

**AGENDA**  
**PRE-MEETING CONFERENCE / REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**JUNE 13, 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 5-60 (C) Rules of Order No. 3)*

1. Roll Call
2. Pledge of Allegiance  
Invocation
3. Approval of Minutes

May 3, 2016	7 p.m.	Pre-Meeting Conference
May 9, 2016	7 p.m.	Regular Meeting Conference
May 23, 2016	6:30 p.m.	Special Meeting

4. Presentations
5. Communications from Mayor, reports of City Officers and list of Payment of Bills.
6. Reports of Council Committees.

**6a. REVIEW AGENDA**

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**

<b>O-13-16</b>	AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE NO. O-7-16 OF THE CITY OF RAHWAY
<b>O-14-16</b>	AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, TO AMEND THE CODE OF THE CITY OF RAHWAY, TO CREATE CHAPTER ____ “ABANDONED PROPERTIES”
<b>O-15-16</b>	AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, TO ACQUIRE, BY PURCHASE OR CONDEMNATION 1044 EAST HAZELWOOD AVENUE, BLOCK 340, LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY

<b>O-16-16</b>	AN ORDINANCE TO AMEND AND SUPPLEMENT THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:12A-7
<b>O-17-16</b>	AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 421, ZONING, OF THE CODE OF THE CITY OF RAHWAY TO PERMIT TOWERS AND ANTENNAS FOR TELECOMMUNICATIONS SERVICES ON PUBLICLY OWNED PROPERTY
<b>O-18-16</b>	BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,250,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT, A COMMUNITY DEVELOPMENT BLOCK GRANT AND A UNION COUNTY INFRASTRUCTURE GRANT EXPECTED TO BE RECEIVED BY THE CITY) AND AUTHORIZING THE ISSUANCE OF \$1,190,476 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF
<b>O-19-16</b>	BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS OF THE WITHERSPOON STREET OUTFALL AND MONROE STREET SEWER LINES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$325,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

**10. RESOLUTIONS**

<b>AR-120-16</b>	A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2016 "LEADERS OF TOMORROW" SUMMER ENRICHMENT CAMP PROGRAM
<b>AR-121-16</b>	A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO MICHAEL DAIKALO FOR PERMIT #04-15-035 DATED 04/7/2015 FOR 24' CURB AT 419 ORCHARD STREET, BLOCK , LOT 2
<b>AR-122-16</b>	A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO DAMUS PAUL FOR PERMIT #04-15-045 DATED 05/4/2015 FOR DRIVEWAY APRON AND CURB AT 1939 HENRY STREET, BLOCK 355 , LOT 25
<b>AR-123-16</b>	ROW - ELIZABETHTOWN GAS COMPANY
<b>AR-124-16</b>	A RESOLUTION AUTHORIZING THE SALE OF ABANDONED MOTOR VEHICLES BY THE POLICE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 39:10A-1
<b>AR-125-16</b>	A RESOLUTION APPOINTING JACQUELINE FOUSHEE, P.E., C.M.E. CITY ENGINEER FOR THE CITY OF RAHWAY
<b>AR-126-16</b>	A RESOLUTION AWARDED A CHANGE ORDER TO TOMAR CONSTRUCTION, LLC FOR THE REMEDIAL CONSTRUCTION OF "STRUCTURAL REINFORCEMENT AND REPAIR TO THE EXISTING WESTERLY WALL OF THE SEDIMENTATION BASIN NO. 2" UNDER TOMAR CONSTRUCTION, LLC'S CONTRACT AWARDED PER CITY OF RAHWAY'S RESOLUTION NO. AR-93-15
<b>AR-127-16</b>	AUTHORIZATION TO ENTER INTO SETTLEMENT OF TAX APPEAL REGARDING BLOCK 282, LOT 1.01; BLOCK 283, LOT 4; BLOCK 284, LOT 15;

	AND BLOCK 309, LOT 35 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY FOR PROPERTY OWNED BY RAHWAY INDUSTRIAL SITES, INC.
<b>AR-128-16</b>	RESOLUTION AUTHORIZING JONES ACT ASSIGNMENT SALE OF MUNICIPAL TAX TITLE LIENS
<b>AR-129-16</b>	A RESOLUTION AUTHORIZING AWARDED A CONTRACT TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY FOR THE CELEBRATION OF INDEPENDENCE DAY 2016
<b>AR-130-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF A SENIOR DEDUCTION FOR THE C/Y 2015 & 2016
<b>AR-131-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2012 TAX LIENS
<b>AR-132-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2013 TAX LIENS
<b>AR-133-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2015 TAX LIENS
<b>AR-134-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR

**11. ORDINANCES - Second Reading**

<b>O-11-16</b>	AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
<b>O-12-16</b>	AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND R2-N2 URBAN RENEWAL PROPERTIES, LLC FOR PROPERTY LOCATED ON LOTS 18, 19, 20, 21 AND PART OF 23 IN BLOCK 318 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE CENTRAL BUSINESS DISTRICT AREA

**12. MISCELLANEOUS**

13. Communications - Hearing of Citizens on Any Item.  
(Five Minutes per Speaker)

14. Council Comment  
(Three Minutes per Member)

**ADJOURNMENT**

**MINUTES**  
**PRE-MEETING CONFERENCE**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MAY 3, 2016**  
**7 P. M.**

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

PRESENT: Councilmembers Bresenhan, Brown, Cox, Farrar, Giacobbe, Miles, Mojica, 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 May 3, 2016 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the *Union County Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2016 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.

**PLEDGE OF ALLEGIANCE**

In the absence of a Member of the Clergy, Council President Baker offered an invocation.

**PRESENTATIONS**

**COMMUNICATIONS FROM MAYOR, REPORTS OF CITY OFFICERS**

**REPORTS OF COUNCIL COMMITTEES**

The members of Council discussed all the items to be placed on the Agenda and voted on at the Regular Meeting of May 9, 2016.

**COMMUNICATIONS - Hearing of Citizens**

With no one appearing, Council President Baker closed the public hearing.

**ADJOURNMENT**

Motion to adjourn the meeting at 7:10 p.m. was made by Councilmember Brown and seconded by Councilmember Giacobbe:

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

Council President Baker declared the motion carried.

Approved:

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Jeffrey J. Jotz, RMC  
City Clerk

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James E. Baker, Jr.  
Council President

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

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

**PRESENT:** Councilmembers Bresenhan, Brown, Cox, Farrar, Giacobbe, Miles, Mojica, 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 May 9, 2016 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the Union County *Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2016 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 Baker offered an invocation.

3. **APPROVAL OF MINUTES**

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

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

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

Council President Baker declared the motion carried.

4. **PRESENTATIONS**

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

6. **REPORTS OF COUNCIL COMMITTEES**

Councilmember Wenson Maier made a motion to place AR-110-16 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Brown.

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

Council President Baker declared the motion carried.

Councilmember Giacobbe made a motion to place AR-111-16 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Mojica.

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

Council President Baker declared the motion carried.

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

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

#### **8. CONSENT AGENDA**

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

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

Council President Baker declared the motion carried.

#### **9. ORDINANCES - First Reading**

**O-10-16** 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 Wenson Maier, seconded by Councilmember Farrar and adopted by the following vote:

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

Council President Baker: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its

introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting on June 13, at 7 p.m.

## **10. RESOLUTIONS**

- \*AR-99-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION.

The motion was seconded by Councilmember Brown.

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

Council President Baker declared the motion carried.

- \*AR-100-16** Councilmember Mojica presented and moved 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.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Baker declared the motion carried.

- \*AR-101-16** Councilmember Bresenhan presented and moved A RESOLUTION AWARDED A CONTRACT TO POWER DMS, INC. FOR A ONE-YEAR SUBSCRIPTION FOR THE POLICE DOCUMENT MANAGEMENT SERVICE.

The motion was seconded by Councilmember Cox.

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

Council President Baker declared the motion carried.

- \*AR-102-16** Councilmember Giacobbe presented and moved A RESOLUTION AWARDDING A CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT TO GILA LLC D/B/A MUNICIPAL SERVICES BUREAU.

The motion was seconded by Councilmember Farrar.

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

Council President Baker declared the motion carried.

- \*AR-103-16** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES.

The motion was seconded by Councilmember Miles.

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

Council President Baker declared the motion carried.

- \*AR-104-16** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Bresenhan.

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

Council President Baker declared the motion carried.

- \*AR-105-16** Councilmember Farrar 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 Mojica.

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

Council President Baker declared the motion carried.

- \*AR-106-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Baker declared the motion carried.

- \*AR-107-16** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Miles.

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

Council President Baker declared the motion carried.

- \*AR-108-16** Councilmember Brown presented and moved A RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23-JUNE 5, 2016.

The motion was seconded by Councilmember Cox.

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

Council President Baker declared the motion carried.

- \*AR-109-16** Councilmember Wenson Maier presented and moved 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.

The motion was seconded by Councilmember Miles.

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

Council President Baker declared the motion carried.

**\*AR-110-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS.

The motion was seconded by Councilmember Giacobbe.

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

Council President Baker declared the motion carried.

**\*AR-111-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS.

The motion was seconded by Councilmember Giacobbe.

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

Council President Baker declared the motion carried.

## **11. ORDINANCES – SECOND READING**

**O-8-16** Council President Baker: 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 – 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.**

Council President Baker 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 Baker closed the Public Hearing.

Roll Call for O-8-16:

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

Council President Baker: 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-9-16** Council President Baker: 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 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.

Council President Baker 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 Baker closed the Public Hearing.

Roll Call for O-6-16:

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

Council President Baker: 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.



**MINUTES**  
**SPECIAL MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MAY 23, 2016 ~ 6:30 P.M.**

1. Council President Baker called the meeting to order at 6:33 p.m. and asked for a Roll Call.

**PRESENT:** Councilmembers Brown, Cox (at 6:34 p.m.), Farrar, Giacobbe, Miles, Wenson Maier (at 6:34 p.m.), Baker

**ABSENT:** Bresenhan and Mojica

The 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.

2. **PLEDGE OF ALLEGIANCE**

In the absence of a member of the Clergy, Council President Baker offered an invocation.

2. **ORDINANCES – FIRST READING**

**O-11-16** City Clerk Jotz read AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

**YES:** Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Baker

**ABSENT:** Bresenhan and Mojica

**O-12-16** City Clerk Jotz read AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND R2-N2 URBAN RENEWAL PROPERTIES, LLC FOR PROPERTY LOCATED ON LOTS 18, 19, 20, 21 AND PART OF 23 IN BLOCK 318 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE CENTRAL BUSINESS DISTRICT AREA

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

**YES:** Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Baker

**ABSENT:** Bresenhan and Mojica

## **2. RESOLUTIONS**

**AR-112-16** Councilmember Miles presented and moved A RESOLUTION INTRODUCING THE CY 2016 MUNICIPAL BUDGET

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-113-16** Councilmember Cox presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF AUTHORIZING A SUSTAINABLE LAND USE PLEDGE

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-114-16** Councilmember Wenson Maier presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-115-16** Councilmember Farrar presented and moved A RESOLUTION APPOINTING RAYNA E. HARRIS AS MUNICIPAL CLERK

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-116-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-117-16** Councilmember Baker presented and moved A RESOLUTION OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY APPROVING THE FORM OF THE ATTACHED LETTER OF INTENT AND AUTHORIZING THE FORWARDING OF SAME TO THE UNION COUNTY IMPROVEMENT AUTHORITY

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-118-16** Councilmember Giacobbe presented and moved A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY SUPPORTING NEW JERSEY'S WILDLIFE ACTION PLAN

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**AR-119-16** Councilmember Miles presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY 2016 SPECIAL IMPROVEMENT DISTRICT (RAHWAY Arts District) BUDGET

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

**3. HEARING OF CITIZENS ON ANY ITEM** (Three Minutes per Speaker)

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

**4. ADJOURNMENT**

Motion to adjourn the meeting at 6:44 p.m. was made by Councilmember Cox and seconded by Councilmember Miles.

