

**MINUTES**  
**PRE-MEETING CONFERENCE**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MARCH 5, 2019 ~ 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)*

Council President Farrar called the meeting to order at 7:05 p.m. and read the Roll Call.

**ROLL CALL**

**PRESENT:** Councilmembers Brown, Cox, Gibilisco, Miles, Wenson Maier, Mojica, Farrar

**ABSENT:** Councilmembers Baker and Bresenhan

**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.

**PLEDGE OF ALLEGIANCE and INVOCATION**

Council President Farrar led the Pledge of Allegiance.

Councilman David Brown offered the invocation.

**REVIEW OF AGENDA ITEMS**

The members of Council discussed all the items to be placed on the Agenda and voted on at the Regular Meeting of March 11, 2019. Council President Farrar gave the mover and second for each of the resolutions listed below.

a. **Proclamations**

1. Women’s History Month

b. **Ordinances – Introduction/First Reading**

c. **Resolutions**

1. Recreation Refund
2. Water Refund
3. Filming Permit Bond Return - N Train Productions, LLC
4. Parking Refund
5. New Jersey Cooperative Purchasing Alliance (Bergen County)
6. Hot Rods and Harleys Event Authorization
7. Hot Rods and Harleys Street Closure
8. Hot Rods and Harleys – Cubanu
9. Hot Rods and Harleys – Luciano’s

10. Hot Rods and Harleys – Irving Inn
11. Hot Rods and Harleys – Watt Hotel
12. Transfer of CY 2018 Budget Appropriation Reserves
13. Contract Award Najmee Technologies for Local Area Network (LAN) Network Management
14. Awarding a Contract for Forensic Auditing Services
15. Tax; Overpayments CY2018
16. Tax; Refunds Tax Sale Certificate for a 2014 Tax Lien
17. Tax; Refund Senior Deduction CY2018
18. Tax; Refund Widow of a Veteran Deduction CY 2018
19. Tax; Refund Veteran Deduction CY 2018
20. Tax; Refund Overpayments Successful Judgments in the Tax Court of New Jersey
21. Police; Ragnasoft Contract for licensing and support of the Planit scheduling software
22. Police; Johnston Communications Contract for support and maintenance of the Sentinel Patriot 911 Communications System
23. Extend Animal Control Services
24. Recommendation to Award – Engineering Services for 2019 Road Resurfacing, Crack Sealing and Sidewalk Improvements
25. Recommendation to Award – Preliminary Engineering Services for Water Treatment Plant Intake Structure Improvements
26. Recommendation to Award - Preliminary Engineering for Improvements to Witherspoon Street Outfall
27. Recommendation for Payment - Emergency Sinkhole Repair (2296 Allen Street)
28. Designating an Authorized Representative to Execute a NJDOT Addendum
29. Mayors Council Rahway River Watershed Flood Control Inter local agreement
30. RRWA Lease Agreement
31. Recommendation for Access Agreement (39-47 E Milton Ave and 1349 Fulton St)

**COMMUNICATIONS FROM MAYOR, REPORTS OF CITY OFFICERS AND LIST OF PAYMENT OF BILLS**

The Members of Council accepted the reports and list of payment of bills.

**REPORTS OF COUNCIL COMMITTEES**

No items were offered.

**ORDINANCES – FINAL ADOPTION/SECOND READING**

<b>O-01-19</b>	<p>AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING; 265 CENTRAL AVENUE (<b>Miles / Mojica</b>)</p> <p>Date of Introduced: <u>February 11, 2019</u>  <b>Motion:</b> Miles    <b>Second:</b> Mojica</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u>  <b>Motion:</b> Miles    <b>Second:</b> Mojica</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> Councilmember Cox</p>
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# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-01-19    

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

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 401: Vehicles and Traffic, § 401-79 Schedule XXI: Handicapped Parking

**Add:**

On Esterbrook Avenue on the side of 265 Central Avenue  
East Side – From the apex of Central Avenue heading north 33” and extending to a point 22’ north thereof.

