

**AGENDA**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**October 11, 2016 ~ 7:00 P.M.**

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

1. Roll Call

Open Public Meeting Statement:

This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Union County Local Source and the Star Ledger. In addition, copies of notice were posted on the bulletin board in the Municipal Building and filed in the Office of the City Clerk. Notices on the bulletin board have remained continuously posted. Proper notice having been given, the City Clerk is directed to include this statement in the minutes of this meeting.

2. Pledge of Allegiance

Invocation

3. Approval of Minutes

September 6, 2016

7 p.m.

Pre-Meeting conference

September 12, 2016

7 p.m.

Regular Meeting

4. Presentations

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

6. Reports of Council Committees.

**7. CONSENT AGENDA**

**9. ORDINANCES - First Reading**

<b>O-27-16</b>	AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING - 1075 Bryant Street ( <b>Brown/Bresenhan</b> )
<b>O-28-16</b>	BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT PLANT, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF ( <b>Baker/Brown</b> )
<b>O-29-16</b>	<b>AN ORDINANCE AMENDING THE AMENDED AND SUPPLEMENTED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN</b>

**10. RESOLUTIONS**

<b>AR-185-16</b>	RESOLUTION AUTHORIZING AWARDDING A CONTRACT TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY ON OCTOBER 29, 2016 ( <b>Mojica/Giacobbe</b> )
<b>AR-186-16</b>	RESOLUTION AUTHORIZING THE FILING OF LIENS AGAINST CERTAIN PROPERTIES TO RECOVER CLEANUP COSTS INCURRED BY THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 151-4 OF THE CODE OF THE CITY OF RAHWAY AND N.J.S.A. 40:48-2.14 ( <b>Miles/Brown</b> )

AR-187-16	RESOLUTION AUTHORIZING THE REFUND OF PERMIT FEE TO VIVINT SOLAR DEVELOPER, LLC FOR CANCELLED PERMITS <b>(Farrar/Cox)</b>
AR-188-16	RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO MAX PLUMBING & HEATING, INC., FOR PERMIT# 01-14-849 DATED 01/22/14 FOR SEWER LATERAL REPAIR AT 672 AUDREY DRIVE; BLOCK 257, LOT 47 <b>(Cox/Farrar)</b>
AR-189-16	RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES PROGRAM <b>(Brown/Miles)</b>
AR-190-16	RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2016 CALENDAR YEAR <b>(Bresenhan/Farrar)</b>
AR-191-16	RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2014 AND 2015 TAX LIENS <b>(Giacobbe/Miles)</b>
AR-192-16	RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENTS DUE TO SUCCESSFUL JUDGMENTS IN THE TAX COURT OF NEW JERSEY <b>(Brown/Mojica)</b>
AR-193-16	RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF EQUIPMENT( Lights, Sirens, Prisoner transport system and Push Bumper) TO OUTFIT TWO NEW POLICE VEHICLES VIA STATE CONTRACT <b>(Mojica/Brown)</b>
AR-194-16	RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AGREEMENT WITH ANCO ENVIRONMENTAL SERVICES, INC. FOR THE INSTALLATION OF A GROUNDWATER MONITORING WELL ON MUNICIPAL PROPERTY <b>(Giacobbe/Miles)</b>
AR-195-16	RESOLUTION AUTHORIZING THE RAHWAY HOUSING AUTHORITY TO DEMOLISH BUILDING 570 CAPOBIANCO PLAZA <b>(Baker/Brown)</b>
AR-196-16	RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO B & W CONSTRUCTION CO. OF NJ INC., FOR REPLACEMENT OF EXISTING CAST IRON FRAME AND COVER ON EXISTING SANITARY SEWER MANHOLE AT NJSH RT. 27 AND JAQUES AVENUE PURSUANT TO N.J.S.A. 40A:11-6 <b>(Bresenhan/Cox)</b>
AR-197-16	RESOLUTION REFERRING PROPOSED AMENDMENTS TO THE AMENDED AND SUPPLEMENTED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN TO THE PLANNING BOARD IN ACCORDANCE WITH N.J.S.A. 40A:12A-7(e)

**11. ORDINANCES - Second Reading**

O-25-16	GUARANTY ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY REGARDING THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON CERTAIN CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY IN CONNECTION WITH THE AUTHORITY'S AFOREMENTIONED BONDS <b>(Baker, Brown)</b>
O-26-16	A LOAN ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE UNION COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE

	OF SECURING THE PAYMENT OF NOT TO EXCEED \$14,000,000 CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT) ( <b>Mojica, Giacobbe</b> )
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**12. MISCELLANEOUS**

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

14. Council Comment  
(Three Minutes per Member)

**15. ADJOURNMENT**

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

No.     O-27-16    

**AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF  
RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING**

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

401-79 Schedule XXI: Handicapped Parking

Add:

In front of 1075 Bryant Street  
East Side- Beginning at a point 68 feet north of the intersection of Maple Ave and extending to a  
point 22 feet north thereof.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are  
hereby repealed.

