

MINUTES
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
PRE-MEETING CONFERENCE
March 3, 2020 ~ 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)*

**All items with an asterisk are not conducted at the pre-meeting conference*

Council President Mojica called the meeting to order at 7:06 p.m. and read the Roll Call.

ROLL CALL

Present: Rodney Farrar, Michael Cox, Robert “Bob” Bresenhan Jr.,
David Brown, Danielle “Danni” Newbury,
Joseph D. Gibilisco, Jeremy E. Mojica

Absent: James Baker, Joanna Miles

PLEDGE OF ALLEGIANCE and INVOCATION

Council President Mojica led the Pledge of Allegiance.
Councilmember David Brown offered the invocation.

OPEN PUBLIC MEETING STATEMENT:

City Clerk Rayna E. Harris announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

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, Home News Tribune, 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.

***PRESENTATIONS**

- a. Rahway High School Varsity Soccer Team
- b. Rahway High School Seal of Biliteracy
- c. Youth Art Month

REVIEW OF AGENDA ITEMS

The Councilmembers discussed all the items to be placed on the Agenda and voted on at the Regular Meeting of March 9, 2020. Council President Mojica assigned the mover and second for each of the ordinances and resolutions listed below.

a. Ordinances – Introduction/First Reading

1. An Ordinance amending Chapter 401 of the Code of the City of Rahway (vehicles and traffic) - handicapped parking
2. An ordinance amending the Code of the City of Rahway by adding chapter _____, establishment of land bank
3. An ordinance designating the Rahway Redevelopment Agency as the Land Bank Entity
4. A Bond Ordinance Providing for Various Improvements to Brennan Field, by and in the City of Rahway, in the County of Union, State of New Jersey; Appropriating \$475,000 therefor and Authorizing the Issuance of \$450,000 Bonds or Notes of The City to Finance Part of the Cost thereof
5. A Bond Ordinance Providing for Various Capital Acquisitions and Improvements for the Water Utility of the City of Rahway, in the County of Union, State of New Jersey (The "City"); Appropriating \$475,000 therefor and Authorizing the Issuance of \$475,000 Bonds or Notes of the

- Water Utility of the City to Finance the Costs thereof
6. A Bond Ordinance Providing for the 2020 Road Improvement Program of the City of Rahway, in the County of Union, State of New Jersey (The "City"); Appropriating \$1,650,000 therefor and Authorizing the Issuance of \$1,570,000 Bonds or Notes of the City to Finance Part of the Costs thereof
 7. A Bond Ordinance Providing for Various Improvements to Water Storage Tanks for the Water Utility of the City of Rahway, in the County of Union, State of New Jersey (The "City"); Appropriating \$525,000 therefor and Authorizing the Issuance of \$525,000 Bonds or Notes of the Water Utility of the City to Finance the Costs thereof
 8. An Ordinance Amending the City of Rahway Code Chapter 401 Vehicles and Traffic

b. Resolutions by Department

1. Department of Administration

- i. Resolution awarding a contract to Millennium Strategies for grant writing services
- ii. Resolution to award professional environmental services contract to T&M Associates
- iii. Resolution authorizing the City of Rahway's application to the NJ Board of Public Utilities (BPU) Clean Fleet Electric Vehicle Program
- iv. Resolution to award professional environmental services contract to T&M Associates (Mackie Post)
- v. Resolution to award a services contract for consulting services as they pertain to performing arts and artists
- vi. Resolution approving a MOU between the City and RFDFMBA Local 233
- vii. Resolution authorizing the City of Rahway to perform IN-REM foreclosures

