

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
NOVEMBER 9, 2015
7 P.M.

1. Council President Bresenhan called the meeting to order at 7:02 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Mojica, Bresenhan

ABSENT: Councilmembers Wenson Maier, Baker

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 November 9, 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, Council President Bresenhan offered an invocation.

Councilmember Wenson Maier arrived at 7:03 p.m.

3. APPROVAL OF MINUTES

October 6, 2015	7 p.m.	Pre-Meeting Conference
October 13, 2015	7 p.m.	Regular Meeting

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

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

4. PRESENTATIONS

Rahway Garden Club – Councilmember Miles

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

6. REPORTS OF COUNCIL COMMITTEES

6A. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

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

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

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 Brown, Cox, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

9. ORDINANCES - First Reading

O-37-15 City Clerk Jotz read AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF A PORTION OF CERTAIN REAL PROPERTY LOCATED IN LOTS 1 THROUGH 10 AND 23 IN BLOCK 318 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY SHALL BE ACQUIRED BY PURCHASE OR GIFT.

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

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

ABSENT: Councilmember Baker

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, December 14, 2015 at 7 p.m.

10. RESOLUTIONS

- *AR-229-15** Councilmember Brown presented and moved A RESOLUTION TO AUTHORIZE REVIEW AND SUBMISSION OF THE CY 2015 BEST PRACTICE INVENTORY PROGRAM AS REQUIRED BY THE NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-230-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT FOR ANIMAL CONTROL SERVICES WITH ASSOCIATED HUMANE SOCIETIES, INC.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-231-15** Councilmember Wenson Maier presented and moved A RESOLUTION AMENDING AR-218-15, “A RESOLUTION AUTHORIZING AWARDED A CONTRACT TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY ON OCTOBER 31, 2015”.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-232-15** Councilmember Farrar presented and moved A RESOLUTION APPROVING THE EXECUTION OF AN OUTDOOR LIGHTING SERVICE AGREEMENT AND THE PAYMENT OF UPFRONT CHARGES TO PUBLIC SERVICE ELECTRIC AND GAS COMPANY.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-233-15** Councilmember Miles presented and moved A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT TO DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, P.C TO PROVIDE SPECIAL COUNSEL SERVICES.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-234-15** Councilmember Cox presented and moved A RESOLUTION APPROVING A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO HATCH MOTT MACDONALD TO PERFORM A PRELIMINARY REVIEW OF THE ALTERNATIVE MEMBRANE SYSTEM FOR THE WATER TREATMENT PLANT UPGRADE PROJECT.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-235-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE FILING OF LIENS AGAINST CERTAIN PROPERTIES TO RECOVER CLEANUP COSTS INCURRED BY THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 151-4 OF THE CODE OF THE CITY OF RAHWAY AND N.J.S.A. 40:48-2.14.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-236-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND AND ANY REMAINING ESCROW TO SHARMA BROS., L. L. C., FOR SITE IMPROVEMENTS AT 762 ST. GEORGES AVENUE.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

***AR-237-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING RELEASE OF ON SITE PERFORMANCE BOND POSTED BY FAMILY HOSPITALITY (HOME 2 SUITES), LLC FOR 667 EAST MILTON AVE., BLOCK 338, LOTS 3.01 & 3.02 AND ANY REMAINING ESCROW IN THEIR ACCOUNT.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

***AR-238-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND POSTED BY VPG LAWRENCE STREET, LLC, 1296 LAWRENCE STREET, BLOCK 303, LOT 3.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

***AR-239-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND POSTED BY SP CONSTRUCTION & SON, L. L. C., 651-671 RIVER ROAD, BLOCK 213, LOTS 2 & 3.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-240-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED VETERAN DEDUCTION.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-241-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-242-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-243-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2012 FISCAL YEAR & 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-244-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-245-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-246-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-247-15** Councilmember Wenson Maier presented and moved A RESOLUTION AWARING CONTRACT FOR THE PURCHASE OF A NEW PROGRAMMABLE PORTABLE MESSAGE/SPEED BOARD.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

- *AR-248-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE APPOINTMENT OF ACRISURE AND BUSINESS & GOVERNMENTAL INSURANCE AGENCY AS VOLUNTARY BENEFITS BROKERS OF RECORD FOR THE CITY OF RAHWAY, COUNTY OF UNION, STATE OF NEW JERSEY.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

***AR-249-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2015 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.

