

AGENDA
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
MAY 9, 2016
7 P.M.

“Each person addressing the Council shall first give their name and address to the Clerk. All remarks shall be addressed to the Council as a body and not to any member thereof and, shall not exceed five (5) minutes in duration.” (Chapter 5-63 (C) Rules of Order No. 3)

1. Roll Call

2. Pledge of Allegiance
Invocation

3. Approval of Minutes

April 5, 2016	7 p.m.	Pre-Meeting Conference
April 11, 2016	7 p.m.	Regular Meeting

3. Presentations

5. Communications from Mayor, reports of City Officers and list of Payment of Bills.

6. Reports of Council Committees.

7. Hearings of Citizens on Items on Agenda, Except Ordinances on Second Reading.
(Five Minutes per Speaker)

8. **CONSENT AGENDA**

Consent Agenda defined: All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or Citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda.

9 **ORDINANCES - First Reading**

O-10-16 AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING (Wenson Maier, Farrar)

10. RESOLUTIONS

- * **AR-99-16** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION (Miles, Brown)

- * **AR-100-16** A RESOLUTION AUTHORIZING THE ADOPTION OF THE UNION COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS SUBMITTED TO THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON NOVEMBER 6, 2015 (Mojica, Wenson Maier)

- * **AR-101-16** A RESOLUTION AWARDED A CONTRACT TO POWER DMS, INC. FOR A ONE-YEAR SUBSCRIPTION FOR THE POLICE DOCUMENT MANAGEMENT SERVICE (Bresenhan, Cox)

- * **AR-102-16** A RESOLUTION AWARDED A CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT TO GILA LLC D/B/A MUNICIPAL SERVICES BUREAU (Giacobbe, Farrar)

- * **AR-103-16** A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES (Brown, Miles)

- * **AR-104-16** A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES (Cox, Bresenhan)

- * **AR-105-16** A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY (Farrar, Mojica)

- * **AR-106-16** A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES (Wenson Maier, Brown)

- * **AR-107-16** A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR (Giacobbe, Miles)

- * **AR-108-16** A RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23-JUNE 5, 2016 (Brown, Cox)

- * **AR-109-16** A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WHITESTONE ASSOCIATES, INC. TO CONDUCT REMEDIAL INVESTIGATION AND REGULATORY COMPLIANCE SERVICES AT THE RAHWAY WATER TREATMENT PLANT (Wenson Maier, Miles)

11. ORDINANCES - Second Reading

- O-8-16** AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC – STOP INTERSECTIONS) (Brown, Miles)

- O-9-16** A BOND ORDINANCE PROVIDING FOR THE ENVIRONMENTAL REMEDIATION OF VARIOUS PROPERTIES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,285 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF (Brown, Mojica)

12. MISCELLANEOUS

13. Communications - Hearing of Citizens on Any Item.

(Five Minutes per Speaker)

14. Council Comment

(Three Minutes per Member)

ADJOURNMENT

**ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. O-10-16

**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 109 W. Cherry Street

North Side – From the apex of Esterbrook Ave heading east 172’ and extending to a point 22’ 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**

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-99-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION

WHEREAS, under the New Jersey Motor Vehicle Security and Customer Service Act (the “Act”), the MVC has been charged with the responsibility to deter criminal activity at all Motor Vehicle Agencies; and

WHEREAS, the MVC is expressly authorized under the Act to enter into contracts or agreements with public or private entities in order to carry out its functions; and

WHEREAS, pursuant to the Act the MVC shall implement and be responsible for the MVC Law Enforcement Agency Security Enhancement (“LEASE”) Program; and

WHEREAS, the MVC desires to engage the Rahway Police Department to provide certain services as provided in the Memorandum of Understanding on file in the City Clerk’s Office; and