2. Department of Community Development

- i. Resolution granting permission for the RABP to hold a "Taste of Spring"
- ii. Resolution to award a professional services contract to provide certified health education services in accordance with public health practice standards
- iii. Resolution authorizing the release of performance bond and acceptance of a maintenance bond to Hannum's Harley Davidson for Rahway for Lot 1.01, Block 88
- iv. Resolution entering into an inter-local services agreement with the City of Elizabeth, Department of Health and Human Services, Division of Health for sexually transmitted disease services
- v. Resolution authorizing the execution of a contract between the City of Rahway and T&M Associates for professional environmental services
- vi. Resolution authorizing the execution of a contract between the City of Rahway and CME Associates for general professional engineering services
- vii. Resolution authorizing the execution of a contract between the City of Rahway and Najarian Associates, Inc. for general professional engineering services
- viii. Resolution authorizing the execution of a contract between the City of Rahway and Bohler Engineering for general professional engineering services
- ix. Resolution authorizing the execution of a contract between the City of Rahway and Maser Consulting Engineering for general professional engineering services
- x. Resolution authorizing the execution of a contract between the City of Rahway and Neglia Engineering Associates for general professional engineering services
- xi. Resolution authorizing the execution of a contract between the City of Rahway and T&M Associates for general professional engineering services

3. Police Department

- i. Resolution authorizing the Rahway Police Department to continue to participate in the LESO program
- ii. Resolution to award a contract to Gold Type Business Machines INC. (GTBM) for Info-Cop device licenses

- iii. Resolution Awarding a Contract to Johnston Communications for Support and Maintenance of the Sentinel Patriot 911 Communications System

4. Department of Public Works

- i. Resolution authorizing the purchase of vehicles for the Department of Public Works utilizing the MCCP Cooperative #15-C, Items #10 & #17
- ii. Resolution authorizing the purchase of a utility vehicle for the Department of Public Works utilizing the NJ State Contract # A89938
- iii. Resolution awarding a contract to Sam Bonaccorso & Son for flood levee cutting between April and November

5. Department of Recreation and Senior Services

- i. Resolution authorizing the Mayor and City Council of the City of Rahway to apply for the Union County Local Arts Grant program and enter into a contract thereto
- ii. Resolution authorizing the Mayor and City Council of the City of Rahway to apply for the Union County Event Sponsorship Fund and enter into a contract thereto
- iii. Authorizing the Mayor and City Council of the City of Rahway to apply for the Union County History, Education, Arts, Reaching Thousands grant and enter into a contract
- iv. Resolution authorizing the Mayor and City Council of the City of Rahway to apply for the Union County Means Green Grant and enter into a contract thereto
- v. Resolution authorizing the Mayor and City Council of the City of Rahway to apply for the Drug Free Communities (DFC) support program- competing continuation grant

6. Department of Revenue and Finance

- i. Resolution authorizing the introduction of the CY 2020 Municipal Budget
- ii. Resolution requesting Council approval of RABP Budget for CY 2020
- iii. A Resolution Authorizing a Temporary Capital Budget
- iv. Resolution authorizing the refund of payment of taxes due to the granting of disabled veteran exemption
- v. Resolution authorizing the refund of money due to the redemption of tax sale certificates for 2009, 2012, 2017, 2018 & 2019 tax liens

***ORDINANCES – FINAL ADOPTION/SECOND READING**

O-29-19	ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS DESIGNATED ON THE OFFICIAL TAX MAPS OF THE CITY OF RAHWAY AS BLOCK 162, LOTS 5, 6 AND 7 FROM LLELAS 4, LLC Farrar / Mojica
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**ADOPTED ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. O-29-19

ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS DESIGNATED ON THE OFFICIAL TAX MAPS OF THE CITY OF RAHWAY AS BLOCK 162, LOTS 5, 6 AND 7 FROM LLELAS 4, LLC

WHEREAS, LLELAS 4, LLC (the “Owner”) is the owner of the property in the City of Rahway (the “City”) located at 1646-8 Irving Street (Block 162, Lot 5), 1654 Irving Street (Block 162, Lot 6) and Block 162, Lot 7 located on Seminary Avenue (collectively, the “Property”); and

WHEREAS, the City Municipal Council designated the Central Business District Redevelopment Area in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), within which the Property is located, and pursuant to which the Municipal Council adopted the Central Business District Redevelopment Plan in January 1998, as amended and supplemented (the “Redevelopment Plan”); and

WHEREAS, N.J.S.A. 40A:12A-8 of the Redevelopment Law authorizes the City to acquire property to effectuate the goals and objectives of the Redevelopment Plan; and