This ordinance shall take effect upon final passage and publication as provided by law.

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

No.     O-28-16    

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT PLANT, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the “City”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$400,000 from the Water Utility of the City. Pursuant to the provisions of N.J.S.A. 40A:2-7 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.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$400,000 appropriation, negotiable bonds of the Water Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$400,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$400,000

are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are improvements to the City's water treatment plant including, but not limited to, granular activated carbon filter improvements; roof improvements and/or replacement at the pump station; and improvements and/or replacement of existing sodium hypochlorite tanks; and shall also include, but are not limited to, the following, as applicable: engineering and design work, preparation of plans and specifications, permits, bid documents, inspection and contract administration; and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the City and available for public inspection and hereby approved..

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$400,000.

(c) The aggregate estimated cost of said improvements or purposes is \$400,000.

**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 improvements or purposes 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 Water 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 Water 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements, 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 improvements or purposes 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 7.74 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 \$400,000 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 \$90,000 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 purposes or improvements 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: October 11, 2016

\_\_\_\_\_  
James E. Baker, Council President

\_\_\_\_\_  
RAYNA E. HARRIS,  
Clerk of the City of Rahway

ADOPTED ON SECOND READING  
DATED: November 10, 2016

\_\_\_\_\_  
RAYNA E. HARRIS,  
Clerk of the City of Rahway

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

\_\_\_\_\_  
SAMSON STEINMAN,  
Mayor

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

No.     O-29-16    

**BUSINESS DISTRICT REDEVELOPMENT PLAN**

**WHEREAS**, in January 1998, the Central Business District Redevelopment Plan was adopted by the City of Rahway, New Jersey, which was thereafter amended numerous times (collectively, the “**Original Redevelopment Plan**”); and

**WHEREAS**, in \_\_\_\_\_, the City Council adopted Ordinance No. O-\_\_\_\_\_-\_\_\_\_, which served to replace the Original Redevelopment Plan with the “Amended and Supplemented Central Business District Redevelopment Plan” prepared by Phillips, Preiss, Grygiel LLC and dated January 2013 (“**Amended Redevelopment Plan**”); and

**WHEREAS**, the City, through discussions with the redeveloper of Block 305, Lot 5.02 (“**Property**”) located within the Central Business District, has determined it to be in the City’s best interests to further amend the Amended Redevelopment Plan in order to effectuate redevelopment on those Property (“**Proposed Amendments**”); and

**WHEREAS**, concurrently with the introduction of this Ordinance, the City Council shall adopt a Resolution referring the Proposed Amendments to the Planning Board in Accordance with N.J.S.A. 40A:12A-7(e) for its review and recommendation concerning the Proposed Amendments; and

**WHEREAS**, prior to final adoption of this Ordinance, the City Council shall have reviewed the Planning Board’s report and recommendation that this Ordinance be adopted in its original form; and

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

**Section 1.** Section C on page 10 of the Amended and Supplemented Central Business District Redevelopment Plan is hereby deleted in its entirety and replaced with the following:

C. Development Regulations for Subdistrict M-X

1. Development in subdistrict M-X, not otherwise described in this plan, shall be regulated in accordance with the standards of the M-X Mixed-Use Zone set forth in Section 421-22 of the City of Rahway Zoning Ordinance, except that mid-rise apartments shall be a permitted use on Block 305, Lots 5.02 and 5.04 in accordance with the following requirements:

Lot 5.02

- a. Minimum lot area: 150,000 square feet.
- b. Minimum lot width: 200 feet.
- c. Minimum lot depth: 200 feet.
- d. Minimum building and parking setbacks: 5 feet (excludes driveways to parking under building).
- e. Maximum residential density: 65 units per acre.
- f. Maximum building heights: five stories, including one parking level/80 feet.
- g. Maximum building coverage: 60 percent.
- h. Maximum lot coverage<sup>1</sup>: 90 percent.
- i. Minimum number of parking spaces: one and a quarter (1.25) spaces per dwelling unit.

Lot 5.04

- a. Minimum lot area: 30,000 square feet.
- b. Minimum lot width: 75 feet.
- c. Minimum lot depth: 200 feet.
- d. Minimum building and parking setbacks: none required.
- e. Maximum residential density: 143 units per acre.
- f. Maximum building heights: five stories, including one parking level/80 feet.
- g. Maximum building coverage: 100 percent.
- h. Minimum number of parking spaces: one space per dwelling unit.

**Section 2.** This Ordinance may be renumbered for codification purposes.

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<sup>1</sup> Landscaped courtyards shall be considered pervious surface.

**Section 3.** All ordinances of the City of Rahway, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 5.** This Ordinance shall take effect upon final passage and publication as required by law.

