued from time to time pursuant to the Bond Resolution (as hereinafter defined); and

WHEREAS, all actions necessary and required under the Act for approval of the Refunding (as further defined in the hereinafter defined Capital Grant Agreement), including the review of and the issuance of positive findings with respect to such financing by the Local Finance Board within the Division of Local Government Services of the Department of Community Affairs in the State of New Jersey (the “Local Finance Board”), have been taken by the Agency; and

WHEREAS, the Agency will, pursuant to the Act, provide for the financing of the Costs (as hereinafter defined) of the Refunding via the issuance of the Refunding Bonds, which shall be payable from grant payments to be received from the City pursuant to the terms and conditions set forth in the Use, Occupancy and Capital Grant Agreement dated as of October 1, 2001, as amended and supplemented (the “Original Capital Grant Agreement”), as further amended and supplemented by a Fifth Amendment to the Use, Occupancy and Capital Grant Agreement by and between the City and the Agency to be dated the date of issuance of the Refunding Bonds (the “Capital Grant Amendment” and together with the Original Capital Grant Agreement, the “Capital Grant Agreement”); and

WHEREAS, the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs has held or will hold a hearing on the Refunding and has issued or it is reasonably anticipated that it will issue positive findings on the Refunding; and

WHEREAS, there has been prepared and submitted to the City the form of the Capital Grant Amendment, to be entered into by and between the Agency and the City, which Capital Grant Amendment has been approved by the City and which is attached hereto as Exhibit A, providing for the undertaking and financing of the Refunding. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Capital Grant Agreement.

NOW THEREFORE, 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. Pursuant to the provisions of the Act, the City is hereby authorized and directed to enter into and perform the Capital Grant Agreement, which Capital Grant Agreement permits the refunding of all or a portion of the Refunded Bonds and the issuance of City-Secured Public Library Revenue Refunding Bonds, Series 2014 (or such other year designation as may be appropriate at the time of issuance) (the “Refunding Bonds” or the “Bonds”) by the Agency pursuant to the General Bond Resolution, as amended and supplemented by a supplemental resolution entitled “Supplemental Resolution of the Rahway Redevelopment Agency Authorizing the Issuance of City-Secured Public Library Revenue Refunding Bonds, Series 2014” (the “Supplemental Resolution” and together with the General Bond Resolution, the “Bond Resolution”). The Capital Grant Amendment, in the form submitted herewith as Exhibit A (a copy of which is on file in the office of the City Clerk), is hereby approved with such changes, amendments or modifications as may be approved by Director of Law and bond counsel to the Agency.

Section 2. The City hereby covenants and agrees to the punctual payment of the obligations set forth in the Capital Grant Amendment authorized by this ordinance, including without limitation, (i) all Grant Payment obligations of the City under the Capital Grant Agreement, including Agency Administrative Expenses and Additional Grant Payments and (ii) all direct and indirect costs of the Agency related to the enforcement of the Capital Grant Agreement ((i) and (ii) collectively, the "Grant Payment Obligation"). Pursuant to the Local Redevelopment and Housing Law, the Grant Payment Obligation under the Capital Grant Agreement shall be a direct, unlimited and general obligation of the City, not subject to annual appropriation by the City, and unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the Grant Payment Obligation thereunder without limitation as to rate or amount.

An Authorized City Representative (as defined in the Original Capital Grant Agreement) is hereby authorized and directed to execute the Capital Grant Amendment on behalf of the City in substantially such form as attached hereto as Exhibit A and the City Clerk is hereby authorized and directed to attest to such signature and affix the seal of the City thereto. All representatives, officials and employees of the City are each hereby authorized and directed to enforce and to implement provisions of the Capital Grant Agreement.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Grant Payment Obligation for which the City shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Refunding Bonds of the Agency, shall not exceed \$1,500,000, or the sum necessary to (i) refund the Refunded Bonds, and (ii) pay the City's share of the costs of issuance, Agency Administrative Expenses, Additional Grant Payments and all other amounts required to be paid by the City under the Capital Grant Agreement, as and if applicable.

(b) The Refunding Bonds of the Agency shall mature no later than December 31, 2024.

(c) The Grant Payment Obligation authorized herein shall remain effective until all the Agency's Refunding Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the City under the Capital Grant Agreement have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Capital Grant Agreement.

(d) 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, 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 obligations provided for in this ordinance by not to exceed \$1,500,000 and the said obligations authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 4. As an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the City hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Capital Grant Agreement. The Mayor, the Chief Financial Officer of the City or any other Authorized City Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Agency to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Agency in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 5. The Mayor, City Clerk, Chief Financial Officer of the City or other Authorized City Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Capital Grant Agreement, the undertaking of the Refunding and all related transactions contemplated by this ordinance.

Section 6. Upon the payment of all amounts referenced in Sections 3(a) and 3(c) herein, the full faith and credit pledge of the City as to its Grant Payment Obligation authorized herein shall cease to exist.

Section 7. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the City Clerk and is available for public inspection.