11. Ordinances – Second Reading

O-32-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PARKING PROHIBITED AT ALL TIMES

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

401-70 Schedule XII: Parking prohibited at all times

ADD

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
W. Milton Ave. extending 265 feet west	South	From the apex of Broad St.

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

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

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

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

Roll Call for O-32-15:

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

ABSENT: Councilmember Baker

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

O-33-15

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

AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – TIME LIMIT PARKING

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

401-74 Schedule XVI: Time Limit Parking

DELETE

<i>Name of Street</i>	<i>Side</i>	<i>Time</i>	<i>Location</i>
W. Milton Ave extending 265 ft. west	South	2hrs 7am-6pm	From Broad St.

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

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

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

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

Roll Call for O-33-15:

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

ABSENT: Councilmember Baker

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

O-34-15

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT CERTAIN
REAL PROPERTY OWNED BY THE CITY OF RAHWAY, COUNTY OF
UNION, STATE OF NEW JERSEY BE LEASED TO THE RAHWAY
RIVER ASSOCIATION(D.B.A. RAHWAY RIVER WATERSHED
ASSOCIATION), A 501c3 CHARITABLE ORGANIZATION, PURSUANT
TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, it is essential, as a matter of public necessity, welfare, interest and convenience, that certain real property hereinafter described, and located in the City of Rahway, County of Union, State of New Jersey, be leased by the City of Rahway for public purposes; and

WHEREAS, the Local Lands and Buildings Law at N.J.S.A. 40A:12-14(c) authorizes municipalities to lease real property to a nonprofit corporation for a public purpose for nominal consideration; and

WHEREAS, the Local Lands and Buildings Law at N.J.S.A. 40A:12-15(i) further sets forth that a public purpose for which such a lease to a nonprofit corporation may be made includes “any activity for the promotion of the health,

safety, morals and general welfare of the community of any nonprofit corporation or association; ” and

WHEREAS, the City of Rahway desires to lease certain real property in the City of Rahway known as Block 330, Lot 2, on the official Tax Map of the City of Rahway and located at 337 E. Milton Avenue, Rahway, New Jersey, for nominal consideration to the Rahway River Association (D.B.A. Rahway River Watershed Association, hereby known as “The Association”), a 501(c)3 charitable organization, in order to help facilitate its activities which include the protection and restoration of the Rahway River and its ecosystem for the benefit and general welfare of the public, including the citizens of Rahway.

NOW THEREFORE BE IT ORDAINED by the Municipal Council of the City of Rahway, County of Union, State of New Jersey as follows.

SECTION 1. Authorization to Lease Land. Pursuant to the provisions of the “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1 et. seq., the City of Rahway is hereby authorized and directed to lease certain real property in the City of Rahway known as Block 330, Lot 2 as depicted on the Tax Map of the City of Rahway and located at 337 E. Milton Avenue, Rahway, New Jersey to The Association in accordance with the terms of a lease agreement to be negotiated between the parties. Said lease agreement shall be approved for execution by subsequent resolution of the Municipal Council.

SECTION 2. Authority of Agents. All and each one of the professionals of the City of Rahway, including but not limited to the City Attorney, are hereby authorized and directed to perform all acts necessary to lease such property to The Association behalf of the City of Rahway.

SECTION 3. Cost of Lease. The authorized disbursing officers of the City of Rahway are hereby authorized and directed to pay all sums necessary to lease the above real property, as well as any costs and/or fees necessary for the lease of the real property within the limits and authorities set forth in this Ordinance.