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James E. Baker, Council President

**ADOPTED ON FIRST READING  
DATED: October 11, 2016**

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

**ADOPTED ON SECOND READING  
DATED: November 10, 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**

# **RESOLUTION**

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

No. AR-185-16

Date of Adoption:

### **RESOLUTION AUTHORIZING AWARDING A CONTRACT TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY ON OCTOBER 29, 2016**

**WHEREAS**, the City of Rahway wishes to provide a fireworks display for the citizens of the City of Rahway on Oct. 29, 2015; 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 Six Thousand Dollars (\$6,000.00), 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 Six Thousand Dollars (\$6,000.00) for the 2016 Halloween Fireworks Celebration.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-186-16

Date of Adoption:

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

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.14 and Rahway Code Section 151-4, a code enforcement officer of a municipality is authorized to serve notices to abate nuisances including, but not limited to: brush, weeds, ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash, and debris; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.14 and Rahway Code Section 151-4, a code enforcement officer of a municipality is further authorized to direct the removal of such nuisances from property after notice of abatement is served and the mandatory compliance period has expired; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.14 and Rahway Code Section 151-4, a code enforcement officer of a municipality is further authorized to certify the amount of the cost to abate the nuisances from property; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.14 and Rahway Code Section 151-4, the amount certified by the code enforcement officer shall become a lien against said properties; and

**WHEREAS**, the City has, in accordance with the procedures defined above, removed nuisances from certain premises; and

**WHEREAS**, the City Health Officer certifies that the following costs were incurred in the removal of the nuisances on the following properties:

<u>ADDRESS</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
2060 BARNETT ST	389/10	\$ 110
1908 BEACON ST	355/11	\$ 135
1074 BRIARCLIFF DR	128/4	\$ 110
1084 BRIARCLIFF DR	128/3	\$ 160
327 BROOKFIELD PL	295/8.01	\$ 175
98 E. EMERSON AVE	312/14	\$ 110
182 W. EMERSON AVE	91/24	\$ 160
1651 ESSEX ST	324/26	\$ 190
1644 ESSEX ST	321/7	\$ 160
1606-1608 FERNOTE ST	203/10	\$ 125
188 W. GRAND AVE	161/36	\$ 125
763 W. GRAND AVE	202/9	\$ 140
1150 GRESLIN TERR	121/24	\$ 112.50
830 HAMILTON ST	175/20	\$ 385
768 HARRISON ST	210/10	\$ 50

<u>ADDRESS</u>		<u>BLOCK / LOT</u>	<u>AMOUNT</u>
88	E. HAZELWOOD AVE	309/39	\$ 170
403	JAQUES AVE	9/3	\$ 175
1041	JEFFERSON AVE	140/37.01	\$ 160
272	KEARNEY AVE	235/7	\$ 100
1470	LAMBERT ST	196/7	\$ 190
944	LEESVILLE AVE	298/4	\$ 175
767	LEESVILLE AVE	279/10	\$ 410
1007	MAIN ST	298/14	\$ 150
1616	MONTGOMERY ST	370/42	\$ 95
1182	NEW BRUNSWICK AVE	309/23	\$ 460
221	RUDOLPH AVE	47/1	\$ 260
444	SEMINARY AVE	166/25	\$ 90
450	SEMINARY AVE	166/24	\$ 80
LOT	SEMINARY AVE & CHURCH ST	166/14	\$ 155
LOT	ST GEORGES AVE & PLAINFIELD AVE	16/1	\$ 200
392	SULLIVAN CT	261/11	\$ 160
357	SYCAMORE ST	65/4	\$ 175
981	THORN ST	294/3	\$ 85
896	WESTFIELD AVE	174/28	\$ 100

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Rahway, that it hereby authorizes the filing of liens against the above referenced properties, in the amounts certified by the City Health Officer, to recover cleanup costs incurred by the City of Rahway in accordance with the provisions of N.J.S.A. 40:48-2.14 and Rahway Code Section 151-4.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute any and all related documents, subject to the review of counsel, to effectuate the liens.

# **RESOLUTION**

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

No. AR-187-16

Date of Adoption:

### **RESOLUTION AUTHORIZING THE REFUND OF PERMIT FEE TO VIVINT SOLAR DEVELOPER, LLC FOR CANCELLED PERMITS**

**WHEREAS**, the following addressees' have cancelled permits solar panel installation at 2321 Ludlow St., Permit #15/0885, 813 Hillside Rd., Permit #15/0650, and 308 Russell Ave., Permit #15/0148; and

**WHEREAS**, the amount of the permits to be refunded is \$243.75 each totaling \$731.25; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Rahway, that the Treasurer is authorized and directed to refund \$731.25 paid by Vivint Solar Developer, LLC for cancelled permits for 2321 Ludlow St., 813 Hillside RD., and 308 Russell Ave., Rahway, New Jersey 07065; and

**BE IT FURTHER RESOLVED**, the refund of \$731.25 to Vivint Solar Developer, LLC, ATT: Andi Chamberlain, 2400 Main Street, Ext Suite 6 & 7, Sayreville, New Jersey 08872

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-188-16

Date of Adoption:

**RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO MAX PLUMBING & HEATING, INC., FOR PERMIT# 01-14-849 DATED 01/22/14 FOR SEWER LATERAL REPAIR AT 672 AUDREY DRIVE; BLOCK 257, LOT 47**