YES: Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Baker

Council President Baker declared the motion carried.

Approved:

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Jeffrey J. Jotz, RMC  
City Clerk

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James E. Baker, Jr.  
Council President

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-13-16    

### AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE NO. O-7-16 OF THE CITY OF RAHWAY

**WHEREAS**, the City of Rahway has adopted an Administration of Government Ordinance to create and set forth the duties of the offices, departments, boards, bodies and agencies of the City’s government; and

**WHEREAS**, the City of Rahway desires to amend and supplement portions of Chapter 5, Administration of Government, of the Code of the City of Rahway.

**NOW, THEREFORE**, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1.** “Chapter 5, Article XVIII, Department of Fire,” of the Code of the City of Rahway is amended to include the following:

§ 5-73. Special-duty jobs, salary and vehicle fees.

A. Any and all special-duty assignments for fire personnel shall be determined and approved by the Chief of Fire or his or her designee. No fire personnel shall perform special-duty assignments for private parties or non-law enforcement entities for compensation other than through the procedure set forth in this article. The Chief of Fire or his or her designee shall obtain such information as he or she determines necessary and is authorized to approve such special-duty fire work in accordance with this article. The Chief of Fire or his or her designee may assign a fire vehicle for use in performing special-duty if and in the event it is determined that the use of a fire vehicle is necessary to perform the contracted duty. A separate fee shall be charged for the use of such fire vehicle. The Chief of Fire or his or her designee may deny the assignment or use of firemen vehicles and/or may impose any condition or requirement as in his or her sole discretion and determination is in the best interest of the City or public safety. The Chief of Fire or his or her designee shall be guided by the nature of the assignment and may refuse to approve those with conflict of interest and/or significant risk of injury. This section does not apply to assignments or work performed for or at the direction of any special task force or similar assignments by other law enforcement or firefighting agencies.

B. Assignments to be voluntary. Fire personnel may volunteer to participate in the special-duty jobs program. All special assignments shall be administered by the Chief of Fire or his or her designee in accordance with a fair and reasonable system, which shall take into account the seniority of the fire personnel, unless exigent circumstance such as time constraints or special skills dictate otherwise. Work assignments under the program shall be considered voluntary and participants shall be compensated in accordance with the rates set forth herein.

C. Fire personnel on duty; agreement; payment and costs. Fire personnel engaged in special-duty assignments shall be deemed on duty for all purposes, including, but not limited to, worker's compensation, public liability and third-party claims for damages and shall conform to all Fire Department rules, regulations and procedures. All such agreements for special-duty assignments shall be contracted for in writing by the completion of a form available from the Fire Department, which contracts shall be kept on record as other such public documents. Delinquent parties shall be liable for all costs, fees and attorneys' fees associated with the collection of any amounts due. Private parties or attorneys who utilize fire personnel in civil cases by subpoena will be responsible to reimburse the City for the costs incurred for the fire personnel's time while complying with the subpoena. The time incurred will be billed by the City to the requesting private attorney or party at the rate established for special-duty assignments. Fire personnel will continue to be compensated by the City as per past practice and the collective bargaining agreement for time responding to subpoena(s). This section does not apply to internal administrative or disciplinary matters in which reimbursement to the City is not applicable.

D. Work to be done within municipality; outside assistance. All special-duty assignments shall be within the City, unless specific written approval is given by the Chief of Fire and/or the Business Administrator to the fire personnel to work outside of the City. The Chief of Fire or his or her designee may contact adjoining municipal fire departments to see if they are willing to perform such special assignments. This does not apply to assignments crossing municipal boundaries in which the work is partially performed within the City.

E. Special fund.

(1) All payments for special-duty assignments shall be deposited in and be made through a special fire trust fund established by the City's Chief Financial Officer, from which payment shall be made to the individual fire personnel performing such service. All payments from the trust fund shall be made to the fire personnel in a timely manner as provided by law, subject to required deductions and an administrative fee to be retained by the municipality. Any dispute between the contractor and the fire personnel on assignment as to services required or compensation due shall be determined by the Chief of Fire or his or her designee. The Chief of Fire's decision, or that of his or her designee, shall be final and binding.

(2) All requests by private and/or non-law enforcement parties for special-duty services shall be made no later than 1600 hours on the day prior to the scheduled workday, except in the event of exigent circumstances. This time period may be waived by the Chief of Fire or his or her designee. Upon filing the request, the requesting party shall deposit with the City, or have on deposit, in the Special Duty Fire Trust Fund at least sufficient funds to pay for the services requested, including all administrative charges. The amount required to be deposited shall be subject to the determination and approval of the Chief of Fire or his or her designee and must at all times be sufficient to pay for special-duty services before said services are rendered, and no services shall be rendered unless prepaid. In the event that the request for special services was not made by 1600 hours on the day prior to the scheduled workday, the "emergency traffic/security rates" as enumerated in § 5-73E(5) herein shall come into effect.

(3) Parties that utilize special-duty services on a regular basis for a week or longer shall maintain a minimum balance of the average weekly expenditure in the fund. Parties that utilize special-duty services on a regular or frequent basis shall maintain a minimum deposit of \$500 in the fund. The Chief of Fire or his or her designee shall have the authority to determine the appropriate minimum balance for a particular party utilizing services to ensure adequate funds are on deposit to timely pay the officers and administrative fees for services provided. The Chief of Fire or his or her designee, with the approval of the Business Administrator, may waive or adjust the minimum balance required for assignments for municipalities, government agencies, utilities or nonprofit organizations.

(4) No services shall be rendered for any party that does not have funds on deposit sufficient to cover the services. No services shall be rendered to any party that is delinquent on payment for past services rendered. Delinquent parties shall be liable for interest at 18% per annum on any funds noticed to the party as delinquent, together with any damages or attorneys' fees or costs incurred by reason of their delinquency. If the Chief of Fire or his or her designee determines a detail poses a hazardous condition or a concern for public safety when not properly staffed, he or she may cancel any proposed assignment. The Chief of Fire or his or her designee shall have the right to cancel special-duty job services when a party is delinquent in payment.

(5) Hourly rates/charges.

(a) The hourly rate/charge payable to fire personnel shall be as follows:

Job	Rate Per Hour Under 8 hours	In Excess of 8 Hours
Fire Watch	\$50.00	\$75.00

(b) A four-hour minimum is applicable to all jobs unless waived by the Chief of Fire or his or her designee.

(6) Any work performed on the following days shall be paid at a rate of time and a half; in excess of eight hours shall be paid at a rate of double time:

(a) New Year's Eve.

(b) New Year's Day.

(c) Easter.

(d) Memorial Day.

(e) July 4th.

(f) Labor Day.

(g) Thanksgiving.

(h) Christmas Eve.

(i) Christmas Day.

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

(8) Hours will be billed in full-hour increments only. If fire personnel work 15 minutes or greater into an hour, a full hour will be billed.

F. Cancellation. Any assignment which is canceled on less than two hours' notice shall be charged against the party. Upon cancellation, the contractor shall be responsible for the minimum payment of four hours, per each fire personnel assigned plus vehicle and administrative fees, at the specified rate plus any administrative fees that may apply.

G. Authority to terminate assignment. The Chief of Fire or his or her designee has the authority to order any fire personnel to vacate or terminate any special-duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of fire personnel and/or public in the sole determination and discretion of the Chief of Fire or his or her designee. The contractor shall not be responsible for any compensation for the time that fire personnel is away from the special-duty assignments and shall have no claim for any costs or damages against the municipality, the Chief of Fire or his or her designee or any firemen arising from the termination of any special-duty assignment other than the prorated return of any fees prepaid to the City for the time.

H. Insurance coverage. The City shall be responsible to provide all necessary insurance coverage as required by law for all special-duty assignments for fire personnel, including but not limited to workers' compensation, public liability and claims for damage or personal injury, including death or damage to property, which may arise as a result from the City's performance under the contract.

I. Conformance with agreement. All special-duty assignments and related work shall be performed in accordance with the agreement for special-duty assignment of fire personnel entered into between the contractor and the municipality.

J. The Chief of Fire or his or her designee, subject to the approval of the Business Administrator, has the authority to set reasonable rules and regulations for fire personnel, as well as contractors/vendors, for the administration of the special-duty jobs program.

**Section 2.** § 5-73 through § 5-75 within "Chapter 5, Article XXI, "Meeting Times Starting Times of Agencies, Boards and Commissions," shall be renumbered § 5-74 through § 5-76.

**Section 3.** § 5-76 through § 5-77 within “Chapter 5, Article XXII, “Affirmative Action Policy” shall be renumbered § 5-77 through § 5-78.

**Section 4.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 5.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 6.** This Ordinance shall become effective after second reading and publication as required by law.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-14-16    

**AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, TO AMEND THE CODE OF THE CITY OF RAHWAY, TO CREATE CHAPTER \_\_\_\_ “ABANDONED PROPERTIES”**

**WHEREAS**, pursuant to the Abandoned Property Rehabilitation Act (N.J.S.A. 55:19-78 et seq.), the Mayor and Council of the City of Rahway has the power to establish an Abandoned Property List and to establish and adopt specific municipal powers that are authorized to municipalities under the New Jersey Abandoned Property and Rehabilitation Act, N.J.S.A. 55:19-78 et seq., (the “Act”).

**WHEREAS**, the Mayor and Council of the City of Rahway (“City”), strongly agree with the Act that abandoned properties create a wide range of problems for municipalities, including but not limited to, the fostering of criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

**WHEREAS**, the Mayor and Council of the City strongly agree with the Act that abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

**WHEREAS**, the Mayor and Council of the City strongly agree with the Act that, based upon the above, abandoned properties are presumptively considered nuisances in view of their negative effects on nearby properties and the residents or users of those nearby properties; and

**WHEREAS**, the Mayor and Council of the City strongly agree with the Act that the continued presence of abandoned properties in the City of Rahway acts as a significant barrier to the City's continued development and revitalization; and

**WHEREAS**, the Mayor and Council of the City strongly agree with the Act that it is the responsibility of the property owner to maintain his/her property in sound condition and prevent it from becoming a nuisance, that this responsibility extends to properties which are not in use, and failure of a property owner to comply with legitimate orders to pay his/her property taxes, demolish, stabilize or otherwise repair his or her property after due notice and the passage of the requisite time period, creates a presumption that the owner has abandoned the property,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Rahway that the Code of the City of Rahway is hereby amended to establish and adopt the municipal powers authorized by the Act, N.J.S.A. 55:19-78 et seq., and related statutory provisions, by adopting new chapter \_\_\_\_ entitled “Abandoned Properties” as follows:

**§1. DEFINITIONS.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABANDONED PROPERTY**

Any property that is determined to be abandoned pursuant to N.J.S.A. 55:19-78 et al.