WHEREAS, MVC and the Division desire to enter into this agreement with the Rahway Police Department.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Rahway that the Mayor or his designee is authorized to enter into an agreement with the MVC under the terms and conditions contained in the Memorandum of Understanding on file in the City Clerk’s Office.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-100-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE ADOPTION OF THE UNION COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS SUBMITTED TO THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON NOVEMBER 6, 2015

WHEREAS, the City of Rahway, in the County of Union, State of New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS, a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee; and

WHEREAS, the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the Union County website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Rahway:

1. The Union County Multi-Jurisdictional *Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on November 6, 2015 by the Union County Office of Emergency Management and approved on February 22, 2016 is hereby adopted as an official plan of the City of Rahway; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The departments of the City of Rahway identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the City of Rahway, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The City of Rahway Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Union County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.
5. This resolution shall take effect immediately.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-101-16

Date of Adoption _____

A RESOLUTION AWARDING A CONTRACT TO POWER DMS, INC. FOR A ONE-YEAR SUBSCRIPTION FOR THE POLICE DOCUMENT MANAGEMENT SERVICE

WHEREAS, there is a need by the Rahway Police Department to provide and accurately track documents, training programs and records for their staff members; and

WHEREAS, it has been determined that PowerDMS, Inc. offers the most suitable product for the Police Department's needs.

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-5(dd)), a contract for the provision or performance of goods and services for the support or maintenance of proprietary computer hardware and software may be negotiated and awarded by the Municipal Council without public advertising for bids; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rahway, in the County of Union, to award a contract to PowerDMS, 101 S. Garland Ave. Suite 300, Orlando Fl., 32801, in an amount not to exceed \$7,064.00.

Attached hereto is the certification of the Chief Financial Officer of the City of Rahway, which states that there are legally appropriated sufficient funds within the Current Fund, Account 03-215-55-790-110 to cover the cost of this contract.

This certification is required on all contracts as per regulations of the Director of Local Government Services.

City of Rahway
Department of Revenue & Finance

May 9, 2016

Hon. Samson Steinman, Mayor
Members of the Municipal Council
City of Rahway
One City Hall Plaza
Rahway, New Jersey 07065

Re: A RESOLUTION AWARDING A CONTRACT TO POWER DMS, INC. FOR A ONE-
YEAR SUBSCRIPTION FOR THE POLICE DOCUMENT MANAGEMENT
SERVICE

Dear Mayor and Council Members:

Please be advised that there are legally appropriated sufficient funds within the Current Fund,
Account 03-215-55-790-110, to cover the cost of this contract.

This certification is required on all contracts as per regulations of the Director of Local
Government Services.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. C. Ruggiero', written over the printed name.

Frank C. Ruggiero
Chief Financial Officer

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-102-16

Date of Adoption _____

A RESOLUTION AWARDING A CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT TO GILA LLC D/B/A MUNICIPAL SERVICES BUREAU

WHEREAS, the City of Rahway is in need of services for the collection of outstanding municipal court debt; and

WHEREAS, the City issued a Request for Proposals (“RFP”) for such services; and

WHEREAS, the City received only one proposal from Gila LLC d/b/a Municipal Services Bureau, 8325 Tuscany Way, Building 4, Austin, Texas 78754; and

WHEREAS, the proposal submitted has been reviewed and deemed complete and in compliance with the RFP.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Rahway that the Mayor is hereby authorized to execute a contract with Gila LLC d/b/a Municipal Services Bureau, 8325 Tuscany Way, Building 4, Austin, Texas 78754 for the collection of outstanding municipal court debt in accordance with the proposal that was submitted dated April 8, 2016.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-103-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES

IT IS HEREBY RESOLVED by the Municipal Council of the City of Rahway that the Treasurer is authorized and directed to refund the following fees incurred with the Department of Building, Planning & Economic Development:

Name	Address	Permit No.	Amount
Anissa Strong	1824 Barnett St.	15/0468	\$260.00
First Presbyterian Church	1731 Church St.	15/0915	\$603.00
Froebel Morisseau	142 W. Hazelwood Ave.	16/0307	158.00