**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.

<b>O-02-19</b>	<p>AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING; 254 WEST LAKE AVENUE (<b>Cox/Brown</b>)</p> <p>Date of Introduced: <u>February 11, 2019</u> <b>Motion:</b> Cox      <b>Second:</b> Brown</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown <b>NO:</b> None <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u> <b>Motion:</b> Bresenhan      <b>Second:</b> Brown</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown <b>NO:</b> None <b>ABSENT:</b> Councilmember Cox</p>
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# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-02-19    

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

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 401: Vehicles and Traffic, § 401-79 Schedule XXI: Handicapped Parking

**Add:**

In front of 254 West Lake Avenue  
South Side – From the apex of Pierpont St. heading east 235” and extending to a point 22’ east thereof.

**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.

<b>O-03-19</b>	<p>AN ORDINANCE AMENDING CHAPTER 147 OF THE CODE OF THE CITY OF RAHWAY (DESIGNATED BIKEWAYS) (<b>Baker / Gibilisco</b>)</p> <p>Date of Introduced: <u>February 11, 2019</u>  <b>Motion:</b> Baker    <b>Second:</b> Gibilisco</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u>  <b>Motion:</b> Baker    <b>Second:</b> Gibilisco</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> Councilmember Cox</p>
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# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.      **O-03-19**

### AN ORDINANCE AMENDING CHAPTER 147 OF THE CODE OF THE CITY OF RAHWAY (DESIGNATED BIKEWAYS)

**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 147: Bicycles, §147-11.1 Designated Bikeways

##### **Add:**

- A. The restriction contained in §147-11.1 hereinabove shall not apply to those sections of sidewalks that have been or shall be designated as official authorized bikeways. Each sidewalk or section thereof that has been or shall be designated as an official authorized bikeway shall have signs posted along the bikeway route designed such as an official authorized bikeway.
- B. The streets or parts of streets described in Schedule XXVIII (§401-87), attached to and made a part of this chapter, are hereby designated as Designated Bikeways in the direction(s) indicated.
- C. **Class I.** Streets segments with a travel lane of 15 feet or greater shall be considered acceptable for installation of Class I bicycle lanes consisting of a five-foot-wide bicycle lane demarcated with solid white line lane striping; and yellow striping bifurcating opposing bicycle travel lanes, where necessary; these lanes shall include standard bicycle symbols painted on the street and optional contrast coloring within the bike lanes clearly indicating the space as a bicycle lane. When a bikeway is designated within Class I, the bicycle lanes shall be located on the right side of two-way streets and the left side of one-way streets, between parking and travel lanes.
- D. **Class II.** Streets segments with a travel lane of less than 15 feet or with traffic patterns that make Class I bicycle lanes impractical, shall be considered acceptable for installation of Class II bicycle route markings consisting of standard bicycle symbols and double chevrons, also known as sharrows, painted on the street to communicate that drivers shall share the road with bicyclists; these routes may also include "Share the Road" posted signage. When a bikeway is designated as Class II, the routes shall have offset markings to the right of the travel lane center so that bicyclists are guided outside of the door sweep area of parked cars.
- E. Appropriate striping, pavement markings, and/or signage shall be used at intersections where streets transition between one-way and two-way traffic flow.
- F. Street designations and typical lane configurations are meant to be standard guidelines; however, all final bicycle lane and route configurations are subject to professional review and recommendation by the City Engineer and/or Police Department Traffic Bureau and shall be included in the City Code.

**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.

<b>O-04-19</b>	<p>AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) (<b>Bresenhan / Miles</b>)</p> <p>Date of Introduced: <u>February 11, 2019</u>  <b>Motion:</b> Bresenhan                      <b>Second:</b> Miles</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u>  <b>Motion:</b> Bresenhan                      <b>Second:</b> Miles</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> Councilmember Cox</p>
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## ADOPTED ORDINANCE CITY OF RAHWAY, NEW JERSEY

No.     O-04-19    

### AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC)

**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 401: Vehicles and Traffic, **§401-87 Schedule XXVIII: Designated Bikeways**

**Add:**

<b>NAME OF STREET</b>	<b>LIMITS</b>
Broad Street	Between W. Lake Ave. and Campbell Street
Bond Street	Between Washington St. and Monroe Street
Central Avenue	Between Madison Ave. and Campbell St.
Campbell Avenue	Between E. Milton Ave. and Central Ave.