**ABANDONED PROPERTY LIST**

An inventory list of Abandoned Property, created pursuant to N.J.S.A. 55:19-55.

**DEPARTMENT**

The New Jersey Department of Community Affairs.

**INTERESTED PARTY**

Any resident of the City of Rahway, any owner or operator of a business within the City of Rahway, or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

**LIEN HOLDER or MORTGAGE HOLDER**

Any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

**OWNER**

The holder or holders of title to an Abandoned Property.

**PROPERTY**

Any building or structure and the land appurtenant thereto.

**PROPERTY IN NEED OF REHABILITATION**

Improved, legally vacant property in a state of disrepair as set forth in N.J.S.A. 40A:12A-3 or 14, except that it need not be in an area in need of rehabilitation.

**PUBLIC OFFICER**

A person designated or appointed by the municipal governing body pursuant to N.J.S.A. 40:48-2.5, or any officer of the City qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78 et al., or the Construction Code Official or his/her designee.

**QUALIFIED REHABILITATION ENTITY**

An entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional

consultants, financial resources, and prior activities set forth in the Act to carry out the rehabilitation of vacant buildings in urban areas.

All undefined terms in this ordinance are given the definition set forth in the Act or otherwise at law.

**§2. ABANDONED PROPERTY CRITERIA.**

A. Except as provided in N.J.S.A. 55:19-83, any improved vacant property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be Abandoned Property upon a determination by the Public Officer that:

(1) The property is a Property In Need of Rehabilitation in the reasonable judgment of the Public Officer and no rehabilitation has taken place during that same six (6) month period; or

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Public Officer pursuant to this section; or

(3) At least one installment of property tax remains unpaid and delinquent on that property as of the date of a determination by the Public Officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the Public Officer in accordance with N.J.S.A. 55:19-82 for one or more of the following reasons:

(a) The Property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;

(b) The condition and vacancy of the Property materially increases the risk of fire to the Property and adjacent properties;

(c) The Property is subject to unauthorized entry leading to potential health and safety hazards; the Owner has failed to take reasonable and necessary measures to secure the property; or the City has secured the property in order to prevent such hazards after the Owner has failed to do so;

(d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the Owner has failed to take reasonable and necessary measures to remove the hazards; or

(e) The dilapidated appearance or other condition of the Property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the Property, and the Owner has failed to take reasonable and necessary measures to remedy the conditions.

(5) The Public Officer must comply with the notice provisions of N.J.S.A. 40:48-2.3 et seq., after making the determination that the Property is a nuisance.

**B.** A Property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of Subparagraph (1) or (4) of Paragraph “A.” of this Section.

### **§3. PROPERTY DEEMED NOT ABANDONED, CRITERIA.**

**A.** If an entity other than the City has purchased or taken assignment from the City of a tax sale certificate on a Property that has not been legally occupied for a period of six (6) months, that Property will not be placed on the Abandoned Property List pursuant to N.J.S.A. 55:19-55 if, as set forth in N.J.S.A. 55:19-83:

(1) The Owner of the tax sale certificate has continued to pay all municipal taxes and liens on the Property in the tax year when due; **and**

(2) The Owner of the tax sale certificate has initiated foreclosure proceedings within six (6) months of the date the property is eligible for foreclosure, pursuant to either subsection a. or subsection b. of N.J.S.A. 54:5-86, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

**B.** If the Property is used on a seasonal basis, it shall be considered abandoned only if it meets two (2) of the four (4) criteria set forth in Section II.A.(1) through (4).

**C.** A determination that a Property is abandoned property under the provisions N.J.S.A. 55:19-78 et al., shall not constitute a finding that the use of the Property has been abandoned for purposes of municipal zoning or land use regulation.

**D.** Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an Abandoned Property pursuant to N.J.S.A. 54:5-86(b.), the Public Officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Sections 4 and 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82).

### **§4. ESTABLISHMENT OF ABANDONED PROPERTY LIST.**

**A.** The City hereby directs the Public Officer to identify Abandoned Property and to establish an Abandoned Property List throughout the City or within those parts of the City as the Governing Body may, from time to time, designate. The Abandoned Property List shall include, for each Abandoned Property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The City, by resolution, may add properties to the Abandoned Property List at any time.

**B.** An Interested Party may request that a property be included on the Abandoned Property List following that procedure set forth in N.J.S.A. 55:19-105.

**C.** Abandoned Property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits.

**D.** A property on which an entity other than the City of Rahway has purchased or taken assignment from the City of a tax sale certificate which has been placed on the Abandoned Property List may be removed in accordance with the provisions of Section 29 of N.J.S.A. 55:19-103.

**E.** The Public Officer shall establish the Abandoned Property List or any additions thereto by publication in the official newspaper of the City, which publication shall constitute public notice, and, within ten (10) days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is Abandoned Property as that term is defined in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the Union County Clerk. This filing shall have the same force and effect as a notice of *lis pendens* under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the Property Owner as defendant and the name of the City as plaintiff, as though an action had been commenced by the City against the Owner.

**F.** The Public Officer, within ten days of establishment of the Abandoned Property List, or any additions thereto, shall send, by regular mail, facsimile, or electronic mail, a copy of the Abandoned Property List to the Electric and Gas Utilities serving the City.

**G.** An Owner or Lien Holder may challenge the inclusion of his property on the Abandoned Property List by appealing that determination to the Public Officer within thirty (30) days of the Owner's receipt of the certified notice or forty (40) days from the date upon which the notice was sent. An Owner whose identity was not known to the Public Officer shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the Abandoned Property List. For good cause shown, the public officer shall accept a late filing of an appeal.

**H.** Within thirty (30) days of receipt of a request for an appeal of the findings contained in the notice pursuant to Paragraphs E. and F. of this Section, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be Abandoned Property unless the Owner, through the submission of an affidavit or certification by

the property Owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, and repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not Abandoned Property as that term is defined in N.J.S.A. 55:19-54. The Public Officer shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the Property Owner of the decision and the reasons therefore.

**I.** The Property Owner may challenge an adverse determination as the result of an appeal with the Public Officer pursuant to Paragraphs G. and H. of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, Union County, which action shall be tried de-novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer pursuant to Subsection 'H' of this section. The sole ground for appeal shall be that the Property in question is not Abandoned Property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action. The Public Officer shall promptly remove any property from the Abandoned Property List that has been determined not to be abandoned on appeal.

**J.** The Abandoned Property List shall become effective, and the City shall have the right to pursue any legal remedy with respect to properties on the Abandoned Property List at such time as any one Property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that Property or upon the denial of an appeal brought by the Property Owner.

**K.** Any Interested Party may submit a written request to the Public Officer asserting that any property within the City of Rahway should be included on the Abandoned Property List. The written request must specify the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the List or, if not, the reasons for not adding the property.

**L.** Any Interested Party may participate in a redetermination hearing regarding the inclusion of a property on the Abandoned Property List. Upon written request by any interested party, the Public Officer shall provide that party with at least twenty (20) days notice of any such hearing. The party shall provide the Public Officer with notice at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that is proposes to submit at the hearing.

#### **§5. REMOVAL OF PROPERTY FROM THE ABANDONED PROPERTY LIST.**

**A.** Upon a finding and recommendation by the Public Officer, the City, *sua sponte*, may delete properties at any time, when the Public Officer finds and recommends that the property no longer meets the definition of an Abandoned Property.

**B.** An Owner may request removal of their Property from the Abandoned Property List prior to sale of the tax sale certificate, in accordance with N.J.S.A. 55:19-57, by paying all taxes and City liens due, including interest and penalties, and:

(1) by posting cash or a bond equal to the cost of remediating all conditions because of which the Property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the Owner and reviewed and approved by the Public Officer, stating that the cash or bond adequately covers the cost of the cleanup; or

(2) by demonstrating to the satisfaction of both the Public Officer and the Governing Body that the conditions rendering the Property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the Owner is actively engaged in remediating the conditions because of which the Property was determined to be abandoned, as evidenced by significant rehabilitation activity on the Property, the Public Officer may grant an extension of time of not more than 120 days for the Owner to complete all work, during which time no further proceedings will be taken against the Owner or the Property.

**C.** If the Owner has posted cash or a bond in order to have a Property removed from the Abandoned Property List and the conditions because of which the Property was determined to be abandoned have not been fully remediated within one (1) year of the date of posting the cash or bond, or, in the case of a Property which requires a remediation of any known, suspected or threatened release of contaminants, if the Owner has failed to enter into a memorandum of agreement with the N.J. Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the Owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the City which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the Property or performing the environmental remediation. Any funds remaining after the Property has been demolished, rehabilitated or cleaned up shall be returned to the Owner.

## **§6. SALE OF TAX LIENS ON ABANDONED PROPERTY/REMEDICATION.**

### **A. Sale**

(1) Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a Property is included on the Abandoned Property List and the property taxes or other City liens due on the Property are delinquent for 6 or more quarters as of the date of expiration of the right to appeal the Property's inclusion on the Abandoned Property List, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the Abandoned Property List have been exhausted, then the tax lien on the Property may be sold in accordance with the procedures of the "Tax Sale Law," N.J.S.A.

54:5-1 et seq., on or after the 90th day following the expiration of that time of appeal or final determination on an appeal.

(2) The City may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the City be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the Abandoned Property List pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the City to guarantee the rehabilitation or repair of the Property. The Public Officer may waive a requirement to post a bond imposed by the City for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Public Officer that the purchaser, assignee or transferee is a Qualified Rehabilitation Entity, as defined infra in Section I. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the Owner for redemption of the Property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the Property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the Property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67. The tax sale certificate purchaser, assignee or transferee, with the authority of the City, shall be permitted to enter in and upon the Property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the Property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the City of Rahway harmless, has been filed with the Public Officer.

## **B. Remediation.**

(1) If the City acquires the tax sale certificate for a Property on the Abandoned Property List, then, upon ten (10) days written notice to the Property Owner and any mortgagee as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the City shall be permitted to enter upon the Property and remediate any conditions that caused the Property to be included on the Abandoned Property List. No remediation shall be commenced, however, if within that 10-day period the Owner or mortgagee shall have notified the City in writing that the Owner or Mortgagee has elected to perform the remediation itself. When the Owner or Mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the City of Rahway in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.

(2) The cost of remediation incurred by the City, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the City, except for City taxes, liens and assessments and any lien imposed pursuant to the "Spill Compensation and Control Act," N.J.S.A. 58:10-23.11 et seq.,

together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Union County Clerk.

(3) Failure of an Owner or Lien Holder to cause the removal of a Property from the Abandoned Property List within the period of time for appeal of inclusion of the property on the list pursuant to N.J.S.A. 55:19-55, shall be prima facie evidence of the intent of the Owner to continue to maintain the Property as Abandoned Property.

C. The clearance, development, redevelopment, or repair of Property being maintained as an Abandoned Property pursuant to this Ordinance is considered a public purpose and public use, for which the power of eminent domain may be lawfully exercised. N.J.S.A. 55:19-56(c)(2).

