AN ORDINANCE TO ADOPT THE REDEVELOPMENT PLAN FOR THE NEW BRUNSWICK CULTURAL CENTER REDEVELOPMENT PLAN AREA IN THE CITY OF NEW BRUNSWICK

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

The City Council makes the following findings:

a) The New Brunswick Planning Board held a hearing to review and discuss the adoption of the proposed redevelopment plan for the New Brunswick Cultural Center redevelopment area on January 9, 2017, with said redevelopment area shown on the map in Section 1 of the New Brunswick Cultural Center Redevelopment Plan; and

b) The New Brunswick Planning Board forwarded a report to the City Council regarding the Board’s finding that the New Brunswick Cultural Center Redevelopment Plan is consistent with the City’s Master Plan; and

c) The Redevelopment Plan provides guidelines for the development of the redevelopment area with mixed-use development including theater, residential office and retail uses, and that said guidelines include appropriate zoning regulations for the bulk and mass of the proposed buildings, parking and traffic circulation; and

d) The proposed Redevelopment Plan is consistent with the goals and objectives of the City of New Brunswick’s master plan, including the concentration of cultural, entertainment, commercial, public health and institutional activities in clearly defined and distinctive activity centers; the protection and enhancement of the aesthetic compatibility of all development within the community; to encourage tendency of commercial development to cluster to the mutual advantage of both customers and merchants and other goals and objectives cited in the Planning Board’s January 10, 2017 report; and

e) The development of the redevelopment area as proposed by the Redevelopment Plan will create new cultural, residential and commercial opportunities and new jobs in the City of New Brunswick.

The City Council of the City of New Brunswick has reviewed the New Brunswick Cultural Center Redevelopment Plan and held a public hearing about the Redevelopment Plan to receive comments from the public.

SECTION II

The New Brunswick City Council hereby declares that the New Brunswick Cultural Center Redevelopment Plan is adopted as the official redevelopment plan for this area.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.
SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: January 18, 2017

[Signature]
COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: February 1, 2017

[Signature]
COUNCIL PRESIDENT

ATTEST:

City Clerk

APPROVAL OF THE MAYOR ON THIS DAY OF

[Signature]
MAYOR

APPROVALS:

[Signature]
CITY ADMINISTRATOR

[Signature]
CITY ATTORNEY

TKS/kc

Page 2 of 2
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.050 - Schedule 29, "Time Limit Parking" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>PROGRESSIVE RATES</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Street</td>
<td>East</td>
<td>Hamilton Street to Mine Street</td>
<td>1-2 hr.: $1.50/hr. 3rd hr.: $2.00 4th hr.: $3.00 5th hr.: $4.00 6th hr.: $5.00 7th hr.: $6.00 8th hr.: $7.00</td>
<td>8 Hours</td>
<td>8 a.m. - 8 p.m.</td>
<td>Monday to Saturday</td>
</tr>
</tbody>
</table>

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: January 18, 2017
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: February 1, 2017
COUNCIL PRESIDENT

MAYOR

APPROVALS:

X CITY ADMINISTRATOR

X CITY ATTORNEY

CG/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilcox Road</td>
<td>East</td>
<td>Beginning at a point 85' from the northerly curbline of Tunison Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td>extending 115' northerly thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: January 18, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: February 1, 2017

COUNCIL PRESIDENT

ATTEST:
CITY CLERK
APPROVAL OF THE MAYOR ON THIS 7th DAY OF February, 2017.

MAYOR

APPROVALS:

Thomas L. Long
CITY ADMINISTRATOR

M. W. Jones
MAYOR

ATTORNEY

WJ/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, VEHICLES AND TRAFFIC, CHAPTER 10.50, "PROVISIONS FOR
SUBTITLE 1 OF NEW JERSEY STATUTE TITLE 39; ENFORCEMENT"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I
Title 10, is hereby amended to ADD Chapter 10.50, "Provisions for Subtitle 1 of New Jersey Statute Title 39; Enforcement" as follows:

10.50.010
A. Notwithstanding the provisions of Title 10, Chapter 10.16.080, Enforcement, the enforcement provisions of Subtitle 1 of Title 39 of the revised statutes of New Jersey for Various Traffic Regulations are to be made applicable to the semi-public or private roads, streets, driveways, parking areas or other roadways open to or used by the public, tenants, employees and the members of such institutions or development projects located within the City of New Brunswick, County of Middlesex, as listed in SECTION III, 10.50.030, and not as a matter of public right.

B. The provisions of Subtitle 1 of Title 39, of the Revised Statutes shall, in the discretion of the municipal authorities vested with the police powers in the locality within which the property of such persons, corporations, or institutions is situate, be made applicable thereto.