**WHEREAS**, Bohler Engineering has requested release of Right of Way Construction Bond to Vincent Sheridan for Permit #01-14-849 dated 01/22/14 for sewer lateral repair at 672 Audrey Drive, per Bohler letter dated September 28, 2016 (attached); and

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Rahway that the Treasurer is authorized and directed to refund \$900.00 from the Right of Way Construction account #07-206-55-700-244 for bond posted on Right of Way Construction permit#01-14-849 dated 01/22/14 for sewer lateral repair at 672 Audrey Drive; and

**BE IT FURTHER RESOLVED**, the refund of \$900.00 from the Right of Way Construction Permit Account #07-206-55-700-244 is sent to Max Plumbing & Heating, Inc. 7 Evans Terminal, Hillside, New Jersey 07205.q

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-189-16

Date of Adoption:

### RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES PROGRAM

**WHEREAS**, the City of Rahway, Union County, State of New Jersey desired to apply to the New Jersey Department of Transportation for funding under the Transportation Alternatives Program (TAP); and,

**WHEREAS**, the City of Rahway has designed the 2016 RAHWAY TAP GRANT PROJECT to meet all criteria necessary to receive funding under TAP and maximize accessibility of multiple modes of transportation within the 1-acre area between Lewis Street (to south), Poplar Street (to north), Main Street (to east) and Irving Street (to west) (to be known as Project Area); and,

**WHEREAS**, the main activity within this project area will be to provide various pedestrian and vehicular access within the Project Area which includes extending Monroe Street to intersect with East Cherry Street from Main Street, providing a pedestrian promenade between East Cherry Street and Lewis Street and improving the streetscape along Main Street (between East Cherry Street and Poplar Street) and streetscape improvements along Poplar Street (125 feet west of its intersection with Main Street); and,

**WHEREAS**, this project only involves land that is owned or controlled by the City of Rahway, and the City of Rahway hereby commits to maintain the extension of Monroe Street, the Promenade, sidewalks adjacent to this extension; and,

**WHEREAS**, should this project involve land that is not owned nor controlled by the City of Rahway, the City of Rahway will secure documentation outlining clear ownership boundaries and maintenance agreements with the third-party in question, and include this documentation with the 2016 RAHWAY TAP GRANT PROJECT application; and,

**WHEREAS**, responsibilities for administering the proposed project in accordance with federal and state guidelines (to be known as the Responsible Charge) will be Jacqueline Foushee, full-time City Engineer and Director of the Department of Community Development for the City of Rahway; and,

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the City of Rahway, in the County of Union, State of New Jersey formally authorize the Mayor to submit an electronic grant application identified as **TA-2016-Rahway City-00044** to the New Jersey Department of Transportation for funding under the Transportation Alternatives Program on behalf of the City of Rahway.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-190-16

Date of Adoption:

### RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2016 CALENDAR YEAR

**WHEREAS**, it has been found that the following 2016 C/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 a 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.

#### 2016 CALENDAR YEAR TAXES

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND</u>
05	03	Apolinario & Beatriz Calleja 87 Colonia Blvd Rahway NJ 07065	87 Colonia Blvd	\$1,873.69
107	05	AGN Donuts 4LLC NATC INC 740 Jefferson Ave Kenilworth NJ 07033	501 West Hazelwood Ave	\$1,490.88
148	04	Marcus & Danielle Sangiuliano <b>Simplicity Title</b> 70 Grove Street Somerville NJ 08876	59 West Milton Ave	\$1,886.61
217	07	Claudette Palmer <b>Vesta Land Transfer Corp</b> Escrow Account Woodcrest Corporate Center 111 Woodcrest RD Ste: 102 Cherry Hill NJ 08003	427 Union Street	\$1,946.38
226	07	Reginald Henderson III 1940 Elizabeth Ave Rahway NJ 07065	1940 Elizabeth Ave	\$2,391.56

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-191-16

Date of Adoption:

### RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES 2014 AND 2015 TAX LIENS

**WHEREAS**, the City of Rahway held Tax Lien Sales on November 7, 2014 and 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.

#### 2014 Tax Liens

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
239 63	2105 Evans Street	US Bank Cust for PC5 Sterling NTL US Bank Global Corp Trust 50 S. 16th Street STE 2050 Philadelphia PA 19102	\$1,361.96	\$1,400.00
<b>Certificate 2014-0053</b>				

#### 2015 Tax Liens

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
18 15	297 Jefferson Ave	US Bank Cust\PFS Financial 1 LLC P.O. Box 645236 Cincinnati OH 45264	\$10,178.79	\$26,500.00
<b>Certificate 2015-0005</b>				
13 03	140 Minna Street	US Bank Cust\PFS Financial 1 LLC P.O. Box 645236 Cincinnati OH 45264	\$6,082.11	\$37,100.00
<b>Certificate 2015-0004</b>				
304.01 4 C0401	452 Hancock Street	Trade Money LLC 29 Palisades Rd STE 18 Old Bridge NJ 08857	\$1,052.67	\$0.00
<b>Certificate 2015-0051</b>				
202 9	763 West Grand Ave	MTAG Cust for Empire VII NJ Portfol P.O. Box 2096 Hicksville NY 11802	\$8,077.84	\$6,000.00
<b>Certificate 2015-0027</b>				