**§7. ACQUISITION OF TAX SALE CERTIFICATE; ACTION TO FORECLOSE RIGHT OF REDEMPTION.**

A. When a person other than the City acquires a tax sale certificate for a Property on the Abandoned Property List at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six months following the date of the sale of the tax sale certificate, in accordance with N.J.S.A. 55:19-58.

B. When the City is the purchaser at tax sale of any Property on the Abandoned Property List pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b. of N.J.S.A. 54:5-77.

C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the Owner:

- (1) Posts cash or a bond equal to the cost of remediating the conditions because of which the Property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or
- (2) Demonstrates to the court that the conditions because of which the Property was determined to be abandoned pursuant to N.J.S.A. 55:19-56 have been remedied in full.

D. Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in any such proceeding, the provisions of N.J.S.A. 55:19-20 et al. shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

**§8. SPECIAL TAX SALE AND CRITERIA FOR BIDDERS.**

A. The City Tax Collector may hold a special tax sale with respect to those Properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the Abandoned Property List.

**B.** The Public Officer, with the advice and consent of the Mayor and Council of the City, shall establish criteria for eligibility to bid on Properties at the sale, which may include, but need not be limited to:

(1) documentation of the bidder's ability to rehabilitate or otherwise reuse the Property consistent with City's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the Property, consistent with City's plans and regulations;

(2) commitments by the bidder to take action to foreclose on the tax lien by a date certain; and

(3) such other criteria as the Public Officer, with the advice and consent of the Mayor and Council of the City, may determine are necessary to ensure that the Properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.

**C.** The Public Officer, with the advice and consent of the Mayor and Council of the City, may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the Properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.

**D.** The Public Officer, with the advice and consent of the Mayor and Council of the City, may combine Properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual Properties that are submitted.

**E.** The Public Officer, with the advice and consent of the Mayor and Council of the City, may sell said Properties subject to provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the Properties and any interest thereto acquired by the purchaser shall revert to the City, and any amount paid by the purchaser at the special tax sale shall be forfeited to the City.

**F.** In the event there are two (2) or more qualified bidders for any Property or bid package in a special tax sale, the City may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that Property or bid package fails to meet any of the conditions of sale established by the City pursuant and their interest in the Property or Properties reverts to the City, the City may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the Property or Properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.

**G.** The City of Rahway shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the City pursuant to this section. Nothing shall prohibit the City from holding a special tax sale on the same day as a standard or accelerated tax sale.

**§9. EMINENT DOMAIN PROCEEDINGS AND VALUATION.**

With respect to any eminent domain proceedings carried out under N.J.S.A. 55:19-56, the fair market value of the Property will be established on the basis set forth in N.J.S.A. 55:19-102.

**§10. ACTION FOR CONTROL AND POSSESSION OF ABANDONED PROPERTY.**

**A. Transfer of possession and control.**

(1) A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the City may be brought by the City in the Superior Court, Union County, pursuant to N.J.S.A. 55:19-84, 85, and 86, for the relief set forth in those statutes.

(2) Where the City has been granted possession and control, the City may commence and maintain those further proceedings for the conservation, protection or disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation, and for the sale of the Property.

(3) Failure by the Owner, Mortgage Holder or Lien Holder to submit a plan for rehabilitation to the City, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to Local, State or Federal agencies providing such funding within the initial six (6) month period, shall be deemed clear evidence that the Owner has failed to take any action to further the rehabilitation of the Property (N.J.S.A. 55:19-84).

**B. A complaint filed pursuant to N.J.S.A. 55:19-84 shall include:**

(1) Documentation that the Property is on the Abandoned Property List or a certification by the Public Officer that the Property is abandoned; and

(2) A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

**C. Notice requirements for complaint (N.J.S.A. 55:19-86).**

(1) Within 10 days of filing a complaint pursuant to N.J.S.A. 55:19-78 et al., the plaintiff must file a notice of *lis pendens* with the Union County Clerk.

(2) At least 30 days before filing the complaint, the City shall serve a notice of its intention to take possession of an abandoned building. The notice must inform the Owner and Interested Party that the Property has not been legally occupied for six (6) months and also advise of those criteria that led to a determination of abandonment pursuant to N.J.S.A. 55:19-81.

(3) The notice will additionally provide that unless the Owner or an Interested Party prepares and submits a rehabilitation plan to the appropriate City officials, the City will

seek to gain possession of the building to rehabilitate the Property and the associated cost shall be a lien against the Property, which may be satisfied by the sale of the Property, unless the owner applies to the court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

(4) After the complaint is filed, the complaint must be served in accordance with the New Jersey Rules of Court.

D. After serving the notice of intent pursuant to Subsection 'C' of this section, the City or its designee may enter upon that Property after written notice to the Owner by certified mail, return receipt requested, in order to secure, stabilize or repair the Property, or in order to inspect the Property for purposes of preparing a rehabilitation plan to be submitted to the court pursuant to N.J.S.A. 55:19-89.

### **§11. PROPERTY OWNER DEFENSE AGAINST COMPLAINT.**

A. An Owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 through 86, by submitting a plan for the rehabilitation and reuse of the Property, which is the subject of the complaint, and by posting a bond equal to 125% of the amount otherwise determined by the Public Officer of the court to be the projected cost of rehabilitation in accordance with N.J.S.A. 55:19-87.

B. Any plan submitted by an Owner to defend against a complaint shall be submitted within sixty (60) days after the complaint has been filed, unless the Court provides the Owner with an extension of time for good cause shown.

C. A plan submitted by an Owner pursuant to this section shall include, but not be limited to the requirements set forth in N.J.S.A. 55:19-87.

D. Where the Court approves the rehabilitation plan of the Owner or other party in interest, then it may appoint the Public Officer to act as monitor of compliance and progress. If the Owner or Interested Party fails to carry out any step in the approved plan, then the City may apply to the Court to have the posted bond forfeited, to transfer possession of the building to the City to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The Owner or other party in interest shall provide quarterly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the Property.

### **§12. MORTGAGE OR LIEN HOLDERS DESIGNATED IN POSSESSION.**

A. If an Owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the Mortgage Holder or Lien Holder may seek to be designated in possession of the Property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within 60 days following the Court's rejection of the Owner's plan, unless the Court provides the Mortgage Holder or Lien Holder with an extension of time for good cause shown. If the Court approves any such Mortgage Holder or Lien Holder's plan, it shall

designate that party to be in possession of the Property for purposes of ensuring its rehabilitation and reuse, and may appoint the Public Officer to act as monitor of the party's compliance.

**B.** The Mortgage Holder or Lien Holder, as the case may be, shall provide quarterly reports to the Court and the Public Officer on its activities and progress toward rehabilitation and reuse of the Property. If the Mortgage Holder or Lien Holder fails to carry out any material step in the approved plan, then the Public Officer shall notify the Court, which may order the posted bond forfeit, grant the City possession of the Property, and authorize the City to use the proceeds of the bond for rehabilitation of the Property.

**C.** Any sums incurred or advanced for the purpose of rehabilitating the Property by a Mortgage Holder or Lien Holder granted possession of a Property, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due to that Mortgage Holder or Lien Holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax Lien Holder, at the statutory interest rate for subsequent liens.

**§13. CITY REHABILITATION OR DESIGNATION OF QUALIFIED REHABILITATION ENTITY.**

**A.** If no Mortgage Holder or Lien Holder meets the conditions of N.J.S.A. 55:19-88, then the City may submit a plan to the Court which conforms to the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the City or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.

**B.** The Mayor and Council of the City may designate a Qualified Rehabilitation Entity for the purpose of exercising the City's rights, where that designation will further the rehabilitation and reuse of the Property consistent with City's plans and objectives.

**C.** Regardless of whether the City exercises its rights directly or the Mayor and Council designates a Qualified Rehabilitation Entity pursuant to this section, while in possession of a Property, the City shall maintain, safeguard, and maintain insurance on the Property. Notwithstanding the City's possession of the Property, the Owner of the Property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the Owner.

**§14. CITY DEEMED POSSESSOR; BORROWING OF FUNDS; REPORTING AND FILING REQUIREMENTS.**

**A.** If the City is granted possession of a Property pursuant to N.J.S.A. 55:19-89, the City shall be deemed to have an ownership interest in the Property for the purposes set forth in N.J.S.A. 55:19-91.

**(1)** Notwithstanding the granting of possession to the City, nothing in N.J.S.A. 55:19-78 et al., shall be deemed to relieve the Owner of any obligation for the payment of taxes or other City liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession.

(2) The granting of possession shall not suspend any obligation the Owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the Property, whether or not billed at the time of the granting of possession.

**B.** The Court may approve the borrowing of funds by the City to rehabilitate the Property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens in accordance with N.J.S.A. 55:19-91. The City shall record any lien authorized by the court with the Union County Clerk.

**C.** Where the City has designated a Qualified Rehabilitation Entity to act on its behalf, the qualified rehabilitation entity shall provide bi-monthly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the Property. The City or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary.

**D.** The City shall file a Notice of Completion with the Court, and shall also serve a copy on the Owner and any Mortgage Holder or Lien Holder, at such time as the City has determined that no more than six (6) months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Public Officer, attesting that the rehabilitation is anticipated to be completed within six (6) months, and a statement setting forth the actions as it plans to undertake consistent with the plan.

**§15. PETITION FOR REINSTATEMENT OF CONTROL AND POSSESSION BY OWNER.**

**A.** An Owner may petition for reinstatement of the Owner's control and possession of the property, pursuant to N.J.S.A. 55:19-92, at any time after one (1) year from the Court's removal of possession, but no later than thirty (30) days after the City of Rahway has filed a Notice of Completion with the Court or, in the event the Notice of Completion is filed within less than one (1) year of the grant of possession, within thirty (30) days after the City has filed said Notice.

**B.** The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the City or affect any of the terms or conditions under which the City has applied for or received financing for the rehabilitation of the Property.

**§16. PROCEDURE FOR CITY TO PLACE LIENS, OBTAIN TITLE AND SELL PROPERTY. [N.J.S.A. 55:19-98]**

**A.** The Public Officer, with the approval of the Court, may place a lien on the Property to cover any costs of the City in connection with any proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the Property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a City lien for the purposes of N.J.S.A. 54:5-9, with the rights and status of a City lien pursuant thereto.

**B.** Where the City seeks to gain title to the Property, pursuant to N.J.S.A. 55:19-96, it shall purchase the Property for fair market value on such terms as the Court shall approve, and may place the proceeds of sale in escrow with the Court.

**C.** The Court may authorize the City to sell the Property free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the Property shall be distributed as set forth in N.J.S.A. 55:19-97.

**D.** The municipality may seek approval of the court to sell the property to a third party when the court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property. Upon approval by the Court, the City shall sell the Property on such terms and at such price as the Court shall approve, and may place the proceeds of sale in escrow with the Court.

**E.** With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the City of Rahway with respect to any Abandoned Property, whether or not the City has established an Abandoned Property List and whether or not the property at issue has been included on any such list.

**§17. POWERS OF CONSTRUCTION CODE OFFICIAL NOT AFFECTED.**

No provision of this Chapter shall be construed as restricting or otherwise abrogating the enforcement and other powers of the City’s Construction Code Official under the New Jersey Uniform Construction Code, including without limitation N.J.S.A. 52:27D-123 et seq., and N.J.A.C. 5:23-1.1 et seq. (collectively, the “Code”). The provisions of this Chapter shall be construed as consistent with the enforcement and other powers of the City’s Construction Code Official under the Code.