Elizabeth Avenue	Between Irving St. and Jackson Ave.
Irving Street	Between E. Milton Ave. and Elizabeth Ave.
Jackson Avenue	Between Elizabeth Ave. and Linden Ave.
Linden Avenue	Between Jackson Ave. and St. Georges Ave.
Madison Avenue	Between Bramhall Rd. and Old Lake Ave. Between Maple Ave. and Westfield Ave.
Maple Avenue	Between Old Lake Ave. and Madison Ave.
Monroe Street	Between Bond St. and Main St.
Old Lake Avenue	Between Madison Ave. and Maple Ave.
West Lake Street	Between Broad St. and Dukes Rd.

**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.

<b>O-05-19</b>	<p>BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$1,750,000 THEREFOR (INCLUDING GRANTS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF (<b>Farrar / Mojica</b>)</p> <p>Date of Introduced: <u>February 11, 2019</u>  <b>Motion:</b> Farrar    <b>Second:</b> Mojica</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u>  <b>Motion:</b> Farrar    <b>Second:</b> Mojica</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> Councilmember Cox</p>
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# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. 0-05-19

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$1,750,000 THEREFOR (INCLUDING GRANTS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS 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 the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$1,750,000, which amount includes \$225,000 as the amount of a grant expected to be received from the Community Development Block Grant Program (the "CDBG Grant"), \$650,000 as the amount of a grant expected to be received from the New Jersey Department of Transportation (the "NJDOT Grant", and together with the CDBG Grant, the "Grants"), and \$87,500 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.



**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,750,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount not exceeding \$1,662,500 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 improvements or purposes, negotiable notes of the City in the principal amount not exceeding \$1,662,500 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 include, but are not limited to, improvements to various roadways within the City, including, but not limited to, Bond Street (Washington Street to Monroe Street), Lafayette Street (Lawrence Street to Bond Street), Kearney Avenue (Whittier Street to Elizabeth Avenue), Rogers Court (St. Georges Avenue to cul-de-sac), Berthold Avenue (West Inman Avenue to Grove Street), Harvard Street (West Inman Avenue to Grove Street), Jensen Avenue (Grove Street to West Meadow Avenue), Grove Street (Harvard Street to Jefferson Avenue), Totten Street (Hancock Street to East Milton Avenue), Charlotte Place (Central Avenue to Stone Street), Mooney Place (Central Avenue to Stone Street), Farrell Terrace (cul-de-sac to Stone Street), Moses Drive (Jefferson Avenue to 315 feet east of Jefferson Avenue), Brown Place (Hamilton Street to Westfield Avenue), Elm Avenue (Jefferson Avenue to Beaver Place), Milton Boulevard at Richard Boulevard (intersection), Garden Street (Milton Boulevard to Elm Terrace), Diantonio Drive (Maurice Avenue to cul-de-sac), Trussler Place (Madison Avenue to Jefferson Avenue), and Madison Avenue (Westfield Avenue to Stone Street, Old Lake Avenue to West Lake Avenue, and Grove Street to West Lake Avenue), all such improvements include, but are not limited to, as applicable, reconstruction, installation and/or repair of sidewalks and driveway aprons, reconstruction or repair of handicap accessible ramps for compliance with the requirements of the Americans with Disabilities Act, milling, paving, striping, reconstruction, sealing and resurfacing of various roadways, the repair and/or installation of curbs, retaining walls and curb ramps, drainage work, site work, clearing, tree planting and/or removal, roadway painting, landscaping, lawn and driveway restoration and other aesthetic improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,662,500.

(c) The estimated cost of said improvements or purposes is \$1,750,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of the down payment available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances 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.

**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, including the Grants, to the City for the improvements and 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, including the Grants, 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 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 N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a 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, 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 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 purposes described in Section 3 of this bond ordinance are not current expenses and are improvements 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 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 ten (10) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed

in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,662,500 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 \$200,000 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 herein before 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 principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** 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 9 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 10.** 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 all bonds and notes issued under this bond ordinance.