WHEREAS, the City desires to purchase for redevelopment purposes and the Seller desires to sell the Property; and

WHEREAS, based upon the appraised value of the Property, and taking into consideration the fact that the Property requires substantial rehabilitation and the anticipated rehabilitation costs, the Parties negotiated and agreed upon a purchase price of \$515,000, subject to approval of the Municipal Council; and

WHEREAS, the City has determined that it is necessary, beneficial and in the public interest to acquire the Property for the purpose of effectuating the goals and objectives of the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Rahway as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor is hereby authorized to execute a contract of sale in substantially the form appended hereto as **Attachment A**, and any other documents required for the purchase of the Property.
3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
4. This Ordinance shall take effect in accordance with all applicable laws.

O-32-19	BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY DESIGNATED AS BLOCK 162, LOTS 5, 6, AND 7 BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF Miles / Cox
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ADOPTED ORDINANCE
CITY OF RAHWAY, NEW JERSEY

No. O-32-19

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY DESIGNATED AS BLOCK 162, LOTS 5, 6, AND 7 BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF

WHEREAS, LLELAS 4, LLC (the “Owner”) is the owner of the property in the City of Rahway, in the County of Union, State of New Jersey (the “City”) designated as Block 162, Lots 5, 6, and 7, located on Irving Street and Seminary Avenue on the City’s official tax map (the “Property”); and

WHEREAS, the City Municipal Council designated the Central Business District Redevelopment Area in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), within which the Property is located, and pursuant to which the Municipal Council adopted the Central Business District Redevelopment Plan in January 1998, as amended and supplemented (the “Redevelopment Plan”); and

WHEREAS, N.J.S.A. 40A:12A-8 and 40A:12A-22 of the Redevelopment Law authorize the City to acquire property to effectuate the goals and objectives of the Redevelopment Plan; and

WHEREAS, the City has determined that it is necessary, beneficial and in the public interest to acquire the Property for the purpose of effectuating the goals and objectives of the Redevelopment Plan; and

WHEREAS, the City desires to finance the purchase of the Property for redevelopment purposes through the issuance of bonds and/or notes.

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 amount of \$550,000. Pursuant to Section 37 of the Redevelopment Law (N.J.S.A. 40A:12A-37c(2)), no down payment is required, notwithstanding the requirements of Section 11 of the Local Bond Law (N.J.S.A. 40A:2-11), because the improvements and purposes set forth in Section 3 constitute a “redevelopment project” under the Redevelopment Law.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$550,000 pursuant to and within the limitations prescribed by 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 the principal amount not exceeding \$550,000 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 for the acquisition and payment of the purchase price for real property, a lawful public purpose, designated as Block 162, Lots 5, 6, and 7, located on Irving Street and Seminary Avenue on the Official Tax Map of the City (the "Property"), including any structures, buildings, improvements, personal property, fixtures, easements, rights-of-way or other property rights currently located thereon.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$550,000.

(c) The estimated cost of said improvement or purpose is \$550,000.

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. 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, if applicable, 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 City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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) Pursuant to N.J.S.A. 40A:12A-37(c), the obligations authorized herein shall mature in annual installments commencing not more than two (2) and ending not more than forty (40) years from the date of issuance.

(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 \$550,000 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 \$35,000 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.

(e) The obligations of the City authorized by this bond ordinance shall bear interest at a maximum rate of not to exceed six (6.00%) per centum per annum, without further authorization of the City Council, which authorization may be by resolution.

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 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 Chief Financial Officer of the City 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, which are authorized herein, and to execute such disclosure document on behalf of the City. The 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, which are authorized herein, 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 10. The City is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, City Attorney and City Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Property.

SECTION 11. The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 11 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 12. If tax-exempt bonds or notes are issued under this bond ordinance, the City covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on such tax-exempt bonds and notes issued under this bond ordinance.

SECTION 13. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 14. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption as provided by the Local Bond Law.