**§18. STATUTORY CONSISTENCY.**

All sections hereof arising from or citing a specific statutory reference shall be deemed as automatically adopting any amendment to such statute(s) as may be consistent with the City’s purposes in enacting this ordinance.

**§19. SEVERABILITY AND REPEALER.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated. All prior ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

**§20. EFFECTIVE DATE.**

This ordinance shall take effect following adoption and publication in accordance with the laws of the State of New Jersey.

**ATTEST:**

\_\_\_\_\_  
Rayna E. Harris, RMC, City Clerk

\_\_\_\_\_  
Samson Steinman, Mayor

**SYNOPSIS:** Abandoned properties create a wide range of problems for municipalities, including the City of Rahway, and are presumptively considered nuisances in view of their negative effects on nearby properties, property values and the residents or users of those nearby properties. This Ordinance establishes and adopts the municipal powers that are authorized under the New Jersey Abandoned Property and Rehabilitation Act, N.J.S.A. 55:19-78 et seq.; thereby providing the City of Rahway with the ability to preserve and restore vacant buildings that are at risk of being lost through neglect or disinvestment.

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-15-16    

**AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, TO ACQUIRE, BY PURCHASE OR CONDEMNATION 1044 EAST HAZELWOOD AVENUE, BLOCK 340, LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY**

**WHEREAS**, the City of Rahway, plans to expand the Department of Public Works facility located at 999 Hart Avenue, Rahway, New Jersey; and

**WHEREAS**, 1044 East Hazelwood Avenue is adjacent to the Department of Public Works facility located at 999 Hart Avenue and has been identified for acquisition to expand the Department of Public Works; and

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

**WHEREAS**, pursuant to N.J.S.A. 40A:12-1, et seq., the City has the power to acquire any real property for public purpose; and

**WHEREAS**, the City has determined that it would serve a public purpose for it to acquire 1044 East Hazelwood Avenue for the expansion of the Department of Public Works facility located at 999 Hart Avenue, Rahway, New Jersey.

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Rahway, Union County, New Jersey that the acquisition of Block 340, Lot 1 commonly referred to as 1044 East Hazelwood Avenue, Rahway, by purchase or condemnation is hereby authorized:

**BE IT FURTHER ORDAINED** that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-16-16    

### AN ORDINANCE TO AMEND AND SUPPLEMENT THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:12A-7

**WHEREAS**, pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.) (the “Redevelopment Law”), by an ordinance approved on March 11, 2013, the Rahway City Council (“City Council”), adopted an Amended and Supplemented Redevelopment Plan for the Central Business District Redevelopment Area (the “Redevelopment Plan”); and

**WHEREAS**, the City of Rahway desires to amend and supplement portions of the Redevelopment Plan; and

**NOW, THEREFORE**, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1.** “Section IV. Specific Development Regulations, B. Development Regulations for Subdistricts CBD-1, CBD-2 and CBD-3, Subsection 1, Permitted Principal Uses In Any Location, paragraph h, Personal Service Uses” of the Redevelopment Plan is amended to read as follows:

h. Personal service uses. No personal service use shall be located within 500 feet of the same (type) use.

**Section 2.** Upon introduction of this Ordinance to adopt the proposed amendments to the Amended and Supplemented Redevelopment Plan, it shall be referred to the Rahway Planning Board (the “Planning Board”) for its consideration pursuant to N.J.S.A. 40A:12A-7.e.

**Section 3.** The proposed amendment to the Amended and Supplemented Redevelopment Plan is substantially consistent with the Master Plan of the City of Rahway.

**Section 4.** Prior to the adoption of the proposed amendments to the Amended and Supplemented Redevelopment Plan, Planning Board shall, within 45 days after referral, transmit to the City Council, a report containing its recommendation concerning the amendments to the Amended and Supplemented Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7.e.

**Section 5.** Upon receipt of the Planning Board’s recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the City Council may act

upon this Ordinance adopting the proposed amendments to the Amended and Supplemented Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

**Section 6.** Upon adoption of this Ordinance, the Amended and Supplemented Redevelopment Plan shall be amended to include the amendment as set forth above in Section 1 of this Ordinance.

**Section 7.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 8.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 9.** This Ordinance shall take effect twenty (20) days after approval in accordance with applicable law.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-17-16    

### AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 421, ZONING, OF THE CODE OF THE CITY OF RAHWAY TO PERMIT TOWERS AND ANTENNAS FOR TELECOMMUNICATIONS SERVICES ON PUBLICLY OWNED PROPERTY

**WHEREAS**, the City of Rahway (“City”) desires to create the opportunity to locate communication facilities in areas in which, in the opinion of the City, will have no appreciable adverse impact on the character of the community, nor will it encroach on the reasonable expectations of the residents of the City and their homes and personal safety remain protected; and

**WHEREAS**, the City of Rahway desires to limit the location of such facilities to areas which are both acceptable to communication companies wishing to provide such services that are consistent with the City’s objectives stated above; and

**WHEREAS**, the overriding objective of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas, to insure that the public health, safety and welfare is safeguarded and that the purposes of the Municipal Land Use Law (“MLUL”) are advanced.

**NOW, THEREFORE**, be it ordained, by the Municipal Council of the City of Rahway, County of Union, and State of New Jersey, that Chapter 421 of the Municipal Code is hereby amended, revised and supplemented as follows:

**Section 1.** Article II, §421-4, “Terms defined” is amended to include the following:

"Alternative tower structure" means structures that camouflage or conceal the presence of antennas or towers.

"Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

"Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

“Publically-owned property” means property owned, leased or otherwise controlled by the City of Rahway, the City of Rahway Board of Education, or the County of Union or any agency or subdivision thereof.

**Section 2.** “Article V, ‘Supplementary Use Regulations’” is amended to include a new section entitled “Towers and Antennas” to read as follows:

A. Permitted Uses.

1. General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.

2. Permitted Uses. The following uses are specifically permitted: Antennas, towers, or alternate tower structures located on Publically-owned property, provided an agreement authorizing such antenna or tower has been entered into with the public owner of the property.

B. General Requirements.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the City Zoning Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Rahway or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The City Zoning Officer may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Rahway, provided, however, that the City Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics. Towers and antennas shall meet the following requirements:

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Association (“FAA”), be painted a neutral color so as to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend towers and related structure into the natural setting and surrounding buildings.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Rahway concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Rahway irrespective of municipal and county jurisdictional boundaries.

9. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

10. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Rahway have been obtained and shall file a copy of all required franchises with the City Zoning Officer.

11. Signs. No signs shall be allowed on an antenna or tower.

12. Multiple Antenna/Tower Plan. The City of Rahway encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

C. Area, Bulk and Yard Requirements:

1. Minimum front yard setback - 50 feet or the height of the structure, whichever is greater.
2. Minimum rear yard setback - 50 feet or the height of the structure, whichever is greater.
3. Minimum side yard setback - 5 feet.
4. Maximum height of tower - 130 feet.
5. Maximum height of associated structures - 8 feet.
6. Maximum square footage of associated structures - 150 square feet.

D. Additional Requirements

1. All facilities shall be suitably secured and enclosed in a fence of not less than 6 feet high.
2. Site plan approval by the Rahway Planning Board shall be required and the following information shall be provided:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning within 200' (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section C, adjacent roads, proposed means of access, setbacks from property lines, elevation drawings of the proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the City Zoning Officer to be necessary to assess compliance with this ordinance.
  - b. Legal description of the parent tract and leased parcel (if applicable).
  - c. The setback distance between the proposed tower and the nearest residential unit or residentially zoned properties, whether platted or unplatted,
  - d. The separation distance from other towers shall be shown on an updated site plan or map, The applicant shall also identify the type of construction of the existing tower(s)

and the owner/operator of the existing tower(s), if known.

- e. A landscape plan showing specific landscape materials.
  - f. Method of fencing, finished color, if applicable, and methods of camouflage and illumination.
  - g. A description of compliance with this Section and all applicable federal, state or local laws.
  - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - k. A description of the feasible location(s) of future towers or antennas within the City of Rahway based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
3. In the event a communication tower is abandoned or not operated for a period of one year, the same shall be removed along with all ancillary equipment, at the option of the City, at the sole expense of the operator.
4. Noise levels generated by the operation of the antenna operation at any property line shall be not more than 50 decibels.
5. Site lighting used to illuminate tower shall be oriented inward toward the tower to minimize spillage and glare onto adjacent properties.
6. The tower and antennae shall be designed in accordance with the current edition of the Building Officials and Code Administrators National Building Code.
7. Any generator located on the site shall be within an equipment structure. All fuel shall be contained in accordance with New Jersey Department of Environmental Protection requirements.
8. Site clearing shall be minimized to preclude the removal of vegetation beyond that necessary to install and maintain the facility.
9. Towers and antennas shall not cause a disruption to, or interfere with other radio,

communications, or television transmissions or equipment. If such disruption or interference is found to be caused by the operation of the towers and antennas, the subscribers and/or lessees shall modify their equipment operations to abate the deficiencies.

E. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the City Planning Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic areas which meet applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**Section 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 4.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 5.** This Ordinance shall become effective after second reading and publication as required by law.

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**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-18-16    

**BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,250,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT, A COMMUNITY DEVELOPMENT BLOCK GRANT AND A UNION COUNTY INFRASTRUCTURE GRANT EXPECTED TO BE RECEIVED BY THE CITY) AND AUTHORIZING THE ISSUANCE OF \$1,190,476 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 \$1,250,000, which is inclusive of a grant expected to be received from the New Jersey Department of Transportation Trust Fund in the amount of \$195,825, a Community Development Block Grant expected to be received in the amount of \$250,000, and a Union County Infrastructure Grant expected to be received in the amount of \$50,000 (collectively, the Grants), and \$59,524 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 or from moneys actually held by the City.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,250,000 appropriation not provided for by application of said down payment, and until the Grants have been received, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$1,190,476 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 \$1,190,476 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 2016 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: Jackson Avenue (from Price Street to Elizabeth Avenue); Newton Street (from W. Grand Avenue to Cottage Street); Cottage Street (from Whittier Street to Newton Street); Lewis Street (from Irving Street to Main Street); Fernote Street (from Seminary Avenue to W. Grand Avenue); Holly Place (from Regina Avenue to E. Lake Avenue); Washington Street (from Rutherford Street to Montgomery Street); Richmond Terrace (from Bramhall Road to W. Inman Avenue); Jaques Avenue (from W. Milton Avenue to Maple Street); Madison Avenue (from Stone Street to Central Avenue); Rudolph Avenue (from W. Inman Avenue to Grove Street); Montgomery Street (from E. Milton Avenue to Washington Street); Lafayette Street and East Milton Avenue; 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 in compliance with ADA, installation of bicycle safety grates, 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) Until the Grants are received, the estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,190,476.

(c) The estimated cost of said improvement or purpose is \$1,250,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued

therefor, and until the Grants have been received, being the amount of \$59,524 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, including the Grants, 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, including the 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 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 \$1,190,476 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 \$400,000 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 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.