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-192-16

Date of Adoption:

### RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENTS DUE TO SUCCESSFUL JUDGMENTS IN THE TAX COURT OF NEW JERSEY

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

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

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

<u>YEAR</u>	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER/ ATTORNEY</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
2016	112	18	Oscar Salas <b>Check payable to:</b> Jacobus & Associates, LLC, Trustee for Salas, Oscar <b>Mail check to:</b> Jacobus & Associates, LLC 201 Littleton Road, 1 <sup>st</sup> Floor Morris Plains, NJ 07950	719 Madison Avenue	\$ 638.90
2012	161	39	Benevento Associates, LLC. <b>Check payable to:</b> Michael I. Schneck, Trustee for Benevento Associates, LLC <b>Mail check to:</b> Schneck Law Group LLC 301 South Livingston Avenue Suite 105 Livingston, NJ 07039	136-166 W. Grand Avenue	\$ 8,761.50
2016	307	6	Hector Diaz <b>Check payable to:</b> Jacobus & Associates, LLC, Trustee for Diaz, Hector <b>Mail check to:</b> Jacobus & Associates, LLC 201 Littleton Road, 1 <sup>st</sup> Floor Morris Plains, NJ 07950	244 Williams Street	\$ 1,041.41

# **RESOLUTION**

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

No. AR-193-16

Date of Adoption:

### **RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF EQUIPMENT (Lights, Sirens, Prisoner transport system and Push Bumper) TO OUTFIT TWO NEW POLICE VEHICLES VIA STATE CONTRACT**

**WHEREAS,** the Rahway Police Department is in need of the equipment to outfit two new police vehicles; and

**WHEREAS,** it has been determined that purchase of said equipment under State Contract is the most practical way to proceed at this time.

**NOW, THEREFORE, BE IT RESOLVED,** by the Municipal Council of the City of Rahway, that the purchase of new equipment for the Rahway Police Department from Triangle Communications, LLC (State Contract No. T- 0106), 2362 Waldheim Avenue, Scotch Plains NJ 07076, is hereby authorized for an amount not to exceed \$24,503.06.

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 State & Federal Grant Fund, Account Numbers 03-215-55-520-115 & 03-215-55-520-116 to cover the cost of this contract.

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

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-194-16

Date of Adoption:

**RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AGREEMENT WITH ANCO ENVIRONMENTAL SERVICES, INC. FOR THE INSTALLATION OF A GROUNDWATER MONITORING WELL ON MUNICIPAL PROPERTY**

**WHEREAS**, ANCO Environmental Services, Inc. (“ANCO”), a licensed site remediation professional, requires access to real property owned by the City located at the intersection of East Grand Avenue, Washington Street, and Paterson Street and otherwise designated as Lot 1 in Block 384.01 on the official tax map of the City for the purposes temporarily installing a groundwater monitoring well; and

**WHEREAS**, the City desires to enter into the attached Access Agreement with ANCO for this purpose.

**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 Municipal Clerk are hereby authorized to execute the Access Agreement with ANCO which is annexed hereto and made a part hereof.

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.

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

\_\_\_\_\_  
Rayna E. Harris, Municipal Clerk

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-195-16

Date of Adoption:

### RESOLUTION AUTHORIZING THE RAHWAY HOUSING AUTHORITY TO DEMOLISH BUILDING 570 CAPOBIANCO PLAZA

**WHEREAS,** the Rahway Housing Authority desires to demolish one stand-alone building containing 6 four bedroom apartments and replace it, given available funding, with anew maintenance workshop, office area and garage bays as well as 2 two bedroom apartments, one being a handicap unit; and

**WHEREAS,** the Rahway Housing Authority Board of Commissioners in a regular public meeting passed a Resolution giving the Executive Director, Kenneth Pushko, the authority to pursue the required process to demolish 6 four bedroom apartments in one building located at 570 Capobianco Plaza; and

**WHEREAS,** the Rahway Housing Authority (the “Authority”) in a Commissioners Retreat soon afterward discussed at length the physical condition of the present building as well as the diminishing need for these four bedroom units; and

**WHEREAS,** the Commissioners in said retreat concluded after reviewing four plausible scenarios, that the community and the Authority would be best served by replacing said 6 four bedroom units with a building containing 2 two bedroom apartments (one being a handicap accessible unit) and a new maintenance facility; and

**WHEREAS,** the current building would be too expensive to rehabilitate and due to the change in area demographics of families requesting public housing during the past fifteen years, four bedroom units that would remain after said demolition would be more than sufficient to meet projected demand. Thus, it has been determined that the cost to repair the building would be extensive (determined by an independent engineer) and even if repaired, the four bedroom units are not needed; and

**WHEREAS,** the affected families by U.S. Department of HUD regulations must successfully be placed in other suitable apartments before demolition would start and the Authority has adequate resources to fulfill this requirement; and

**WHEREAS,** the Authority has obtained the necessary approval from the Mayor’s Office; and

**WHEREAS,** the Authority also must gain approval from the local governing body, namely the City of Rahway City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rahway approves the Authority plan to demolish building 570 Capobianco Plaza containing 6 four bedroom apartments.

