

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JULY 14, 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, Bresenhan, Cox, Farrar, Giacobbe, Saliga, Wenson
Maier, Brown

ABSENT: Councilmember Mione

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 July 14, 2014 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Union County Localsource* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on January 2, 2013 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, Councilmember Brown offered an invocation.

3. APPROVAL OF MINUTES

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

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

4. PRESENTATIONS

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

6. REPORTS OF COUNCIL COMMITTEES

6A. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

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

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

8. CONSENT AGENDA

Motion made by Councilmember Cox seconded by Councilmember Bresenhan to adopt the Consent Agenda, and was adopted by the following vote:

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-21-14 City Clerk Jotz read AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND CITY CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND MERIDIA, BROWNSTONES URBAN RENEWAL, RAHWAY, LLC FOR PROPERTY LOCATED ON LOT 1 IN BLOCK 226, LOTS 1 7 2 IN BLOCK 227 AND LOT 1 IN BLOCK 228 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE ELIZABETH AVENUE REDEVELOPMENT AREA.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-22-14 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 Giacobbe, seconded by Councilmember Bresenhan and adopted by the following vote:

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-23-14 City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AMENDING AND SUPPLEMENTING THE ELIZABETH AVENUE (FORMERLY QUINN & BODEN/WHEATENA PROPERTY) REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-24-14 City Clerk Jotz read A REFUNDING BOND ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY DATED JUNE 26, 2006 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR.

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-25-14 City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-36-13 (WHICH PROVIDES FOR EMERGENCY SINKHOLE REPAIR) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, ON SEPTEMBER 9, 2013, TO INCREASE THE APPROPRIATION BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$200,000.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-26-14

City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR A CONTRIBUTION AND/OR LOAN TO THE RAHWAY REDEVELOPMENT AGENCY FOR THE PURPOSE OF ACQUIRING REAL PROPERTY DESIGNATED AS 219 CENTRAL AVENUE (BLOCK 16, LOT 1) (THE FORMER ELIZABETHTOWN GAS PROPERTY) IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA, A REDEVELOPMENT PROJECT TO BE UNDERTAKEN IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-27-14 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE 2014 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$744,680 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-28-14 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR VARIOUS 2014 WATER UTILITY CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,700 IN BONDS OR NOTES TO FINANCE THE COST THEREOF.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-29-14 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE STORM SEWER ON KLINE PLACE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$350,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-30-14 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE ASBESTOS REMEDIATION OF CITY PROPERTIES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,400 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-31-14 City Clerk Jotz read AN ORDINANCE REQUIRING REGISTRATION AND MAINTENANCE OF PROPERTIES THAT ARE VACANT OR IN FORECLOSURE .

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-32-14 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 "VEHICLES AND TRAFFIC", ARTICLE VIII "PERMIT PARKING SYSTEM" SECTION 401-83 (SCHEDULE XXV), "PARKING BY PERMIT ONLY" (MAPLE AVENUE FROM PIERPONT TO ST. GEORGES AVE).

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

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

ABSENT: Councilmember Mione

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 the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

10. RESOLUTIONS

- * **AR-147-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO PARTICIPATE IN THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM (H-GAC).

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-148-14** Council President Brown presented and moved A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF UNION AND THE BOARD OF EDUCATION OF THE CITY OF RAHWAY FOR REPAIR AND IMPROVEMENTS TO ATHLETIC FIELDS AT RAHWAY PARK.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-149-14** Council President Brown presented and moved A RESOLUTION COMMEMORATING THE 350TH ANNIVERSARY OF NEW JERSEY

The motion was seconded by the Entire Council.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-150-14** Councilmember Baker presented and moved A RESOLUTION REAPPOINTING A MEMBER TO THE RAHWAY HOUSING AUTHORITY (JAMES PEKAROFSKI).

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-151-14** Councilmember Bresenhan presented and moved A RESOLUTION APPOINTING A MEMBER TO THE RAHWAY VALLEY SEWERAGE AUTHORITY (ROBERT RACHLIN).

