

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JULY 13, 2015
7 P.M.

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

PRESENT: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmember Miles, 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 July 13, 2015 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, 2015 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**

June 16, 2015 7 p.m. Combined Meeting

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier 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 Vice President Wenson Maier closed the Public Hearing.

Councilmember Baker asked that AR-164-15 and AR-165-15 be removed from the Consent Agenda.

8. CONSENT AGENDA

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

9. ORDINANCES - First Reading

O-15-15 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 Cox, seconded by Councilmember Brown and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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 10, 2015 at 7 p.m.

O-16-15 City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE EXTINGUISHMENT OF ANY RIGHTS OR EASEMENTS THE CITY OF RAHWAY MAY HAVE IN THE VACATED PORTIONS OF JACKSON AVENUE AND BROAD STREET.

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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 10, 2015 at 7 p.m.

O-17-15 City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY PURSUANT TO N.J.S.A. 40:11A-22.

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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 10, 2015 at 7 p.m.

O-18-15 City Clerk Jotz read AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 344, SIDEWALK CAFES, OF THE CODE OF THE CITY OF RAHWAY.

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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 10, 2015 at 7 p.m.

O-19-15 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR VARIOUS 2015 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$904,760 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 Miles, seconded by Councilmember Brown and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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 10, 2015 at 7 p.m.

10. RESOLUTIONS

- * **AR-145-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-146-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF HEALTH & SENIOR SERVICES FEES.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-147-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-148-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-149-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2009 FISCAL YEAR AND 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-150-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * AR-151-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WINFIELD FOR THE PROVISION OF PUBLIC HEALTH SERVICES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * AR-152-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT FOR SERVICES WITH THE TOWNSHIP OF BERKELEY HEIGHTS FOR THE PROVISION OF PUBLIC HEALTH SERVICES.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * AR-153-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL 32.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * AR-154-15** Councilmember Baker presented and moved A RESOLUTION AWARDDING A CONTRACT WITH BLUE DIAMOND SOLUTIONS, INC. FOR ACRONIS BACKUP DEVICE LICENSING.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- *AR-155-15** Councilmember Cox 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 Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * AR-156-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT WITH COLONIAL SURETY COMPANY FOR RAHWAY STREETScape SECTION III-A.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-157-15** Councilmember Brown presented and moved A RESOLUTION TO INCREASE THE BID THRESHOLD AND AUTHORIZING A QUALIFIED PURCHASING AGENT, PURSUANT TO N.J.S.A. 40A:11-3 AND N.J.A.C. 5:34-5 ET SEQ..

The motion was seconded by Councilmember Baker.

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

ABSTAIN: Councilmember Brown

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-158-15** Councilmember Brown presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "LEVEE REMEDIATION PROJECT" FOR THE CITY OF RAHWAY TO T.R. WENIGER, INC..

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

- * **AR-159-15** Councilmember Mojica presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "SIDEWALK REPLACEMENT PROJECT" FOR THE CITY OF RAHWAY TO MNC GENERAL CONTRACTING, INC..

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-160-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY TO APPLY FOR THE UNION COUNTY KIDS RECREATION TRUST FUND GRANT AND ENTER INTO A CONTRACT THERETO.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-161-15** Councilmember Mojica 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 Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-162-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING A SETTLEMENT OF TAX APPEAL REGARDING BLOCK 226, LOT 1; BLOCK 227, LOTS 1 AND 2; AND BLOCK 228, LOT 1 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY FOR PROPERTY OWNED BY THE DAVID & SILVA WEISZ FOUNDATION.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-163-15** Councilmember Giacobbe presented and moved A RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION IN SUPERIOR COURT TO CERTIFY ITS HOUSING ELEMENT AND FAIR SHARE PLAN.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

AR-164-15 Councilmember Mojica presented and moved A RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$9,460,000 GENERAL OBLIGATION BONDS, SERIES 2015 OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS AND \$14,800,000 BOND ANTICIPATION NOTES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

AR-165-15 Councilmember Baker presented and moved A RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF NOT TO EXCEED \$5,100,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 (THE "REFUNDING BONDS") OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE DULY ADOPTED BY THE CITY COUNCIL ON JUNE 16, 2015, TO REFUND CERTAIN GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005 OF THE CITY, AND PROVIDING FOR THE FORM AND CERTAIN MATTERS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica,
Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-166-15** Councilmember Giacobbe presented and moved A RESOLUTION AMENDING THE CY 2015 CAPITAL BUDGET.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica,
Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

***AR-167-15** Councilmember Farrar presented and moved A RESOLUTION RECINDING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES AND AUTHORIZNG A REVISED AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE INGERMAN DEVELOPMENT COMPANY, LLC FOR BLOCK 167, LOT 1.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica,
Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.