**ADOPTED ON FIRST READING  
DATED: June 13, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**ADOPTED ON SECOND READING  
DATED: July 11, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

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**SAMSON STEINMAN,  
Mayor of the City of Rahway**

**CITY COUNCIL OF THE CITY OF RAHWAY**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Rahway, in the County of Union, State of New Jersey, on June 13, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at City Hall, Municipal Court/Council Chambers, First Floor, 1 City Hall Plaza, Rahway, New Jersey, on July 11, 2016 at 7:00 p. m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,250,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT, A COMMUNITY DEVELOPMENT BLOCK GRANT AND A UNION COUNTY INFRASTRUCTURE GRANT EXPECTED TO BE RECEIVED BY THE CITY) AND AUTHORIZING THE ISSUANCE OF \$1,190,476 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** 2016 Road Reconstruction and Resurfacing Program

**Appropriation:** \$1,250,000

**Bonds/Notes Authorized:** \$1,190,476

**Grants:** A Grant From The New Jersey Department Of Transportation Trust Fund In The Amount Of \$195,825, A Community Development Block Grant In The Amount Of \$250,000, And A Union County Infrastructure Grant In The Amount Of \$50,000 Are Expected To Be Received

**Section 20 Costs:** \$400,000

**Useful Life:** 15 years

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**CITY COUNCIL OF THE CITY OF RAHWAY**

**PUBLIC NOTICE**

**BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Rahway, in the County of Union, State of New Jersey on July 11, 2016 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,250,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT, A COMMUNITY DEVELOPMENT BLOCK GRANT AND A UNION COUNTY INFRASTRUCTURE GRANT EXPECTED TO BE RECEIVED BY THE CITY) AND AUTHORIZING THE ISSUANCE OF \$1,190,476 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

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**Section 20 Costs:** \$400,000

**Useful Life:** 15 years

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**DOWN PAYMENT CERTIFICATE**

I, the undersigned Chief Financial Officer of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the bond ordinance entitled,

**“BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,250,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND GRANT, A COMMUNITY DEVELOPMENT BLOCK GRANT AND A UNION COUNTY INFRASTRUCTURE GRANT EXPECTED TO BE RECEIVED BY THE CITY) AND AUTHORIZING THE ISSUANCE OF \$1,190,476 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF”**

there was available as a down payment for the improvement or purpose authorized by said bond ordinance \$59,524, which was available 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.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**FRANK C. RUGGIERO,**  
Chief Financial Officer

## CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on June 13, 2016 at 7:00 p.m. at City Hall, Municipal Court/Council Chambers, First Floor, 1 City Hall Plaza, Rahway, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on July 11, 2016, at 7:00 p.m. at City Hall, Municipal Court/Council Chambers, First Floor, 1 City Hall Plaza, Rahway, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## CLERK'S CERTIFICATE

I, RAYNA E. HARRIS, DO HEREBY CERTIFY that I am the Clerk of the City of Rahway, in the County of Union (the "City"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on June 13, 2016 and finally adopted on July 11, 2016.

2. After introduction, the bond ordinance was published as required by law on \_\_\_\_\_, 2016 in \_\_\_\_\_ (the name of the newspaper).

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the City at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was duly approved by the Mayor on \_\_\_\_\_, 2016 and was duly published as required by law on \_\_\_\_\_, 2016 in \_\_\_\_\_ (the name of the newspaper). No protest

signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the City is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## **CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT**

I, the undersigned, Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Frank C. Ruggiero, the Chief Financial Officer as of June 13, 2016, that such Supplemental Debt Statement was filed in my office on or by June 13, 2016 and with the Director of the Division of Local Government Services prior to July 11, 2016.

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-19-16    

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS OF THE WITHERSPOON STREET OUTFALL AND MONROE STREET SEWER LINES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$325,000 IN BONDS OR NOTES TO FINANCE 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 to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the “City”) as a general improvement. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$325,000 from the Sewer Utility of the City, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Sewer Utility of the City is self-liquidating.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the said \$325,000 appropriation, negotiable bonds of the Sewer Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$325,000 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 an aggregate principal amount not exceeding \$325,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purposes for the financing of which said obligations are to be issued is the improvement of Witherspoon

Street outfall and Monroe Street Sewer lines including, but not limited to, improvements to the backflow systems.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$325,000.

(c) The aggregate estimated cost of said improvement or purpose is \$325,000.

(d) The above improvement and purpose set forth in Section 3(a) is more particularly described in documents on file in the Office of the City Clerk and shall also include, but is not limited to, the following, as applicable, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Union or a private entity make a contribution or grant in aid, as applicable, to the City for the improvement or 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, as applicable, by the United States of America, the State of New Jersey, the County of Union or a private entity, 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. 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 of the City 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 Sewer Utility of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Sewer Utility 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 or purpose 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 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 \$325,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 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 obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 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 and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING  
DATED: June 13, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**ADOPTED ON SECOND READING  
DATED: July 11, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016**

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**SAMSON STEINMAN,  
Mayor**

**CITY COUNCIL OF THE CITY OF RAHWAY**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Rahway, in the County of Union, State of New Jersey, on June 13, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at City Hall, Municipal Council/Court Chambers, First Floor, 1 City Hall Plaza, Rahway, New Jersey, on July 11, 2016 at 7:00 p. m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS OF THE WITHERSPOON STREET OUTFALL AND MONROE STREET SEWER LINES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$325,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

**Purpose(s):** Improvements Of The Witherspoon Street Outfall And Monroe Street Sewer Lines, All As More Particularly Described In Documents On File In The Office Of The City Clerk And Available For Public Inspection

**Appropriation:** \$325,000

**Bonds/Notes Authorized:** \$325,000

**Grants Appropriated:** None

**Section 20 Costs:** \$100,000

**Useful Life:** 20 years

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**CITY COUNCIL OF THE CITY OF RAHWAY**

**PUBLIC NOTICE**

**BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Rahway, in the County of Union, State of New Jersey on June 13, 2016 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS OF THE WITHERSPOON STREET OUTFALL AND MONROE STREET SEWER LINES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$325,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

**Purpose(s):** Improvements Of The Witherspoon Street Outfall And Monroe Street Sewer Lines, All As More Particularly Described In Documents On File In The Office Of The City Clerk And Available For Public Inspection

**Appropriation:** \$325,000

**Bonds/Notes Authorized:** \$325,000

**Grants Appropriated:** None

**Section 20 Costs:** \$100,000

**Useful Life:** 20 years

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on June 13, 2016 at 7:00 p.m. at City Hall, Municipal Council/Court Chambers, First Floor, 1 City Hall Plaza, Rahway, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on July 11, 2016, at 7:00 p.m. at City Hall, Municipal Council/Court Chambers, First Floor, 1 City Hall Plaza, Rahway, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## CLERK'S CERTIFICATE

I, RAYNA E. HARRIS, DO HEREBY CERTIFY that I am the Clerk of the City of Rahway, in the County of Union (the "City"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on June 13, 2016 and finally adopted on July 11, 2016.

2. After introduction, the bond ordinance was published as required by law on \_\_\_\_\_, 2016 in \_\_\_\_\_ (the name of the newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the City at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor on \_\_\_\_\_, 2016 and was duly published as required by law on \_\_\_\_\_, 2016 in \_\_\_\_\_ (the name of the newspaper). No protest signed by any person against making any improvements or incurring the indebtedness authorized

therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the City is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

## **CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT**

I, the undersigned, Clerk of the City of Rahway, in the County of Union, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Frank C. Ruggiero, the Chief Financial Officer as of June 13, 2016, that such Supplemental Debt Statement was filed in my office on or by June 13, 2016 and with the Director of the Division of Local Government Services prior to July 11, 2016.

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-120-16

Date of Adoption \_\_\_\_\_

### A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2016 “LEADERS OF TOMORROW” SUMMER ENRICHMENT CAMP PROGRAM

- WHEREAS,** N.J.S.A. 40:23-8.19 authorizes a municipality to annually appropriate and distribute funds to nonprofits to defray expenses incurred by such organizations in maintaining “community action programs,” defined as “programs operated within counties or municipalities by public or private nonprofit agencies or organizations and established pursuant to the ‘Federal Economic Opportunity Act of 1964;’ and
- WHEREAS,** N.J.S.A. 40:23-8.20 authorizes the continuation of such appropriation and funding after the expiration of the Federal Economic Opportunity Act of 1964.
- WHEREAS,** the federal Economic Opportunity Act of 1964 was the central component of President Lyndon B. Johnson’s “War on Poverty” initiative; and
- WHEREAS,** the Rahway Community Action Organization, Inc. (“Grantee” or “RCAO”) is a community based 501(c)(3) organization established in 1967 under President Lyndon B. Johnson’s “War on Poverty” initiative; and
- WHEREAS,** Grantee submitted a proposal (“Grant Proposal”) to the City of Rahway (“City”) for assistance with funding of the Grantee’s “Leaders of Tomorrow” Summer Enrichment Camp Program for the summer of 2106, which Program will seek to provide a high-quality diverse summer experience for approximately sixty (60) students between the ages of six and twelve from lower income, educationally and socially challenged families within the community (the “Program”); and
- WHEREAS,** the City Council has determined that the Program is a worthy project that will benefit some of the City’s neediest residents; and
- WHEREAS,** City Council believes a grant in the amount of Thirty Thousand Dollars (\$30,000) to Grantee is proper, subject to conditions regarding expenditure, reporting, and accounting designed to ensure that the grant funds are spent properly; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Rahway as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. A grant in the amount of Thirty Thousand Dollars (\$30,000) to the Rahway Community Action Organization, Inc. to assist in funding of RCAO's "Leaders of Tomorrow" Summer Enrichment Camp Program for the summer of 2016 is hereby authorized subject to the terms and conditions contained in the grant agreement.
3. The Mayor is hereby authorized to execute a grant agreement between the City of Rahway and the Rahway Community Action Organization in the amount of \$30,000 for its Summer Enrichment Camp Program.

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 Current Fund account 01-201-28-370-111, 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

June 13, 2016

Honorable Samson Steinman, Mayor  
Members of the Municipal Council  
City of Rahway  
One City Hall Plaza  
Rahway, NJ 07065

Re: A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2016 "LEADERS OF TOMORROW" SUMMER ENRICHMENT CAMP PROGRAM

Dear Mayor and Council Members:

Please be advised that there are legally appropriated sufficient funds within Current Fund account 01-201-28-370-111, 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 a horizontal line.

Frank C. Ruggiero  
Chief Financial Officer

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-121-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO MICHAEL DAIKALO FOR PERMIT #04-15-035 DATED 04/7/2015 FOR 24' CURB AT 419 ORCHARD STREET, BLOCK , LOT 2**

**WHEREAS** Bohler Engineering has requested release of Right of Way Construction Bond to Michael Daikalo for Permit #04-15-035 dated 04/7/2015 for 24' curb at 419 Orchard Street, per Bohler letter dated May 5, 2016 (attached); and

**IT IS HEREBY RESOLVED** by the Municipal Council of the City of Rahway that the Treasurer is Authorized and directed to refund \$800.00 from the Right of Way Construction account #07-206-55-700-254 for bond posted on Right of Way Construction permit #04-15-035 Dated 04/7/2015 for 24' curb at 419 Orchard Street; and

**BE IT FURTHER RESOLVED** the refund of \$800.00 from the Right of Way Construction Permit Account #07-206-55-700-254 is sent to Michael Daikalo, 419 Orchard Street, Rahway, New Jersey 07065.