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-152-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-153-14** Councilmember Bresenhan presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- AR-154-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES TO THE RAHWAY COMMUNITY ACTION ORGANIZATION.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Bresenhan, Cox, Farrar, Giacobbe, Saliga,
Wenson Maier

ABSTAIN: Council President Brown

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-155-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES TO NUBIA IDROGO.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-156-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-157-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-158-14** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-159-14** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO YVETTE BATSON FOR PERMIT# 06-12-622 DATED 06/18/12 FOR DRIVEWAY APRON AND CURB AT 1887 BEACON STREET.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-160-14** Councilmember Bresenhan 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 Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-161-14** Councilmember Bresenhan 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 Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-162-14** Councilmember Bresenhan 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 Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

- * **AR-163-14** Councilmember Bresenhan presented and moved A RESOLUTION AUTHORIZING A TEMPORARY CAPITAL BUDGET.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

- O-16-14** 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 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

WHEREAS, the City Clerk has received the Comcast of New Jersey II, LLC (“Comcast”) Application for Renewal of Municipal Consent (the “Application”) dated September 23, 2013 regarding the renewal of Comcast’s non-exclusive cable television franchise agreement with the City of Rahway (the “City”); and

WHEREAS, upon receipt of the Application, the City began the formal process to determine whether to renew its existing cable television franchise agreement with Comcast and held a public hearing on February 4, 2013 to determine whether to renew, or deny renewal of Municipal Consent to Comcast; and

WHEREAS, based upon the review of the Application and the information garnered at the February 4, 2014 public hearing, the City Council adopted Resolution # AR-24-14 on February 10, 2014 whereby it granted consent to Comcast and authorized the City's Business Administrator to enter into negotiations with Comcast for a new cable television franchise agreement.

WHEREAS, the Cable Television Ordinance set forth below embodies the commitments of Comcast and the City to each other.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rahway, County of Union, State of New Jersey that this franchise agreement in the form of an ordinance shall, upon approval by the New Jersey Board of Public Utilities, supersede and replace in its entirety the franchise agreement adopted pursuant to Ordinance #O-48-99 adopted by the City Council of the City of Rahway on November 8, 1999:

SECTION 1. PURPOSE OF THE ORDINANCE

The City hereby grants to Comcast of New Jersey II, LLC ("Comcast") renewal of its non-exclusive municipal consent to place in, upon, along, across, above, over and under highways, streets, alleys, sidewalks, public ways and public places in the City, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the City of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Communications Act of 1934 at 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act at N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal or state definitions:

- a. "Act" or "Cable Television Act" is P.L. 1972, c. 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- b. "Application" is the Company's Application for Renewal of Municipal Consent dated September 23, 2013.
- c. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- d. "City" or "Municipality" is the City of Rahway, County of Union, State of New Jersey.
- e. "Company" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey II, LLC.
- f. "FCC" is the Federal Communications Commission.
- g. "Office" or "OCTV" is the Office of Cable Television of the Board.

SECTION 3. STATEMENT OF FINDINGS

A public hearing conducted by the City concerning the renewal of municipal consent herein granted to the Company was held on February 4, 2014 after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearing, having been fully open to the public, and the City having received at said public hearing all comments regarding the qualifications of the Company to receive this renewal of municipal consent, the City hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

A. The non-exclusive municipal consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board, with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

B. In the event that the City shall find that the Company has not substantially complied with the material terms and conditions of this ordinance, the City shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the City shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the City two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the City or any higher amount required by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this ordinance to the renewal of the franchise shall apply to the entirety of the City and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

A. The Company shall be required to proffer service to any residence or business along any public right-of-way in the franchise territory at tariffed rates for standard and non-standard installation.

SECTION 8. CONSTRUCTION REQUIREMENTS

A. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall at its sole cost and expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

B. Relocation: If at any time during the period of this consent, the City shall alter or change the grade of any street, alley or other way or place, the Company upon reasonable notice by the City, shall remove, re-lay or relocate its equipment, at the expense of the Company.

C. Temporary Removal of Cables: The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when the request is made by the City, in which case the Company shall bear the cost of such temporary removal.

D. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the City so as to prevent the branches of such trees from coming in contact with the wires

and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

A. In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary Company and industry standards in the delivery of customer service and shall be prepared to report on it to the City upon written request of the Business Administrator or City Clerk.

B. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

C. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

D. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).

E. Nothing herein shall impair the right of any subscriber or the City to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the complaint officer for the City of Rahway pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The City shall have the right to request copies of records and reports pertaining to complaints by the City's customers from the OCTV.

SECTION 11. LOCAL OFFICE

The Company shall maintain a local business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. The local business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event

(excepting emergency circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BOND

During the life of the franchise the Company shall give to the City a bond in the amount of twenty-five thousand (\$25,000.00) dollars. This bond shall insure the faithful performance of all undertakings of the Company as represented in its Application which representations are incorporated herein by reference.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

A. The Company shall continue to provide the City with one system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize the public access channel for the purpose of cable-casting non-commercial access programming in conformance with the Company's published public access rules.

B. The Company shall continue to provide the City with one system-wide leased access or commercial access channel maintained by the Company for the purpose of cable-casting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.