**BE IT FURTHER RESOLVED** that given funding the Authority will attempt to construct a new building containing 2 two bedroom units, one as a handicap accessible unit, and a new maintenance facility.

**BE IT FURTHER RESOLVED** that this approval is given with the Authority's assurances that the families that once lived in this building have been moved to other units within the family complex which are newer and/or in better condition.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-196-16

Date of Adoption:

**RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO B & W CONSTRUCTION CO. OF NJ INC., FOR REPLACEMENT OF EXISTING CAST IRON FRAME AND COVER ON EXISTING SANITARY SEWER MANHOLE AT NJSH RT. 27 AND JAQUES AVENUE PURSUANT TO N.J.S.A. 40A:11-6**

**WHEREAS,** N.J.S.A. 40A:11-6(b) states that “Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ...”; and

**WHEREAS,** the manhole cover was dislodged causing a vertical obstruction in the roadway located on NJSH Rt. 27 and Jaques Avenue; and

**WHEREAS,** the manhole cover was unable to be reset due to the damage sustained by the manhole frame; and

**WHEREAS,** the work included the replacement of the manhole frame and cover on an existing sanitary sewer manhole, and the repair to the appropriate disturbed roadway sections; and

**WHEREAS,** the City Engineer contacted B & W Construction Co. of NJ Inc. (the “Contractor”) to undertake the replacement of the manhole frame and cover on an emergency basis; and

**WHEREAS,** the total award of the contract for services will not exceed the bid threshold pursuant to the Local Contracts Law (N.J.S.A. 40A:11-1, et. seq.) and therefore does not require competitive bids.

**BE IT RESOLVED,** by the City Council of the City of Rahway in the County of Union, that a contract with B & W Construction Co. of NJ Inc., for the replacement of an existing cast iron frame and cover on an existing sanitary sewer manhole at NJSH Rt. 27 and Jaques Avenue, Rahway in at an amount not to exceed Nine Thousand Eight Hundred Twenty-Five Dollars (\$9,825.00) is hereby ratified and authorized pursuant to N.J.S.A, 40:11-6(b).

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-197-16

Date of Adoption:

**RESOLUTION REFERRING PROPOSED AMENDMENTS TO THE AMENDED AND SUPPLEMENTED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN TO THE PLANNING BOARD IN ACCORDANCE WITH N.J.S.A. 40A:12A-7(e)**

**WHEREAS**, in January 1998, the Central Business District Redevelopment Plan was adopted by the City of Rahway, New Jersey, which was thereafter amended numerous times (collectively, the “**Original Redevelopment Plan**”); and

**WHEREAS**, the City Council adopted Ordinance No. O-29-16 which served to replace the Original Redevelopment Plan with the “Amended and Supplemented Central Business District Redevelopment Plan” prepared by Phillips, Preiss, Grygiel LLC and dated January 2013 (“**Amended Redevelopment Plan**”); and

**WHEREAS**, the City, through discussions with the redeveloper of Block 305, Lot 5.02 (“**Properties**”) located within the Central Business District, has determined it to be in the City’s best interests to further amend the Amended Redevelopment Plan in order to effectuate redevelopment on those Properties (“**Proposed Amendments**”); and

**WHEREAS**, in accordance with N.J.S.A. 40A:12A-7(e), the governing body must refer all amendments to a redevelopment plan to the Planning Board for its review and recommendation; and

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

**Section 1.** The City Clerk is directed to refer the Proposed Amendments to the Planning Board in accordance with N.J.S.A. 40A:12A-7(e).

**Section 2.** Within forty-five (45) days after referral, the Planning Board shall issue a report to the City Council containing its recommendation concerning the Proposed Amendments. This report shall include an identification of any provisions in the Proposed Amendments which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate.

# **ORDINANCE**

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

No.     O-25-16    

**GUARANTY ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY REGARDING THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON CERTAIN CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY IN CONNECTION WITH THE AUTHORITY'S AFOREMENTIONED BONDS**

**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by a resolution duly adopted on June 5, 1986 by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Laws of New Jersey of 1960, and the acts amendatory thereof and supplemental thereto (the "Act"); and

**WHEREAS**, the County has created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and development projects within the County; and

**WHEREAS**, pursuant to the terms of the Act, the Authority is authorized to provide public facilities, as such term is defined therein, within the County, including the financing of the acquisition of same; and

**WHEREAS**, the City of Rahway (the "City"), in the County, is entering into a "Services Agreement for the Operation, Management, Maintenance and Repair of the City of Rahway's Water Supply System" (the "Operating Agreement") with the operator named therein (the "Operator") for the operation, management, maintenance and repair of the City's water supply system (the "Water System"); and