BE IT FURTHER RESOLVED that refunds be issued to the following people and/or organizations at the addresses listed above.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-104-16

Date of Adoption _____

A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES

IT IS HEREBY RESOLVED, by the Municipal Council of the City of Rahway that the Treasurer is authorized and directed to refund the following amount to the following people for fees incurred with the Department of Parks & Recreation:

Name/Company	Address	Amount	Event
Celeste Ruzak Roosevelt School	811 St. Georges Avenue	\$ 100.00	Hart Street Park Security Deposit
Angela Botero	1095 Fulton Street	\$ 35.00	Reimbursement
Total		\$ 135.00	

BE IT FURTHER RESOLVED, the refunds be sent to the above names and addresses listed above.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-105-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY

WHEREAS, THE COLLECTOR OF TAXES advises that the following Taxpayer(s) and/or their agents have successful judgments in the Tax Court of New Jersey and are entitled to refunds of taxes already paid

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and is hereby authorized and directed to draw a warrant on the Chief Financial Officer in the following names and amounts, to refund said overpayments.

AND BE IT FURTHER RESOLVED, that the Chief Financial Officer deliver the check to the Municipal Tax Collector to be delivered to said taxpayer(s) after proper notation of the refund has been made on the Tax record.

<u>YEAR</u>	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER/ ATTORNEY</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
2014	300	10	SPG Elston Martin, LLC	880 Elston Street	\$ 3,635.54
2015					\$ 3,701.76
				Total	\$ 7,337.31

Check payable to:

SPG Elston Martin, LLC

Mail check to:

Zipp Tannenbaum & Caccavelli, LLC
280 Raritan Center Parkway
Edison, NJ 08837

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-106-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES

WHEREAS, the City of Rahway held tax lien sales on various dates for unpaid fiscal year taxes and municipal charges, and various tax sale certificates were struck off and sold to the following lien holders on the following blocks and lots; and

WHEREAS, the owners of said properties have paid all money due to the tax collector for the redemption of said tax sale certificates; and

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and he is hereby authorized and directed to draw a warrant on the Chief Financial Officer in the following names and amounts to refund said money.

AND BE IT FURTHER RESOLVED, that the Chief Financial Officer deliver the checks to the Municipal Tax Collector to be delivered to said persons after proper notation of the refund has been recorded on the tax records.

2012 Tax Liens

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
244 44	797 Rodgers CT	Trade Money LLC 29 Palisades RD STE 18 Old Bridge NJ 08857	\$934.69	\$300.00

Certificate 2012-0211

2014 Tax Lien

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
87 4	1226 Broad Street	US Bank Cust for PC5 Sterling NTL US Bank Global Corp Trst 50 S 16th Street STE 2050 Philadelphia, PA 19102	\$1,270.42	\$700.00

Certificate 2014-0013

2015 Tax Lien

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
57 8	663 West Meadow Ave	HUG Investments 25 Adams Street Clark NJ 07066	\$6,113.59	\$1,700.00

Certificate 2015-0008

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-107-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR

WHEREAS, it has been found that the following CY 2015 taxes have been overpaid in error.

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be and he is hereby authorized and directed to draw a warrant on the Chief Financial Officer in the following names and amounts to refund said overpayments.

AND BE IT FURTHER RESOLVED, that the Chief Financial Officer deliver the checks to the Municipal Tax Collector to be delivered to said taxpayers after proper notation of the refund has been made on the tax records and Tax computer.