C. Upon the filing of a written request by a person, or by the board of directors of any corporation, or by the board of trustees of any corporation or other institution of a public or semipublic character not for pecuniary profit, incorporated under Title 15 of the Revised Statutes, with the clerk of any municipality within which the property of such person, corporation or institution is situate, the provision of Subtitle 1, Title 39, of the Revised Statutes shall be made applicable.

D. Such written request shall contain the name and post office address of the person, corporation or institution and shall designate with reasonable accuracy the semi-public or private roads, streets, driveways, parking areas or other roadways open to or used by vehicular traffic.

SECTION II
10.50.020
The following Revised General Ordinances of the City of New Brunswick shall be enforceable based on the Subtitle 1 of Title 39 Certification.

- Title 2, Chapter 2.64; Department of Police
- Title 10, Vehicles and Traffic

SECTION III
10.50.030
SCHEDULE OF TITLE 39 ENFORCEMENT AGREEMENTS

<table>
<thead>
<tr>
<th>DEVELOPMENT PROJECT</th>
<th>LOCATION</th>
<th>APPLICATION NO.</th>
<th>TITLE 39 CERTIFICATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd Petra, LLC</td>
<td>340-346 Seaman Street</td>
<td>Z-2013-07</td>
<td></td>
</tr>
</tbody>
</table>

SECTION IV
SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.
SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: February 15, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: March 1, 2017

COUNCIL PRESIDENT

ATTEST:

City Clerk


MAYOR

APPROVALS:

CITY-ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the City Council of the City of New Brunswick, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.050, Schedule 29, "Time Limit Parking" Parking Meters, shall be amended to **DELETE** the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>RATE</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Avenue</td>
<td>All</td>
<td>Somerset Street to Lafayette Street.</td>
<td>1-2 hours: $1.50/hr</td>
<td>8 hours</td>
<td>8 a.m.-8 p.m.</td>
<td>Mon.-Sat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Third hour: $2.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fourth hour: $3.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fifth hour: $4.00</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Sixth hour: $5.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Seventh hour: $6.00</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Eighth hour: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College Avenue</td>
<td>East</td>
<td>Beginning 492 feet from the westerly curbline of Hamilton Street and extending to George Street</td>
<td>1-2 hours: $1.50/hr</td>
<td>8 hours</td>
<td>8 a.m.-8 p.m.</td>
<td>Mon.-Sat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Third hour: $2.00</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Fourth hour: $3.00</td>
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<td></td>
<td></td>
<td></td>
<td>Fifth hour: $4.00</td>
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<td></td>
<td>Sixth hour: $5.00</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>Seventh hour: $6.00</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Eighth hour: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College Avenue</td>
<td>Northeast</td>
<td>Beginning 248.2 feet from the southeasterly curbline of Seminary Place and extending to a point 132 feet southeast thereof</td>
<td>1-2 hours: $1.50/hr</td>
<td>8 hours</td>
<td>8 a.m.-8 p.m.</td>
<td>Mon.-Sat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Third hour: $2.00</td>
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<td></td>
<td></td>
<td>Fourth hour: $3.00</td>
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<td></td>
<td></td>
<td></td>
<td>Fifth hour: $4.00</td>
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<td></td>
<td>Sixth hour: $5.00</td>
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<td></td>
<td></td>
<td>Seventh hour: $6.00</td>
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<td></td>
<td></td>
<td></td>
<td>Eighth hour: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College Avenue</td>
<td>West</td>
<td>George Street to Senior Street.</td>
<td>1-2 hours: $1.50/hr</td>
<td>8 hours</td>
<td>8 a.m.-8 p.m.</td>
<td>Mon.-Sat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Third hour: $2.00</td>
<td></td>
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<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Fourth hour: $3.00</td>
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<td></td>
<td>Fifth hour: $4.00</td>
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<td>Sixth hour: $5.00</td>
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<td></td>
<td>Seventh hour: $6.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Eighth hour: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

Title 10, Chapter 10.16, Section 10.16.050, Schedule 29, "Time Limit Parking" Parking Meters, shall be amended to **ADD** the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>RATE</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Avenue</td>
<td>East</td>
<td>Huntington Street to Lafayette Street.</td>
<td>1-2 hours: $1.50/hr</td>
<td>8 hours</td>
<td>8 a.m.-8 p.m.</td>
<td>Mon.-Sat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Third hour: $2.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fourth hour: $3.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fifth hour: $4.00</td>
<td></td>
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<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Sixth hour: $5.00</td>
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<td></td>
<td></td>
<td></td>
<td>Seventh hour: $6.00</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eighth hour: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.
SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: February 15, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: March 1, 2017

COUNCIL PRESIDENT


MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CG/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 2: ADMINISTRATION AND PERSONNEL