**SECTION 11.** 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

<b>O-06-19</b>	<p><b>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 \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE WATER UTILITY OF THE CITY TO FINANCE THE COSTS THEREOF (<b>Brown / Baker</b>)</b></p> <p>Date of Introduced: <u>February 11, 2019</u>  <b>Motion:</b> Brown    <b>Second:</b> Baker</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Cox, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> None</p> <p>Date of Public Hearing: <u>March 11, 2019</u></p> <p>Date of Adoption: <u>March 11, 2019</u>  <b>Motion:</b> Brown    <b>Second:</b> Baker</p> <p><b>YES:</b> Councilmembers Baker, Bresenhan, Gibilisco, Miles, Mojica, Wenson Maier, Farrar, and Brown  <b>NO:</b> None  <b>ABSENT:</b> Councilmember Cox</p>
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# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-06-19    

**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 \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE WATER UTILITY OF THE CITY TO FINANCE THE COSTS 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 the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Water Utility (the "Water Utility") of the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$600,000 by the Water Utility of the City. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required as the Water Utility is self-liquidating.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water Utility are hereby authorized to be issued in a principal amount not exceeding \$600,000 pursuant and within the limitations prescribed by 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 a principal amount not exceeding \$600,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are for various capital improvements to the Water Utility of the City including,

but not limited to, the replacement of water mains, the repair and/or replacement of valves, upgrades to the main office including, but not limited to, the entry door, and the purchase of a valve maintenance trailer.

(b) The estimated maximum amount of bonds or notes of the City to be issued for said purposes is \$600,000.

(c) The estimated cost of said improvements or purposes is \$600,000.

(d) All such improvements or purposes described above shall include, but are not limited to, as applicable, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

**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 improvements and 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 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 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 N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a 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, 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 of the Water Utility of the City, as applicable. The capital budget of the Water Utility 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 of the Water Utility of the City, 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the City may lawfully undertake as general improvements for the Water Utility of the City, 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 and purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 25.67 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, within 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 obligations provided for in this bond ordinance by \$600,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$115,000 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 purposes or improvements described in Section 3 hereof.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c)

**SECTION 8.** Unless paid from other sources, 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. Unless paid from other sources, 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 principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** 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 9 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 10.** 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 all bonds and notes issued under this bond ordinance.

**SECTION 11.** 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**MISCELLANEOUS (Unfinished Business)**  
No items were offered.

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

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

**COUNCIL COMMENT:** (Three Minutes per Member)  
No remarks were offered.

**EXECUTIVE CLOSED SESSION**

In public, Council President Farrar stated that the Council had a need to enter Executive Closed Session.

A motion was made by Councilmember Cox and seconded by Councilmember Gibilisco to adopt **Resolution AR-62-19** to enter into Executive Closed Session at 7:17 p.m. The Resolution was adopted as follows.

**YES:** Councilmembers Brown, Cox, Gibilisco, Miles, Wenson Maier, Mojica, and Farrar

**ABSENT:** Councilmembers Baker and Bresenhan

# **RESOLUTION**

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

No. AR-62-19

Date of Adoption: March 5, 2019

### **RESOLUTION AUTHORIZING AN EXECUTIVE CLOSED SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq., commonly known as the “Sunshine Law”, requires that Municipal Council meetings be open to the public except for the discussion of certain subjects; and

**WHEREAS**, the “Sunshine Law” requires that a closed session be authorized by resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey that the following portion of this meeting shall be closed to the public and the meeting shall be resumed at the end of the closed session; and

**BE IT FURTHER RESOLVED** that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

**SUBJECT MATTER**

1. Matters relating to personnel/employment
2. Matters of pending or anticipated litigation
3. Matters falling within the attorney-client privilege

**TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED:**

Upon authorization by the City Attorney/ Director of Law as required by law

Motion was made by Councilmember Cox and seconded by Councilmember Miles to conclude the Executive Closed Session and return to the normal order of business at 7:45 pm.

**YES:** Councilmembers Brown, Cox, Gibilisco, Miles, Wenson Maier, Mojica, and Farrar

**ABSENT:** Councilmembers Baker and Bresenhan

Council President Farrar declared the motion carried.

**ADJOURNMENT**

Motion to adjourn the meeting made by Councilmember Miles; seconded by Councilmember Brown at 7:45 p.m.

**YES:** Councilmembers Brown, Cox, Gibilisco, Miles, Wenson Maier, Mojica, and Farrar

**ABSENT:** Councilmembers Baker and Bresenhan

Council President Farrar declared the motion carried.

Approved:

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Rayna E. Harris, City Clerk

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Rodney Farrar, Council President