SECTION 4. This Ordinance shall take effect immediately or as required by law.

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

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

Roll Call for O-34-15:

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

ABSENT: Councilmember Baker

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

O-35-15

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

A BOND ORDINANCE PROVIDING FOR THE 2015 BASKETBALL AND TENNIS COURT IMPROVEMENTS PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$150,000 (INCLUDING A KIDS RECREATION TRUST GRANT FROM THE COUNTY OF UNION IN THE AGGREGATE AMOUNT OF \$40,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$104,760 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$150,000, which sum includes a Kids Recreation Trust Grant received from the County of Union in the amount of \$40,000 (the "Grant") and a down payment in the amount of \$5,240 for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the \$150,000 appropriation not provided for by the Grant, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$104,760 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 \$104,760 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the 2015 Basketball and Tennis Courts Improvements Program (the "Program), said Program to include, but is not limited to, various safety and general capital improvements (a) to the basketball court at Grover Cleveland School, including, but not limited to, as applicable, the milling, resurfacing, and restriping of the basketball court, and providing access in compliance with the American Disabilities Act; and (b) to the tennis courts at Berzinee Park, including, but not limited to, as applicable, improvements to pavement surface cracks and acrylic resurfacing. All such improvements or purposes shall include, but are not limited to, demolition, site preparation, the improvement and/or reconstruction of the courts, including, but not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing, analysis and disposal and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$104,760.

(c) The aggregate estimated cost of said improvements or purposes is \$150,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments, the Grant in the amount of \$40,000 and the down payment in the amount of \$5,240 and available for said purposes.

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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by

the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$104,760 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 \$38,500 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 President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-35-15:

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

ABSENT: Councilmember Baker

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

O-36-15

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

**AN ORDINANCE 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 261 W. Grand Ave.

North Side – From the northwest curb line of Allen Street heading west 283’ and extending to a point 22’ west 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 Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Raffio Giacobbe 1034 Midwood Dr.

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

Roll Call for O-36-15:

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

ABSENT: Councilmember Baker

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

12. MISCELLANEOUS

13. COMMUNICATIONS - Hearing of Citizens

Barbara Majewski 2126 Church St.

Said she met a couple who moved to Rahway from Nova Scotia and they were upset over the proposed plans for Rahway River Park. Stated that they bought a home on River Road and are not aware that River Road floods. Commented that someone is stealing "Stop the Stadium" signs. Asked for increased police presence in her neighborhood after school due to vandalism and harassment from students walking home from school.

Stanley Majewski 2116 Church St.

Commented on remarks made by Councilmember Mojica on Rahway River Park at recent Union County Freeholders Meeting.

Alice Fernandez 33 Emerson Rd., Clark

Stated her opposition to Rahway River Park project.

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

14. COUNCIL COMMENT

Councilmember Mojica: Clarified his statements made at recent Union County Freeholders Meeting. Commended Mayor and Administration for Halloween activities.

Councilmember Miles: Thanked Mayor for Halloween celebration. Said she enjoyed the fireworks.

Councilmember Giacobbe: Wished everyone Happy Thanksgiving. Praised Halloween festivities. Spoke on new home on River Road and noted that homeowners are required to be informed that they live in a flood zone because they must purchase flood insurance.

Councilmember Cox: Wished everyone Happy Thanksgiving. Invited public to attend Winter Wonderland on November 27.

Councilmember Brown: Wished everyone Happy Thanksgiving. Thanked Mayor and Administrator for Halloween festivities.

Council President Bresenhan: Wished everyone Happy Thanksgiving. Reminded residents to think of the less fortunate in our community during the holidays.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:51 p.m. was made by Councilmember Brown and seconded by Councilmember Giacobbe:

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

ABSENT: Councilmember Baker

Council President Bresenhan declared the motion carried.