11. Ordinances – Second Reading

O-14-15 Council Vice President Wenson Maier: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

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

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,050,000, which sum includes \$215,825 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation (the "NJDOT Grant") and \$255,000 as the amount of a grant received from the Community Development Block Grant Program (the "CDBG Grant" and together with the NJDOT Grant, the "Grants"), which CDBG Grant is inclusive of \$27,580 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of moneys held by the City and previously contributed for such purpose other than by the City (through the CDBG Grant).

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,050,000 appropriation not provided for by application hereunder of said Grants and down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$551,595 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$551,595 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the 2015 Road Reconstruction and Resurfacing Program (the "Program"), said Program to include, but is not limited to, improvements to the following portions of the following roadways: Central Avenue (Pavement Capital Repairs Only) From New Church Street To Campbell Street; Pierce Street From Emerson Avenue To Milton Avenue; Jackson Street From Oliver Street To Church Street; Fowler Street From Hamilton to Westfield; Evans Street From West Lincoln Avenue to Linden Avenue; Jefferson Avenue From Westfield Avenue To Dead End; Richmond Terrace From East Inman Avenue To Bramhall Road; Oliver Street From Harrison Street To Union Street; West Albert Street From Broad Street To Jaques Avenue; and Sidewalk And Curb Improvements To Augusta Street and Lewis Street From E. Milton Avenue and Main Street, all within the City, which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings, drainage work, roadway painting, landscaping and aesthetic improvements including but not limited to seeding and installing top soil, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$551,595.

(c) The estimated cost of said improvement or purpose is \$1,050,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$498,405, is comprised of the Grants in the amount of \$470,825, and the down payment in the amount of \$27,580 for said improvement or purpose.

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

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

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

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

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

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$551,595 and the said bonds or notes authorized by this

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

(d) An aggregate amount not exceeding \$210,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

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

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

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

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

Council Vice President Wenson Maier 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 Vice President Wenson Maier closed the Public Hearing.

Roll Call for O-14-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica,
Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier: 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

Justin Tupik 1219 Georgia St.

Said he attended the presentation on Rahway River Park at Hamilton Stage and was disappointed. Commented that no representatives of the City attended. Asked why the City is paying \$2.3 million for the park project and if the public schools will have priority to use the new field.

Jeff Freeman 1022 DiAntonio Dr.

Said he attended the July 1 forum on Rahway River Park. Concerned about busing and parking at the park for events. Claimed that the Engineer did not have information on the project footprint & access for emergency vehicles. Stated that Council should consider historical issues. Requested help from Councilmember Giacobbe for noise, traffic and vandalism concerns.

Barbara Majewski 216 Church St.

Thanked City for assistance in addressing property maintenance issues in her neighborhood.

Councilmember Giacobbe stated that Rahway students will have priority in the new facility and that the park is already used by thousands of people each day and parking has not been a problem. Said the project will adhere to ADA guidelines and have emergency vehicle access. The field will also be used by the Rahway HS Track & Field team, which currently must travel outside of Rahway for practice and meets because there are no facilities in Rahway.

Business Administrator Cherron Rountree said that according to the Rahway Board of Education, the average attendance at RHS home football games is 500 fans. Currently, the pool in Rahway River Park has a capacity of 1,600 patrons. Stated that there will only be 5 home football games and use an estimated 444 parking spots and that the games will occur after the pool is closed. She said she promises to have police cooperate if parking becomes an issue. Commented that the new project will be open to all Rahway and Union County residents and that remediating Veterans

Field will cost tens of millions of dollars.

With no one else appearing, Council Vice President Wenson Maier closed the Public Hearing.

14. COUNCIL COMMENT

Councilmember Baker: Said that the bond ordinances represent an investment in Rahway; they'll benefit citizens and improve our marketability. Commented that the City has the second highest bond rating from Moody's (A1) and an AA+ rating from Standard & Poor's

Councilmember Giacobbe: Wished everyone a happy summer.

Councilmember Brown: Commended colleagues for comments on the Rahway River Park project. Said he was happy to hear public speak on cleaning up properties; thanked Public Works.

Councilmember Wenson Maier: Said she just arrived home from a climate change conference in Toronto and wishes to discuss the scientific data on climate here in Rahway.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:48 p.m. was made by Councilmember Brown and seconded by Councilmember Cox:

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Mojica, Wenson Maier

ABSENT: Councilmembers Miles, Bresenhan

Council Vice President Wenson Maier declared the motion carried.