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-122-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO DAMUS PAUL FOR PERMIT #04-15-045 DATED 05/4/2015 FOR DRIVEWAY APRON AND CURB AT 1939 HENRY STREET, BLOCK 355 , LOT 25**

**WHEREAS** Bohler Engineering has requested release of Right of Way Construction Bond to Damas Paul for Permit #04-15-045 dated 05/4/2015 for driveway apron and curb at 1939 Henry Street, per Bohler letter dated June 6, 2016 (attached); and

**IT IS HEREBY RESOLVED** by the Municipal Council of the City of Rahway that the Treasurer is Authorized and directed to refund \$800.00 from the Right of Way Construction account #07-206-55-700-255 for bond posted on Right of Way Construction permit #04-15-045 Dated 05/4/2015 for driveway apron and curb at 1939 Henry Street; and

**BE IT FURTHER RESOLVED** the refund of \$800.00 from the Right of Way Construction Permit Account #07-206-55-700-255 is sent to Damas Paul, 1939 Henry Street, Rahway, New Jersey 07065.

**RESOLUTION**  
**CITY OF RAHWAY, NEW JERSEY**

No. AR-123-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION  
BOND FEE TO Elizabethtown Gas Company**

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-124-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE SALE OF ABANDONED MOTOR VEHICLES BY THE POLICE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 39:10A-1**

**WHEREAS**, N.J.S.A. 39:10A-1 ET SEQ. permits the Police Department or its representatives to auction or sell vehicles, at a public place, after notice of the sale, shall have been published, in a newspaper circulating in the municipality of Rahway and after such local government shall have authorized by resolution such sale; and,

**WHEREAS**, the Police Department has accumulated Eleven (**19**) such vehicles;

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, NJ, that the Police department is authorized to conduct a sale or auction at which time vehicles that have been accumulated by the Police Department's towing representatives may be sold and the monies realized from such sale be used to cover storage costs, shall be turned over to the City of Rahway Municipal Treasurer;

**BE IT FURTHER RESOLVED** that the Police Department shall conduct this sale on Thursday June 29<sup>th</sup>, 2016. All vehicles may be viewed one hour prior to auction time at the following times and places:

10:30 AM

R & K Towing 149 Regina Ave, Rahway NJ 07065  
09 Chr Vin#2C3KA43D59H528061  
99 Jeep Vin#1J4GW58S0XL572902  
98 Toy Vin#4T1BF18B1WU250279  
ATV Vin#JH3TB0202DC406079  
08 Inf Vin#JNKBV61F78M256901  
04 Nis Vin#1N4AL11D54C154863  
01 Lin Vin#5LMFU28R01LJ20296  
08 Chr Vin#1C3LC56JX8N277775  
04 Merc Vin#4M2DU86W14ZJ29375  
06 Ford Vin#1FMEU62E86ZA13990

12:00 PM

B & L Towing 2500 Blair Rd Carteret, NJ 07008  
92 Nis Vin#JN1RZ26H9NX521127  
00 Maz Vin#JM1BJ221XY0198525  
88MB Vin#WDBEA26D9JA694755  
77 WIN Vin#10437H186135

2:00 PM            Murphy's Garage 2053 RT1 North Rahway, NJ 07065  
11 Ford Vin#3FAHP0HG2BR344549  
02 MB Vin#4JGAB54E82A315123

2:30 PM            Quality Auto 811 New Brunswick Ave Rahway, NJ 07065  
04 Kia Vin#KNDUP131046525831

3:30 PM            SFT 813 Rahway Ave Woodbridge, NJ 09095  
96 Trailer Vin#1NNC04020TM271211  
03 Ford Vin#1FMZU73K93ZA56418

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-125-16

Date of Adoption \_\_\_\_\_

### **A RESOLUTION APPOINTING JACQUELINE FOUSHEE, P.E., C.M.E. CITY ENGINEER FOR THE CITY OF RAHWAY**

**WHEREAS**, §5-48B of City Ordinance No. O-7-16 provides for the position of City Engineer to function as the Head of the Division of Engineering within the Department of Community Development; and

**WHEREAS**, Jacqueline Foushee, P.E., C.M.E., Director of the Department of Community Development, is a professional engineer of the State of New Jersey and possesses all of the qualifications for the position of City Engineer set forth in §5-48B of City Ordinance No. O-7-16; and

**WHEREAS**, the City of Rahway desires to appoint Director Foushee to the position of City Engineer for the City of Rahway.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway that Jacqueline Foushee, P.E., C.M.E. is hereby appointed City Engineer for the City of Rahway.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-126-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AWARDING A CHANGE ORDER TO  
TOMAR CONSTRUCTION, LLC FOR THE REMEDIAL CONSTRUCTION OF  
“STRUCTURAL REINFORCEMENT AND REPAIR TO THE EXISTING WESTERLY  
WALL OF THE SEDIMENTATION BASIN NO. 2” UNDER TOMAR  
CONSTRUCTION, LLC’S CONTRACT AWARDED PER CITY OF RAHWAY’S  
RESOLUTION NO. AR-93-15**

**WHEREAS**, by Resolution No. AR-93-15 the Municipal Council of the City of Rahway awarded a contract to Tomar Construction, LLC (“Tomar”) as the lowest responsible bidder for the Water Treatment Plant Filter System Improvements; and

**WHEREAS**, Tomar has determined that remedial construction is necessary to repair an existing reinforced concrete wall at the Rahway Water Treatment Plant, which condition was discovered during the excavation for the construction of the new filter system building and is not part of the original scope of work provided for in the City’s contract with Tomar; and

**WHEREAS**, the need for this remedial work is immediate; and

**WHEREAS**, Tomar has requested a Change Order in the amount of \$103,246.76 to complete the wall repair; and

**WHEREAS**, the City’s Chief Financial Officer has reviewed the available funds and has determined that sufficient funds are available to award the Change Order to the Contract.

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

1. Tomar is awarded a Change Order in the amount of \$103,246.76 for the remedial construction of structural reinforcement and repair to the existing westerly wall Sedimentation Basin No. 2;
2. The Mayor and/or his designee is authorized to execute a the aforesaid Change Order to the Contract with Tomar in accordance with the bid specifications and Tomar’s bid for the Water Treatment Plant Filter System Improvements;
3. The Change Order to the Contract shall available for public inspection in the Municipal Clerk’s Office.
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.

I, Rayna E. Harris, Municipal Clerk of the City of Rahway do hereby certify that the foregoing is a true copy of a resolution duly passed and adopted by the Mayor and City Council at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Samson Steinman, Mayor

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Rayna E. Harris, City Clerk

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-127-16

Date of Adoption \_\_\_\_\_

**AUTHORIZATION TO ENTER INTO SETTLEMENT OF TAX APPEAL REGARDING  
BLOCK 282, LOT 1.01; BLOCK 283, LOT 4; BLOCK 284, LOT 15; AND BLOCK 309, LOT 35  
AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY FOR  
PROPERTY OWNED BY RAHWAY INDUSTRIAL SITES, INC.**

**WHEREAS,** Rahway Industrial Sites, Inc., the owner of properties located at New Brunswick Avenue, designated as Block 282, Lot 1.01; Block 283, Lot 4; Block 284, Lot 15; and Block 309, Lot 35 as set forth on the official Tax Map of the City of Rahway, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said properties for tax years 2009, 2011, 2012, 2013 and 2015; and

**WHEREAS,** Plaintiff has agreed to withdraw the appeals for the 2009, 2011, 2012, 2013 and 2015 tax years for Block 282, Lot 1.01; Block 283, Lot 4; Block 284, Lot 15; and Block 309, Lot 35; and

**WHEREAS,** the parties have agreed to a reduction in the property assessment for Block 282, Lot 1.01 for tax year 2009 from a total of \$4,063,800.00 to a total of \$3,563,800.00; and

**WHEREAS,** the parties have agreed to a reduction in the property assessment for Block 282, Lot 1.01 for 2011 from a total of \$4,063,800.00 to a total of \$3,563,800.00; and

**WHEREAS,** the parties have agreed to a reduction in the property assessment for Block 282, Lot 1.01 for 2012 from a total of \$4,063,800.00 to a total of \$3,563,800.00; and

**WHEREAS,** the parties have agreed to a reduction in the property assessment for Block 282, Lot 1.01 for 2013 from a total of \$4,063,800.00 to a total of \$3,563,800.00; and

**WHEREAS,** the parties have agreed to a reduction in the property assessment for Block 282, Lot 1.01 for 2015 from a total of \$4,063,800.00 to a total of \$3,563,800.00; and

**WHEREAS,** the City Tax Assessor has agreed to the aforesaid reduction in the assessment for Block 282, Lot 1.01; and

**WHEREAS,** the settlement results in a total tax refund of \$24,495.00 for tax year 2009; \$28,825.00 for tax year 2011; \$29,205.00 for tax year 2012; and \$30,235.00 for tax year 2013; and \$31,585.00 for tax year 2015; and

**WHEREAS**, the property owner has further agreed to waive statutory pre-judgment interest on the tax refund, provided that it is paid within sixty (60) of the entry of judgment; and

**WHEREAS**, the City Council of the City of Rahway has determined that it is in the best interest of the City to adjust the assessment on the aforesaid properties for the 2009, 2011, 2012, 2013 and 2015 tax years in accordance with the settlement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and the City Council of the City of Rahway, County of Union, State of New Jersey as follows:

- 1) The tax assessment on the property located at New Brunswick Avenue and designated as Lot 1.01 in Block 282 on the Tax Assessment Map of the City of Rahway shall be reduced from a total of \$4,063,800.00 to a total of \$3,563,800.00 for tax years 2009, 2011, 2012, 2013 and 2015.
- 2) The City Tax Collector is hereby authorized to issue a refund on the Block 228, Lot 1 upon receipt of the Tax Court Judgments.
- 3) This Resolution shall take effect immediately or as otherwise provided by law.

I, Rayna E. Harris, Municipal Clerk of the City of Rahway do hereby certify that the foregoing is a true copy of a resolution duly passed and adopted by the Mayor and City Council at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Samson Steinman, Mayor

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Rayna E. Harris, Municipal Clerk

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-128-16

Date of Adoption \_\_\_\_\_

### RESOLUTION AUTHORIZING JONES ACT ASSIGNMENT SALE OF MUNICIPAL TAX TITLE LIENS

**WHEREAS**, the City of Rahway has held tax sales, but having no bidders for various properties, certain certificates of sale have been struck off to the City; and

**WHEREAS**, certain tax certificates have high monetary receivable values in comparison to the actual value of the properties, or the properties are apparently contaminated or unusable, making them undesirable to the general public or the investment community, and therefore remain held by the City; and

**WHEREAS**, in an effort to improve the financial integrity of the City, and facilitate the potential economic development and/or environmental remediation of certain reportedly contaminated properties, the sale of such liens is warranted; and

**WHEREAS**, N.J.S.A 54:5-114et seq (the “Jones Act”) permits a municipality to sell an entire lien to the highest bidder, which may be for an amount less than the full amount due on the certificate, subject to all of the restrictions of the “Jones Act” statute, and subject to confirmation by the governing body.