O-03-20	ORDINANCE APPROVING THE APPLICATION OF METRO RAHWAY URBAN RENEWAL, L.L.C. TO EXTEND THE TERM OF ITS TAX EXEMPTION FOR BLOCK 149, LOTS 1, 5, 23, 24 and 25 THROUGH FEBRUARY 28, 2045, AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE FINANCIAL AGREEMENT Bresenhan / Farrar
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ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-03-20

ORDINANCE APPROVING THE APPLICATION OF METRO RAHWAY URBAN RENEWAL, L.L.C. TO EXTEND THE TERM OF ITS TAX EXEMPTION FOR BLOCK 149, LOTS 1, 5, 23, 24 and 25 THROUGH FEBRUARY 28, 2045, AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE FINANCIAL AGREEMENT

WHEREAS, Metro Rahway Urban Renewal, L.L.C. (the “Entity”) is the fee owner of Lots 1, 5, 23, 24 and 25 in Block 149 (the “Property”) as shown on the official tax maps of the City of Rahway (the “City”); and

WHEREAS, the Property is located within an area designated by ordinance of the City Council (“City Council”) as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”); and

WHEREAS, on March 9, 1998, in accordance with the Redevelopment Law, the City Council adopted the Central Business District Redevelopment Plan (the “Redevelopment Plan”); and

WHEREAS, on or about August 15, 2006, the City entered into a redevelopment agreement for the Property with the Entity’s predecessor-in-interest, Hearthstone Development, LLC, which was subsequently assigned to the Entity (the “Redevelopment Agreement”); and

WHEREAS, on or about March 5, 2013 and July 8, 2013, pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTEL”), the Entity filed an application for a tax exemption for the Property, which was approved by the City Council on September 9, 2013 by Ordinance #O-35-13; and

WHEREAS, on November 13, 2013, the Parties entered into that certain Financial Agreement (“Financial Agreement”) which, inter alia, provided the Entity with a fifteen (15) year tax exemption (the “Tax Exemption”) which commenced on the Annual Service Charge Start Date of March 1, 2015; and

WHEREAS, in accordance with the LTTEL, which permits a maximum tax exemption period of thirty (30) years, the Entity has applied to the City for an amendment to the Financial Agreement to extend the Term of the Tax Exemption for an additional fifteen (15) years (the “Extension Application”); and

WHEREAS, the City makes the following findings: (1) the City has benefited from the redevelopment of the Property and the completion of the Project; (2) the redeveloped Property has generated, and will generate, Annual Service Charge revenue in excess of ad valorem taxation without detriment to the public; (3) the Project created construction jobs during the construction of the Project and has generated and maintained permanent jobs in the City at the Property; (4) the project continues to further the redevelopment objectives of the Redevelopment Plan for the Central Business District Redevelopment Area, and (5) the benefits of extending the Tax Exemption to the statutorily-permitted thirty (30) years significantly outweighs the costs to the City and the public; and (6) the Entity has demonstrated a need to extend the tax exemption to ensure the future financial viability of the Project; and

WHEREAS, the Mayor has recommended that the City Council approve the Extension Application and authorize the execution of the First Amendment to the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rahway as follows:

1. The Extension Application is hereby approved pursuant to the LTTEL.
2. The Mayor and City Clerk are hereby authorized to execute an amendment to the Financial Agreement in substantial conformity with the First Amendment appended hereto as Exhibit A.
3. This Ordinance shall take effect in accordance with applicable law.

EXHIBIT A

(First Amendment to Financial Agreement)

O-04-20	AN ORDINANCE AMENDING CHAPTER 5 ADMINISTRATION OF GOVERNMENT, ARTICLE XVII DEPARTMENT OF POLICE, SPECIAL-DUTY JOBS, SALARY AND VEHICLE FEES Mojica / Gibilisco
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**ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. O-04-20

**AN ORDINANCE AMENDING CHAPTER 5 ADMINISTRATION OF GOVERNMENT,
ARTICLE XVII DEPARTMENT OF POLICE, SPECIAL-DUTY JOBS, SALARY AND
VEHICLE FEES**

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: Administration of Government, § 5-71: **Special-Duty jobs, salary and vehicle fees**

Add:

Section K.