2015 CALENDAR YEAR TAXES

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND</u>
233	21	Thomas & Nancy Riley 294 West Lincoln Ave Rahway NJ 07065	294 West Lincoln Ave	\$602.59

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-108-16

Date of Adoption _____

A RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23-JUNE 5, 2016

WHEREAS, there were 260 motor vehicle fatalities in New Jersey in 2015; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2016 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 93%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the City of Rahway declares its support for the Click It or Ticket seat belt mobilization both locally and nationally from May 23 – June 5, 2016 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION

CITY OF RAHWAY, NEW JERSEY

No. AR-109-16

Date of Adoption _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF RAHWAY AND WHITESTONE ASSOCIATES, INC. TO CONDUCT REMEDIAL INVESTIGATION AND REGULATORY COMPLIANCE SERVICES AT THE RAHWAY WATER TREATMENT PLANT

WHEREAS, the City of Rahway requires the services of an environmental engineer to conduct remedial investigation and regulatory compliance services at the Rahway Water Treatment Plant; and

WHEREAS, by Resolution No. AR-40-16 Whitestone Associates, Inc. was pre-qualified to provide environmental engineering services to the City; and

WHEREAS, Whitestone Associates, Inc. has submitted a proposal dated January 28, 2016 to perform the aforementioned services; and

WHEREAS, the City desires to award a contract to Whitestone Associates, Inc. to conduct remedial investigation and regulatory compliance services at the Rahway Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey:

- 1) The Mayor and Municipal Clerk of the City of Rahway are hereby authorized to execute a professional services agreement with Whitestone Associates, Inc. in an amount not to exceed \$129,400.00.
- 2) A notice in accordance with this Resolution and the Local Public Contracts Law shall be published in the official newspaper of the City of Rahway as required by law within ten (10) days of its passage.
- 3) That an executed copy of the Contract and a copy of this Resolution shall be filed in the office of the Municipal Clerk of the City of Rahway and shall be available there for public inspection in accordance with law.
- 4) This Resolution shall take effect immediately or as otherwise provided by law.

Attached hereto is the certification of the Chief Financial Officer of the City of Rahway, which states that there are legally appropriated funds within the Current Fund- Account 01-201-20-100, to cover the cost of this contract.

This certification is required on all contracts as per regulations of the Director of Local Government Services.

City of Rahway
Department of Revenue & Finance

May 9, 2016

Hon. Samson Steinman, Mayor
Members of the Municipal Council
City of Rahway
One City Hall Plaza
Rahway, New Jersey 07065

Re: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF RAHWAY AND WHITESTONE ASSOCIATES, INC. TO CONDUCT REMEDIAL INVESTIGATION AND REGULATORY COMPLIANCE SERVICES AT THE RAHWAY WATER TREATMENT PLANT

Dear Mayor and Council Members:

Please be advised that there are legally appropriated sufficient funds within Current Fund- Account 01-201-20-100 to cover the cost of this contract.

This certification is required on all contracts as per regulations of the Director of Local Government Services.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. C. Ruggiero', written in a cursive style.

Frank C. Ruggiero
Chief Financial Officer

**ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. O-8-16

**AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF
RAHWAY (VEHICLES AND TRAFFIC – STOP INTERSECTIONS)**

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

§ 401-65 Schedule VII: Stop Intersections.

ADD

Intersection

Stop signs on

Hancock St. & Essex St.

Hancock St. (westbound lane) & Essex St. (southbound lane)

**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.**

**ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. O-9-16

A BOND ORDINANCE PROVIDING FOR THE ENVIRONMENTAL REMEDIATION OF VARIOUS PROPERTIES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,285 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 \$225,000, which sum includes \$10,715 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$225,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$214,285 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 \$214,285 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 environmental remediation of various properties, including, but not limited to, environmental investigations and remedial action and clean-up associated with the closure of the underground storage tank at 999 Hart Street and the planned remediation at 1049 Westfield Avenue and the Hamilton Laundry, and all planning, permitting, reporting, historical findings associated with same and necessary therefor or incidental thereto and shall also include 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 \$214,285.

(c) The estimated cost of said improvement or purpose is \$225,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$10,715 is comprised of the down payment for said improvement or purpose.

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

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

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

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on Properties 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 5 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 \$214,285 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 \$225,000 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 Properties 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 payor 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.