Section 8. Pursuant to and in accordance with the terms of the Capital Grant Agreement, the Bond Resolution and the Act the City does hereby consent to: (i) the Agency's undertaking of the Refunding which in the aggregate shall not exceed \$1,500,000 and (ii) the execution of any and all agreements and/or amendments thereto in connection therewith.

Section 9. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 10. The City Clerk is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

Section 11. Subsequent to the effective date of this ordinance, the City Clerk is hereby authorized and directed to send originally certified copies of the authorization proceedings reflecting the adoption of this ordinance and an originally certified copy of this ordinance to representatives of the Agency.

Section 12. This ordinance shall take effect twenty (20) days after final adoption, approval by the Mayor and publication in accordance with applicable 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-5-14:

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

ABSENT: Councilmember Bresenhan

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-14-14 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 SECTION 5-77 OF THE CODE OF THE
CITY OF RAHWAY, "SPECIAL DUTY RATES"**

BE IT ORDAINED By the City Council of the City of Rahway that Section 5-77(E)(7) of the Code of the City of Rahway is hereby amended to read as follows:

The hourly rate/charge payable for police vehicles shall be an additional \$15 per hour, or portion thereof, per each vehicle used. The City shall also charge \$12 per hour as a surcharge for administrative costs, to be retained by the municipality. The Chief of Police or his designee may waive the minimum hours on a particular assignment should he determine this is in the interests of the City. In continuing assignments, the Chief of Police or his designee may waive the hourly minimum on a continuing basis. The Chief of Police or his designee, with the approval of the Business Administrator, may waive or adjust the administrative fee for assignments for municipalities, government agencies or nonprofit organizations.

BE IT FURTHER ORDAINED that this ordinance shall take effect following adoption and approval in a time and manner prescribed 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-14-14:

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

ABSENT: Councilmember Bresenhan

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-15-14 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 209, "FIRE PREVENTION"
OF THE CODE OF THE CITY OF RAHWAY**

BE IT ORDAINED, by the City Council of the City of Rahway that Section 209-1 through 209-6, inclusive, of the Code of the City of Rahway are amended to read as follows:

§ 209-1. Local enforcement

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c383), the New Jersey Uniform Fire Code shall be locally enforced in the Municipality of Rahway.

§ 209-2. Agency Designation.

The local enforcing agency (LEA) shall be the Rahway Fire Department.

§ 209-3. Duties

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the City of Rahway, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§209-4. Life-hazard uses.

The local enforcing agency established by §209-2 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§209-5. Organization.

The local enforcing agency established by § 209-2 of this chapter shall be a part of the Rahway Fire Department. The local enforcing agency (LEA) shall be under the direct supervision and control of the Fire Official who shall report to the Director of Fire of the Rahway Fire Department.

§209-6. Appointments; term of office; removal

- A. The local enforcing agency shall be under the direct supervision of the Fire Official who shall be appointed by the Business Administrator.
- B. The Fire Official shall serve for a term of one year.
- C. Such inspectors and other officials as may be necessary in the local enforcing agency shall be appointed by the Business Administrator.

- D. Inspectors and other employees of the enforcing agency shall be subject to removal by the Business Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.
- E. The Director of Law serve as legal counsel and shall assist and represent the local enforcing agency in all matters related to the code. The Director of Law shall advise the agency and undertake such actions at law as the Fire Official shall deem necessary.

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed 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-15-14:

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

ABSENT: Councilmember Bresenhan

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

Marge Majeski 2126 Church St.
Sopoke about planned HS park improvements. Said that the park is too small to accommodate the new football stadium.

Business Administrator Cherron Rountree invited the speaker to speak with her about the project after the meeting.

Sara West 747 River Rd.

Said she is concerned about traffic and pedestrian safety along St. Georges Ave. near River Rd. Asked for solutions, including a pedestrian crossing light. Asked if City could pave River Road.

Councilmembers Cox and Giacobbe and Business Administrator Rountree answered her concerns.

Yankee Williams 767 River Rd.

Said she agreed with previous speakers concerning traffic at Rahway River Park and along St. Georges Avenue.

Councilmembers Cox and Giacobbe responded to her concerns.

Stanley Majeski 2126 Church St.

Asked about high school park project and stated his opposition to project.

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

14. COUNCIL COMMENT

Councilmember Mione: Advised all speakers tonight to speak with Ms. Rountree and Councilmember Cox.

Councilmember Baker: Thanked everyone who voted in the June 3 Primary Election.

Councilmember Giacobbe: Advised speakers to speak with Ms. Rountree after the meeting. Noted that Union County had already improved the pending work at Rahway River Park and that the City was piggybacking on the project to help the students and sports teams.

Councilmember Cox: Asked that members of the public who spoke at the meeting to remain so he could speak with them.

Councilmember Wenson Maier: Asked Ms. Rountree to address crossing guard situation in the area of Franklin School.

Council President Brown: Thanked the Mayor for hosting the Senior Prom.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:46 p.m. was made by Council President Brown and seconded by Councilmember Wenson Maier:

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

ABSENT: Councilmember Bresenhan

Council President Brown declared the motion carried.