The City may choose to utilize a secondary service to administrate and perform the above actions related to the off-duty employment process. These actions include but are not limited to: Communicating with said person or company to schedule off-duty officers, Scheduling the Officers for off- duty assignments, invoicing a person of company and receiving escrow and or payments from said person or company in a matter set forth by the secondary service provider. The Secondary service provider may charge an additional fee of up to (10) ten percent for services that are above and in addition to the fee structure stated above, and utilize business type collection rules as set forth in the contract between the City and the secondary service provider.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 3. 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 4. This Ordinance shall become effective after second reading and publication as required by law.

O-05-20	AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIRST AMENDMENT TO THE AMENDED AND RESTATED FINANCIAL AGREEMENT BETWEEN THE CITY OF RAHWAY AND DORNOCH RAHWAY II URBAN RENEWAL, LLC Mojica / City Council
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ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-05-20

AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIRST AMENDMENT TO THE AMENDED AND RESTATED FINANCIAL AGREEMENT BETWEEN THE CITY OF RAHWAY AND DORNOCH RAHWAY II URBAN RENEWAL, L.L.C.

WHEREAS, the Municipal Council of the City of Rahway (the “Council”) designated certain lands formerly known as Block 318, Lots 1-10, Lot 13, and Lot 23 as an area in need of redevelopment, a portion of which is now known as Block 318, Lot 1.02 and Block 318.01, Lot 1.01 (the “Original Property”), and another portion of which is now known as Block 318.01, Lot 2 (“Lot 2”), and adopted the Amended and Supplemental Central Business District Redevelopment Plan on March 11, 2013; and

WHEREAS, Dornoch Rahway II Urban Renewal, L.L.C. (the “Redeveloper”) is the owner of the Original Property and Lot 2 is currently owned by the City of Rahway (the “City”); and

WHEREAS, the Redeveloper and the Rahway Redevelopment Agency (the “Agency”) are parties to a certain Redevelopment Agreement dated October 1, 2014 (the “2014 Redevelopment Agreement”) governing the development of the Project currently being constructed by the Redeveloper on the Original Property; and

WHEREAS, on October 10, 2018, the Redeveloper and the Agency entered into a First Amendment to Redevelopment Agreement amending the 2014 Redevelopment Agreement (the “First Amendment” and together with the 2014 Redevelopment Agreement, the “2018 Redevelopment Agreement”); and

WHEREAS, the Redeveloper and the City are parties to a certain Amended and Restated Financial Agreement dated November 20, 2018 (the “2018 Financial Agreement”) with respect to the Original Property; and

WHEREAS, pursuant to Ordinance _____ scheduled for introduction simultaneously herewith, the City is seeking to convey Lot 2 to the Redeveloper for the expansion of the Project; and

WHEREAS, upon the adoption of Ordinance _____, the 2018 Financial Agreement will require amendment to, among other things, incorporate Lot 2 into tax exemption granted thereunder; and

WHEREAS, subsequent to the authorization by the Municipal Council to convey Lot 2 to the Redeveloper, the Redeveloper and Agency intend to execute a Second Amendment to the Redevelopment Agreement to, among other things, incorporate Lot 2 into the Project.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Rahway as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The City Council hereby authorizes the Mayor and Clerk to execute an amendment to the 2018 Financial Agreement in substantial conformity with the First Amendment to the Amended and Restated Financial Agreement appended hereto as Attachment A.
3. If any portion(s) of this Ordinance shall be deemed invalid by a court of competent jurisdiction, such portion(s) shall be severed and the invalidity thereof shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect in accordance with applicable law.