**WHEREAS**, pursuant to the terms of the Operating Agreement, the Operator will pay to the City an annual concession fee in the amount of \$1 million for the 20 year term of the Operating Agreement (the "Concession Fee Payment"); and

**WHEREAS**, in order to assist with the provision of the Water System and the financing of same, the Authority has agreed to issue not to exceed \$14,000,000 City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) (the "Bonds"), the proceeds of which will be loaned from the Authority to the City (the "Loan") pursuant to a loan agreement dated as of the first day of the month of issuance

of the Bonds (the "Loan Agreement") and used by the City to provide water and tax rate stabilization; and

**WHEREAS**, pursuant to the terms of the Loan Agreement, the City will use the Concession Fee Payment to repay the Loan to the Authority; and

**WHEREAS**, the Bonds shall be issued pursuant to the terms of the Act, the Authority's general bond resolution entitled "Resolution Authorizing the Issuance of Not Exceeding \$14,000,000 of City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) of The Union County Improvement Authority and Determining Other Matters Related Thereto" as the same may be further supplemented and amended by a certificate of the Executive Director of the Authority (collectively, the "Bond Resolution"), and other applicable law; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds shall be secured, on a parity basis, by valid and binding loan payments made by the City to the Authority under the Loan Agreement; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds, shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$14,000,000 in accordance with the terms of a guaranty ordinance of the City finally adopted by the City Council of the City (the "City Guaranty"), a guaranty agreement by and between the Authority and the City (the "City Guaranty Agreement"), and by a guaranty certificate (collectively, the "Bond Guaranty") to be executed by the Mayor of the City on the face of each Bond, all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) which City Guaranty shall provide for payments in amounts sufficient to pay in a timely manner the principal of (including mandatory sinking fund installments, if any), and the interest on the Bonds, pursuant to the terms of which City Guaranty the City shall be obligated, if necessary, to make such guaranty payments from the levy of *ad valorem* taxes upon all of the taxable property within the City, without limitation as to rate or amount; and

**WHEREAS**, the City has prepared a supplemental debt statement and a copy of such supplemental debt statement has been filed with the clerk of the Division of Local Governmental Services prior to final adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY** (not less than two thirds of the full membership thereof affirmatively concurring) as follows:

Section 1. This City Guaranty ordinance shall be adopted by the governing body of the City in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Laws of New Jersey of 1960, as amended (the "Local Bond Law"), codified as N.J.S.A. 40A:2-1, et seq.

Section 2. Pursuant to and in accordance with the terms of the Act, specifically Section 37 of the Act (N.J.S.A. 40:37A-80), the City is hereby authorized to and hereby shall

unconditionally and irrevocably guarantee the punctual payment of the principal of (including sinking fund installments, if any) and interest on the Bonds in an aggregate principal amount not exceeding \$14,000,000, which Bonds are to be issued for the purpose described in the preambles hereof, on such terms and conditions as may be agreed to by and between the City and the Authority. The term "Bonds" shall include all Bonds issued for or with respect to these purposes or any bonds issued to refund the Bonds issued for these purposes, provided that the total amount of Bonds outstanding entitled to the benefits of the City Guaranty shall not exceed \$14,000,000. Any Bonds that are no longer considered outstanding under the Bond Resolution shall not be considered outstanding for the purpose of this City Guaranty. Upon the endorsement of the Bonds referred to in Section 3 below, the City shall be unconditionally and irrevocably obligated to pay the principal of (including sinking fund installments, if any) and interest on the Bonds, when due, in the same manner and to the same extent as in the case of bonds issued by the City and accordingly, the City shall be unconditionally and irrevocably obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment thereof without limitation as to rate or amount when required under the provisions of applicable law.

Section 3. The Mayor, Chief Financial Officer, or such other officer authorized by the City (the "Financial Officer") shall, by manual or facsimile signature, execute an endorsement on each of the Bonds evidencing this City Guaranty by the City as to the punctual payment of the principal of and interest thereon. The endorsement on each Bond shall be in substantially the following form, and absent the fully executed endorsement in such following form on any such Bond, such Bond shall not be entitled to the benefits of this City Guaranty ordinance:

#### GUARANTY OF THE CITY OF RAHWAY, STATE OF NEW JERSEY

The payment of the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the within Bond to the extent considered outstanding under the Bond Resolution is hereby fully and unconditionally guaranteed by the City of Rahway, New Jersey (the "City"), and the City is unconditionally liable for the payment, when due, of the principal of and interest on this Bond if such payment is not available from revenues of the Authority.

IN WITNESS WHEREOF, the City of Rahway, New Jersey has caused this Guaranty to be executed by the manual or facsimile signature of its Mayor.



# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-26-16    

**A LOAN ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE UNION COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE OF SECURING THE PAYMENT OF NOT TO EXCEED \$14,000,000 CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT)**

**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by a resolution duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act"); and

**WHEREAS**, the County has created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and development projects within the County; and

**WHEREAS**, pursuant to the terms of the Act, the Authority is authorized to provide public facilities, as such term is defined therein, within the County, including the financing of the acquisition of same; and

**WHEREAS**, the City of Rahway, New Jersey (the "City") is entering into a "Services Agreement for the Operation, Management, Maintenance and Repair of the City of Rahway's Water Supply System" (the "Operating Agreement") with the operator named therein (the "Operator") for the operation, management, maintenance and repair of the City's water supply system (the "Water System"); and

**WHEREAS**, pursuant to the terms of the Operating Agreement, the Operator will pay to the City an annual concession fee in the amount of \$1 million for the 20 year term of the Operating Agreement (the "Concession Fee Payment"); and

**WHEREAS**, in order to assist with the provision of the Water System and the financing of same, the Authority has agreed to issue not to exceed \$14,000,000 City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) (the "Bonds"), the proceeds of which will be loaned from

the Authority to the City (the "Loan") pursuant to a loan agreement dated as of the first day of the month of issuance of the Bonds (the "Loan Agreement") and used by the City to provide water and tax rate stabilization (the "Water Rate and Tax Stabilization Project"); and

**WHEREAS**, pursuant to the terms of the Loan Agreement, the City will use the Concession Fee Payment to repay the Loan to the Authority for the 2016 Project; and

**WHEREAS**, the Bonds shall be issued pursuant to the terms of the Act, the Authority's general bond resolution entitled "Resolution Authorizing the Issuance of Not Exceeding \$14,000,000 of "City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) of The Union County Improvement Authority and Determining Other Matters Related Thereto" as the same may be further supplemented and amended by a certificate of the Executive Director of the Authority (collectively, the "Bond Resolution"), and other applicable law; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds shall be secured, on a parity basis, by valid and binding loan payments made by the City to the Authority under the Loan Agreement; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds, shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$14,000,000 in accordance with the terms of a guaranty ordinance of the City finally adopted by the City Council of the City (the "City Guaranty"), a guaranty agreement by and between the Authority and the City (the "City Guaranty Agreement"), and by a guaranty certificate (collectively, the "Bond Guaranty") to be executed by the Mayor of the City on the face of each Bond, all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A 80) which City Guaranty shall provide for payments in amounts sufficient to pay in a timely manner the principal of (including mandatory sinking fund installments, if any), and the interest on the Bonds, pursuant to the terms of which City Guaranty the City shall be obligated, if necessary, to make such guaranty payments from the levy of *ad valorem* taxes upon all of the taxable property within the City, without limitation as to rate or amount.

All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY 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.** (a) The Water Rate and Tax Stabilization Project described in the preamble hereof and in Exhibit B attached to this loan ordinance and by this reference

made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the City. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$14,000,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$14,000,000 appropriation, a loan from the Authority to the City is hereby authorized in a not to exceed amount of \$14,000,000 pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the Water Rate and Tax Stabilization Project described in the preamble hereof and in Exhibit B attached hereto is \$14,000,000.

(e) The estimated cost of said general capital improvements or purposes is a not to exceed amount of \$14,000,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

**Section 2.** Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the City is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for general capital improvements for the purposes described in the preambles hereof to be financed with the proceeds of the Bonds. The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the City), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the City and bond counsel to the Authority.

**Section 3.** The full faith and credit of the City are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the City under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the City as a result of payments made by the City on behalf of the City under the Loan Agreement pursuant to the City Guaranty, including City Guaranty Costs, and (iii) all direct and indirect costs of the Authority and the City related to the enforcement of the Loan Agreement and the City Guaranty ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the City, not subject to annual appropriation by the City pursuant to the County Improvement Authorities Law, and unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized City Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the City in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the City is hereby authorized to attest to such signature and affix the seal of the City thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the City are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Loan Payment Obligation for which the City shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the general capital improvements for the purposes described in the preambles hereof and in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the City's general capital improvements for the purposes described in the preambles hereof, and (c) pay the City's share of the costs of issuance, Authority Administrative Expenses, Additional Loan Payments, City Guaranty Costs and all other amounts required to be paid by the City under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than 40 years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the City under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed 40 years.

(f) 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 loan provided for in this loan ordinance by \$14,000,000 and the said

loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$1,000,000 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 general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto.

**Section 5.** To the extent the City is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the City hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized City Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the City on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

**Section 6.** The Mayor, Clerk, Chief Financial Officer of the City or other Authorized City Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the general capital improvements for the purposes described in the preambles hereof and all related transactions contemplated by this ordinance.

**Section 7.** Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the City as to its Loan Payment Obligation authorized herein shall cease to exist.

**Section 8.** The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the Clerk of the City and is available for public inspection.

**Section 9.** The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

**Section 10.** The City reasonably expects to reimburse any expenditures toward the costs of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

**Section 11.** The Clerk of the City is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

**Section 12.** This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

**ADOPTED ON FIRST READING**

**DATED: September 12, 2016**



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

Date of Introduced: September 12, 2016

M- Mojica

S - Giacobbe

**YES:**

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

**ABSENT:**

**None**