C. The Company shall continue to provide the City with one dedicated local access channel maintained by the Company for the purpose of cable-casting non-commercial governmental access programming for use by the City and its designees. The Company shall also maintain the dedicated fiber optic return line originating in the Rahway Municipal Building.

D. The Company shall continue to provide the City with one dedicated local access channel maintained by the Company for the purpose of cable-casting non-commercial educational access programming for use by the City and its designees. The Company shall also maintain the dedicated fiber optic return line originating in Rahway High School Building.

E. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation,

and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

F. Within six (6) months of the issuance of a Renewal Certificate of Approval (COA) from the Board, the Company shall provide the City a one-time access related technology grant in the amount of one hundred fifty thousand dollars (\$150,000).

G. The Company shall continue to make available to the City, the Company's mobile production vehicle for the purpose of producing non-commercial community, governmental or educational access programming, consistent with the Company's written rules and regulations concerning the use of the mobile production vehicle.

H. The Company shall continue to periodically provide training for individuals and organizations that assist in the production of programming for the access channels provided herein to the extent that such training is offered by the company.

SECTION 15. COMMITMENTS BY THE COMPANY

A. The Company shall continue to provide standard installation and basic cable television service for one (1) outlet at no cost to each school in the City, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets, except for equipment charges.

B. The Company shall continue to provide standard installation and basic cable television service for one (1) outlet at no cost to each police, fire, first aid, emergency management facility, public library, recreation/community center and senior citizens center, provided the facility is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis shall pay for by any facility requesting service. Monthly service charges shall be waived on all additional outlets, except equipment charges.

C. The Company shall continue to provide free basic Internet service, via high-speed cable modem, to one non-networked personal computer in each school in the City, public and private, elementary, intermediate and secondary, at no charge.

D. The Company shall continue to provide free basic Internet access via high-speed cable modem on one non-networked personal computer in the City's public library, at no charge.

SECTION 16. EMERGENCY USES

A. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

B. The Company shall in no way be held liable for any injury suffered by the City or any other person, during an emergency, if for any reason the City is unable to make full use of the cable television system as contemplated herein.

C. The City shall use state-approved procedures for such emergency use.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendments thereto except as modified herein are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the City grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

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

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this franchise agreement or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

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.

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

Councilmember Wenson Maier made a motion to amend O-16-14; specifically, to add the following line to Sec. 7: "The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of the Plant beyond the Primary Service Area."

The motion was seconded by Councilmember Cox.

Roll Call for the amended O-16-14:

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

ABSENT: Councilmember Mione

Council President Brown: This Ordinance is declared amended and the City Clerk is hereby authorized and directed to advertise said notice according to law. This amended Ordinance will come up for Public Hearing and further action at the Combined Meeting on Monday, August 11, 2014 at 7 p.m.

O-17-14 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, 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**

WHEREAS, on January 5, 2012 the Senate and General Assembly of the State of New Jersey adopted an amendment to the Open Space Trust Fund Act, N.J.S.A. 40:12-15.1 to provide for Open Space Trust funds for the acquisition of Blue Acres properties; and

WHEREAS, the amended Open Space Trust Fund Act defines a Blue Acre Project as the acquisition for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm related flooding, or that may buffer or protect other lands from such damage, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes; and

WHEREAS, the Blue Acres Program in the Department of Environmental Protection has been charged with the responsibility of acquiring certain properties in the Rahway River Basin for flood control purposes; and

WHEREAS, such acquisitions and the removal of improvements situate thereon will result in the alleviation of adverse social and economic impacts which beset the residence of the basin during periodic flooding and will result in lessening the intensity of the periodic flooding by increasing the area of absorption of flood waters; and

WHEREAS, 194 West Grand Avenue has been identified for acquisition under the Blue Acres Program to alleviate the detrimental impacts of periodic flooding; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Rahway is authorized to adopt an ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-22, the City has the power to acquire any real property for public purpose; and

WHEREAS, the City has determined that it would serve a public purpose for it to acquire 194 West Grand Avenue, Rahway, New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Rahway, Union County, New Jersey that the acquisition of Block 161, Lot 35 commonly referred to as 194 West Grand Avenue, Rahway, by purchase or condemnation is hereby authorized:

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.

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

Roll Call for O-17-14:

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

ABSENT: Councilmember Mione

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-18-14

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 MUNICIPAL COUNCIL OF THE CITY OF
RAHWAY AMENDING THE CENTRAL BUSINESS DISTRICT
REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7**

BE IT ORDAINED by the Municipal Council of the City of Rahway as follows:

SECTION I Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) (the "Redevelopment Law"), by an ordinance approved on March 11, 2013, the Rahway City Council ("City

Council”), adopted an Amended and Supplemented Redevelopment Plan for the Central Business District Redevelopment Area (the “Redevelopment Plan”).