ATTACHMENT A

**FIRST AMENDMENT TO AMENDED AND
RESTATED FINANCIAL AGREEMENT**

O-06-20	AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY DESIGNATED AS BLOCK 318.01, LOT 2 ON THE CITY'S OFFICIAL TAX MAP TO DORNOCH RAHWAY II URBAN RENEWAL L.L.C. AND FURTHER AUTHORIZING THE EXECUTION OF CONVEYANCE DOCUMENTS THERETO Mojica / City Council
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**ORDINANCE
CITY OF RAHWAY, NEW JERSEY**

No. **O-06-20**

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY DESIGNATED AS BLOCK 318.01, LOT 2 ON THE CITY'S OFFICIAL TAX MAP TO DORNOCH RAHWAY II URBAN RENEWAL L.L.C. AND FURTHER AUTHORIZING THE EXECUTION OF CONVEYANCE DOCUMENTS THERETO

WHEREAS, the City of Rahway (the "City") is the owner of that certain parcel of land designated as Block 318.01, Lot 2 on the City's official tax map (the "Property"); and

WHEREAS, Dornoch Rahway II Urban Renewal, L.L.C. (the "Redeveloper") and the Rahway Redevelopment Agency (the "Agency") are parties to a Redevelopment Agreement dated October 1, 2014 (the "2014 Redevelopment Agreement"); and

WHEREAS, on October 10, 2018, the Redeveloper and the Agency entered into a First Amendment to Redevelopment Agreement amending the 2014 Redevelopment Agreement (the "First Amendment" and together with the 2014 Redevelopment Agreement, the "2018 Redevelopment Agreement"); and

WHEREAS, on or about September 24, 2006, the Rahway Parking Authority (the "RPA") and Dornoch Rahway, LP entered into a purchase and sale agreement regarding Block 318, Lot 23, which agreement has been superseded by an Agreement of Sale between the RPA and the Redeveloper regarding Block 318, Lot 23 dated January 2014 (as now or hereafter amended, the "RPA Contract"); and

WHEREAS, the Redeveloper has commenced construction of Phase 1 of the Project with the opening of the building in Phase I for occupancy in the very near future (for the purposes herein, the "Redevelopment Project"); and

WHEREAS, pursuant to the Amended RPA Contract (as defined in the First Amendment) the Redeveloper agreed to construct eleven (11) public parking spaces on property of the RPA shown on the City Tax Map as Block 318.01, Lot 2 (hereinafter referred to as, "Lot 2"); and

WHEREAS, the RPA has been dissolved by the City and the City has assumed the rights and obligations of the RPA; and

WHEREAS, the Agency and the City have proposed that the Redeveloper dedicate the Monroe Street Extension to the City and relinquish to the City its rights to eleven (11) on-street parking spaces in exchange for the City conveying Lot 2 to the Redeveloper for the purchase price of \$55,000, which Redeveloper intends to use to expand the Phase 2 building to include additional residential units and parking spaces; and

WHEREAS, the City desires to sell and the Redeveloper desires to purchase Lot 2 for the Redevelopment Project at the above-referenced purchase price, which the City deems fair and reasonable.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Rahway as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The City Council hereby authorizes the conveyance of Block 318.01, Lot 2 to Dornoch Rahway II Urban Renewal, L.L.C. for the purchase price of \$55,000, which will be used for the Redevelopment Project.
3. The Mayor and Clerk are hereby authorized to execute any and all documents necessary for the conveyance of the Property, which shall include the execution of the conveyance agreement in substantial conformity with the Purchase and Sale Agreement appended hereto as Attachment A.
4. If any portion(s) of this Ordinance shall be deemed invalid by a court of competent jurisdiction, such portion(s) shall be severed and the invalidity thereof shall not affect the remaining portions of this Ordinance.
5. This Ordinance shall take effect in accordance with applicable law.

ATTACHMENT A

PURCHASE AND SALE AGREEMENT FOR LOT 2

COMMUNICATIONS: MAYOR, REPORTS OF CITY OFFICERS AND BILL PAYMENT LIST

No items were offered.

REPORTS OF COUNCIL COMMITTEES

No items were offered.

MISCELLANEOUS (Unfinished Business)

No items were offered.

COMMUNICATIONS: Hearing of Citizens on Any Item (Five Minutes per Speaker)

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

COUNCIL COMMENT: (Three Minutes per Member)

No remarks were offered.

ADJOURNMENT

The meeting was adjourned at 7:24 p.m. without objection on a voice vote.

Approved:

Rayna E. Harris, City Clerk

Jeremy E. Mojica, Council President