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to conduct a public assignment sale (Jones Act Sale) of any/all municipally held tax sale certificates held by the City of Rahway:

**BE IT FURTHER RESOLVED** that said Jones Act Sale bids will be received by the Tax Collector at 10:00 AM on xxxxxx x, 2016 at the City of Rahway, City Hall, 1 City Hall Plaza, Rahway, NJ 07065. Acceptance/rejection of bids will be brought before the City Council at their regularly scheduled meeting on xxxxxxxx x, 2016.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-129-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING AWARDING A CONTRACT TO GARDEN STATE  
FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY  
FOR THE CELEBRATION OF INDEPENDENCE DAY 2016**

**WHEREAS,** the City of Rahway wishes to provide a fireworks display for the citizens of the City of Rahway on July 2, 2016, Independence Day (with a rain date of July 3, 2016); and

**WHEREAS,** the Municipal Council has indicated its desire to engage Garden State Fireworks, Inc., with offices located at Carlton Road, Millington, New Jersey, licensed, professional pyrotechnic technicians, for a flat fee of Seventeen Thousand Eight Hundred and Twenty-Seven Dollars (\$17,827.00), not including fire inspection fees; and

**WHEREAS,** this contract falls within the exception to the bidding procedure mandated by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as its value is less than the statutory threshold.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey that the Mayor and Council of the City of Rahway that the proper Borough Officials are hereby authorized to enter into an agreement with Garden State Fireworks in the amount of \$17,827.00 for the 2016 July 4th Fireworks Celebration.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-130-16

Date of Adoption \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF A SENIOR DEDUCTION FOR THE C/Y 2015 & 2016

**WHEREAS**, the Department of Assessments has granted a Senior Deduction for Calendar Year 2015 & 2016.

**NOW, THEREFORE, BE IT RESOLVED** that the City Clerk be and she is hereby authorized and directed to draw a warrant on the Chief Financial Officer in the following name and amount of refund said Deductions.

**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.

#### SENIORS ON

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>OWNERS NAME</u>	<u>2015 C/Y</u>
115     16	491 Stalevicz Lane	Horta, Jose & Maria	\$500.00
		<b>TOTAL</b>	<b>\$500.00</b>

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-131-16

Date of Adoption \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2012 TAX LIENS

**WHEREAS**, the City of Rahway held a Tax Lien Sale on April 20, 2012 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 Block and Lots; and

**WHEREAS**, the owners of said properties has paid all money due to the Tax Collector for the Redemption of said Tax Sale Certificates.

**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 money.

**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 made 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>
166 24	450 Seminary Ave	FWDSL & Associates LP 17 West Cliff Street Somerville NJ 08876	\$ 582.15	\$400.00

**Certificate 2012-0116**

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-132-16

Date of Adoption \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2013 TAX LIENS

**WHEREAS**, the City of Rahway held a Tax Lien Sale on May 17, 2013 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 Block and Lots; and

**WHEREAS**, the owners of said properties has paid all money due to the Tax Collector for the Redemption of said Tax Sale Certificates.

**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 money.

**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 made on the tax records.

#### 2013 Tax Liens

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
309 23	1182 New Brunswick Ave	FWDSL & Associates LP 17 West Cliff Street Somerville NJ 08876	\$ 23308.78	\$600.00

**Certificate 2013-0154**

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-133-16

Date of Adoption \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2015 TAX LIENS

**WHEREAS**, the City of Rahway held a Tax Lien Sale on November 13, 2015 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 Block and Lots; and

**WHEREAS**, the owners of said properties has paid all money due to the Tax Collector for the Redemption of said Tax Sale Certificates.

**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 money.

**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 made on the tax records.

#### 2015 Tax Liens

<b>BLOCK/LOT</b>	<b>PROPERTY ADDRESS</b>	<b>CERT OWNER</b>	<b>REFUND</b>	<b>PREMIUM</b>
11 1.02	25-33 Minna Street	Us Bank Cust/ PFS Financial 1 LLC P.O. Box 645236 Cincinnati OH 45264	\$ 26,695.67	\$ 63,000.00
<b>Certificate 2015-0003</b>				
349 33	1442 Witherspoon Street	Richard Leonardis 10 Main Ave, Clifton NJ 07014	\$8,715.05	\$ 1,300.00
<b>Certificate 2015-0069</b>				
255 36	St. Georges Ave	Hug Investments 25 Adams Street, Clark NJ 07066	\$ 1,901.42	\$ 1,000.00
<b>Certificate 2015-0037</b>				
29 12	587 Orchard Street	Us Bank Cust/ PFS Financial 1 LLC P.O. Box 645236 Cincinnati OH 45264	\$10,271.14	\$ 29,100.00
<b>Certificate 2015-0006</b>				

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-134-16

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 2015C/Y taxes have been overpaid in error.

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

**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

<b>BLOCK</b>	<b>LOT</b>	<b>OWNERS</b>	<b>PROPERTY ADDRESS</b>	<b>REFUND</b>
175	11	Singh, Christine & Ragbir, Neil <b>RedVision Systems Inc</b> Attn: Michael Harris 3515 98 Street Gainesville FL 32606	1355 Jefferson Ave	\$2765.88
45	11	Good, Robert & Beverly <b>Wells Fargo</b> Financial Support Refund MAC X2302-04D 1 Home Campus Des Moines IA 50328	80 Rudolph Ave	\$2068.82
168	51	Reichart, John & Yesenia 340 Grove Street Apt 2B Jersey City NJ 07302	1420 New Church Street	\$2046.71
56	26	Phillips, Carl D & Patricia 642 West Meadow Ave Rahway NJ 07065	642 West Meadow Ave	\$43.84
236	10	Luna, Rosaura C <b>Lereta Corp- Central Refunds</b> 1123 Parkview Drive Covina CA 91724	344 Linden Ave	\$1045.48
45	23	Dailey, Teresa & Edward J JR <b>Lereta Corp- Central Refunds</b> 1123 Parkview Drive Covina CA 91724	175 Dukes Rd	\$1620.31
131	36	Peralta, Cesar S 1116 Stone Street Rahway NJ 07065	1116 Stone Street	\$125.34

<b>BLOCK</b>	<b>LOT</b>	<b>OWNERS</b>	<b>PROPERTY ADDRESS</b>	<b>REFUND</b>
133	3	Rosky, David 875 Lakeside Drive Rahway NJ 07065	875 Lakeside Drive	\$212.33
133	5	Burdi, Frank & Eliza 903 Lakeside Drive Rahway NJ 07065	903 Lakeside Drive	\$53.42
167	19	Garcia, Angel R & Carmen 336 Cristiani Street Roselle NJ 07203	1453 New Church Street	\$2135.14
47	30	Favire, Helena 248 Berthold Ave Rahway NJ 07065	248 Berthold Ave	\$34.93
115	16	Horta, Jose & Maria C Trustees 491 Stalevicz Lane Rahway NJ 07065	491 Stalevicz Lane	\$63.01

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.   O-11-16  

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the City Council of the City of Rahway in the County of Union finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the City Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,444,318 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Rahway in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Rahway shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by up to 3.5 %, amounting to \$1,444,318, and that the CY 2016 municipal budget for the City of Rahway be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Certified to be a true copy of an ordinance introduced and adopted upon first reading by the Municipal Council of the City of Rahway at the duly held Special Meeting on 5/23/16.



City Clerk

M- Brown

S - Farrar

**YES:**       Brown, Cox, Farrar, Giacobbe,  
                  Miles, Wenson Maier, Baker

**ABSENT:**   Bresenhan, Mojica,

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-12-16    

**AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND R2-N2 URBAN RENEWAL PROPERTIES, LLC FOR PROPERTY LOCATED ON LOTS 18, 19, 20, 21 AND PART OF 23 IN BLOCK 318 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE CENTRAL BUSINESS DISTRICT AREA**

**BE IT ORDAINED** by the Municipal Council of the City of Rahway that:

**Section 1.** The Municipal Council of the City of Rahway designated properties located at Block 318 Lots 18, 19, 20, 21 and part of Lot 23 (the “Property”) as part of a larger redevelopment area (the “Central Business District Redevelopment Area”) by adoption of a resolution on February 9, 1998 and included the Properties as part of the Central Business District Redevelopment Plan, last amended on March 11, 2013 (the “Plan”).

**Section 2.** The City of Rahway (the “City”), the Rahway Redevelopment Agency (the “Agency”) and the Rahway Parking Authority have undertaken various projects (with and without private redevelopers) within the Central Business District Redevelopment Area.

**Section 3.** The Property is owned by Cherry Street Properties, LLC, an affiliate of the Entity, as defined below and a portion is owned by the Rahway Parking Authority for which there is a contract of purchase with R2-N2 Properties, L.L.C.

**Section 4.** R2-N2 Properties, L.L.C. made a presentation to the Board of Commissioners of the Agency on March 2, 2016 regarding its proposal to develop a residential project comprised of approximately forty three (43) market rate rental units on the Property.

**Section 5.** The proposal has been reviewed and found consistent with the City's and Agency's goals for redeveloping the Property, and on March 2, 2016, the Agency designated R2-N2 Properties, L.L.C. as conditional redeveloper of the Property.

**Section 6.** R2-N2 Properties, L.L.C. has created a new entity to act as the redeveloper for the Project known as R2-N2 Urban Renewal Properties, L.L.C., (the “Entity”).

**Section 7.** The Entity plans to construct a project on the Property consisting of approximately 43 market rate residential rental units with residential amenities, together with ground floor retail space, parking and other improvements (collectively, the "Project").

**Section 8.** The Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise deal with Property.

**Section 9.** Pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “Long Term Tax Exemption Law”, as codified in N.J.S.A. 40A:20-1 et seq.), the City is authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes.

**Section 10.** The Entity submitted an application, dated May 16, 2016, for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is attached hereto as Exhibit A).

**Section 11.** The Exemption Application requests a 30-year term for the Financial Agreement and an annual service charge based on 10% of annual gross revenues.

**Section 12.** The City and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute the Financial Agreement.

**BE IT FURTHER ORDAINED AND ENACTED** by the City Council of the City of Rahway, County of Union, New Jersey, as follows:

**Section 1.** The City makes the following findings:

A. Relative benefits of the Project when compared to the costs:

1. The Property currently generates real estate tax revenue to the City of approximately \$26,475.00. The projected Annual Service Charge will generate net revenue to the City of approximately \$78,000.00.

2. It is estimated that the Project will create jobs during construction and new permanent jobs;

3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to downtown Rahway;

4. The Project will further the redevelopment objectives of the Redevelopment Plan for the Redevelopment Area; and

5. The City has determined that the benefits of the Project significantly outweigh the costs to the City.

B. Assessment of the importance of the Tax Exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and

2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design, aesthetics and amenities as well as the use of high quality materials which will maintain the appearance of the buildings over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

**Section 3.** The Exemption Application is hereby accepted and approved.

**Section 4.** The Financial Agreement shall be for a 20-year term with an annual service charge based on 10% of actual annual gross revenues for the project in accordance with the Long Term Tax Exemption Law.

**Section 5.** The Financial Agreement is hereby authorized to be executed and delivered on behalf of the City by the Mayor in substantially the form attached hereto as Exhibit B. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the City to the Financial Agreement.

**Section 6.** This ordinance shall take effect upon final passage and publication as required by law.

**EXHIBIT A**

**EXEMPTION APPLICATION**

**EXHIBIT B**

**FORM OF FINANCIAL AGREEMENT**