SECTION II In furtherance of redeveloping the Central Business District Redevelopment Area, the following amendments to the Amended and Supplemented Redevelopment Plan are proposed:

Addition of the following as Permitted Principal Uses in Any Location (Section IV. Specific Development Regulations, B. Development Regulations for Sub-districts CBD-1, CBD-2 and CBD-3, 1. Permitted Principal Uses in Any Location):

r. **Brew pub, micro-brewery or brewery in accordance with N.J.S.A. 33:1-10, Alcoholic Beverage Law.**

s. **Winery, wine blending or instructional winemaking facility in accordance with N.J.S.A. 33:1-10, Alcoholic Beverage Law.**

t. **Distillery in accordance with N.J.S.A. 33:1-10, Alcoholic Beverage Law.**

SECTION III Upon introduction of this Ordinance to adopt the proposed amendments to the Amended and Supplemented Redevelopment Plan, it shall be referred to the Rahway Planning Board (the “Planning Board”) for its consideration pursuant to N.J.S.A. 40A:12A-7.e.

SECTION IV The proposed amendments to the Amended and Supplemented Redevelopment Plan are substantially consistent with the Master Plan of the City of Rahway.

SECTION V Prior to the adoption of the proposed amendments to the Amended and Supplemented Redevelopment Plan, Planning Board shall, within 45 days after referral, transmit to the City Council, a report containing its recommendation concerning the amendments to the Amended and Supplemented Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7.e.

SECTION VI Upon receipt of the Planning Board’s recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the City Council may act upon this Ordinance adopting the proposed amendments to the Amended and Supplemented Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION VII Upon adoption of this Ordinance, the Amended and Supplemented Redevelopment Plan shall be amended to include the additional permitted uses as set forth above in Section II of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect twenty (20) days after approval 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.

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

Roll Call for O-18-14:

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

ABSENT: Councilmember Mione

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-19-14

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) - HANDICAPPED
PARKING**

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

401-79 Schedule XXI: Handicapped Parking

Add:

In front of 190 Williams St

North Side – From the easterly curb line of New Brunswick Ave east 115’ extending to a point 22 feet East thereof.

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.

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

Roll Call for O-19-14:

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

ABSENT: Councilmember Mione

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-20-14

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 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

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 bond ordinance of the City of Rahway, in the County of Union, State of New Jersey (the "City"), heretofore finally adopted by the City Council thereof on March 10, 2014, numbered O-3-14 and entitled, "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 \$148,000 (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" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. For the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$200,000, said sum being inclusive of \$10,000 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), now available therefore by virtue of provisions in a previously adopted budget or budgets of the City for down payment or capital improvement purposes. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$740,000, including the sum of \$36,000 as the total down payment available therefor (the "Down Payment") and 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").

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the Down Payment, additional negotiable bonds or notes of the City in the amount of \$190,000 are hereby authorized to be issued by the City, such that the total authorization of negotiable bonds or notes to be issued by the City for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$704,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$704,000.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$740,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor.

SECTION 4. The Capital Budget of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government

Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. 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, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$190,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 6. For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$40,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$148,000, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 7. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 8. The City reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, 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 8 is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures toward the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, 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 by

the Original Ordinance, as amended and supplemented hereby, used to reimburse the City for any expenditures toward the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, 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 by the Original Ordinance, as amended and supplemented hereby, to reimburse the City for any expenditures toward the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$704,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, 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 9. 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 the Original Ordinance, as amended and supplemented hereby.

SECTION 10. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

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

Council President 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.

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

Roll Call for O-20-14:

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

ABSENT: Councilmember Mione

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

Block Parties: Aug. 30 Allen St.

Item was moved by Councilmember Farrar and seconded by Councilmember Cox.

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.

13. COMMUNICATIONS - Hearing of Citizens

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

14. COUNCIL COMMENT

Councilmember Bresenhan: Thanked UCPAC and all those involved with the chocolate, wine and cheese event at the Hamilton Stage. Thanked Police and Fire Chiefs and all who helped make the 4th of July fireworks a success.

Council President Brown: Thanked everyone who made the wine and cheese event and the fireworks possible.

ADJOURNMENT

Motion to adjourn the meeting at 7:48 p.m. was made by Councilmember Bresenhan and seconded by Councilmember Wenson Maier:

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

ABSENT: Councilmember Mione

Council President Brown declared the motion carried.