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 2, Chapter 2.28 – Officers and Department Heads Generally, Section 2.28.070 “Compensation” is hereby amended as follows:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>EFFECTIVE DATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council President</td>
<td>January 1, 2017</td>
<td>$11,000.00</td>
</tr>
<tr>
<td></td>
<td>January 1, 2019</td>
<td>$12,500.00</td>
</tr>
<tr>
<td></td>
<td>January 1, 2021</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>Member of Council</td>
<td>January 1, 2017</td>
<td>$10,500.00</td>
</tr>
<tr>
<td></td>
<td>January 1, 2019</td>
<td>$12,000.00</td>
</tr>
<tr>
<td></td>
<td>January 1, 2021</td>
<td>$13,500.00</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective immediately upon final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: February 15, 2017

ADOPTED ON SECOND READING
DATED: March 1, 2017

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

W,JH/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.12, Section 10.12.040, Schedule 6, "Stop Intersections" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>STOP SIGNS ARE INSTALLED ON:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tailer Square and Mitchell Avenue</td>
<td>Mitchell Avenue</td>
</tr>
<tr>
<td>Tailer Square and Quentin Avenue</td>
<td>Quentin Avenue</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: March 1, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: March 15, 2017

COUNCIL PRESIDENT

ATTEST:
CITY CLERK

APPROVALS:

[Signatures]

CITY ADMINISTRATOR

CITY ATTORNEY
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 2, "ADMINISTRATION AND PERSONNEL"

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

Title 2, Chapter 2.64, Department of Police, Section 2.64.250 is hereby amended to read as follows:

2.64.250 - Contracts with Third Party Persons and Entities

This chapter authorizes the City of New Brunswick to enter into contracts with third party persons and entities ("vendor") wishing to secure services of police officers employed by the City of New Brunswick. Furthermore, this chapter shall establish the rates that said vendor will be charged, on an hourly basis, for police services, equipment and any other associated fees. This chapter shall also authorize the payment of the hourly rates, herein established, to be paid to any police officer of the City of New Brunswick so employed by the contracting vendor.

Any vendor desiring to retain the services of police officers of the City of New Brunswick for extra-duty police-related activities may be required to enter into a contract with the City of New Brunswick. Such contract may include, but not be limited to, the nature of duties to be performed, the occasion of said duties, the date and hours of service, the rate of payment of services to the officers, administrative fees to the City of New Brunswick and fees for the use of city-owned equipment. The form of said contract is to be created by the Law Department.

Extra-duty construction and road jobs performed by vendors that divert or interrupt motor vehicle or pedestrian traffic flow or may expose the public to the risk of injury shall require the services of off-duty police officers. The number of off-duty officers required shall be determined by the police director or designee. The police director or designee has the authority to determine if the services of an off-duty officer or officers are not needed for an extra-duty construction or road job. Flagmen will not be permitted unless they are State or County employees certified in the practice of traffic direction.

The contract with said vendor may provide for the deposit of monies in advance by the vendor for the services to be performed if deemed necessary by the police director or designee. Should the contract be for a term exceeding one month, the vendor may be required to tender an estimated payment for the first month's services upon executing the contract, and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the City of New Brunswick shall, upon termination of the contract and receipt of the final certified time slips, return all unused funds to the vendor. Nothing in this section shall be construed as limiting the power of the City of New Brunswick to accept or reject any and all assignments with any vendor.

Except as provided herein, all contracts between a vendor and the City of New Brunswick, for extra-duty police services shall be for a minimum of four hours work or pay, unless agreed upon by the police director or designee. Any officer working more than four hours on an extra-duty assignment who is not afforded the opportunity for a meal break, shall be paid one additional hour to the total hours worked. If a vendor cancels an extra-duty assignment with less than two hours' notice, the officer(s) assigned to the extra-duty assignment shall be paid for four hours at the applicable rate.

Nothing contained herein shall limit the continuation of existing extra-duty assignments to Johnson and Johnson International and to Rutgers, The State University of New Jersey, or any of its affiliated entities. In addition, any other vendor who mutually agrees with the police director that extraordinary circumstances exist which support a rate equal to the overtime rate of compensation for the specific officer(s) employed under the aforementioned extraordinary circumstances, may enter into a contract with the police department at the officer's overtime rate provided that: (a) said rates shall not be lower than those provided by this chapter, and (b) all such payments shall be made in accordance with the procedures set forth in Section 2.64.260.

SECTION II

Title 2, Chapter 2.64, Department of Police, Section 2.64.260 is hereby amended to read as follows:

2.64.260 - Payment for Extra-Duty Assignments

All Vendors shall be required to make all payments for extra-duty assignments payable to the City of New Brunswick. All payments for extra-duty assignments shall be forwarded to the office of Chief Financial Officer of the City of New Brunswick. The Chief Financial Officer shall deposit all funds earmarked for the payment of extra-duty officers, collected from Vendors, into a special escrow fund. The escrow fund shall be established for payment to members of the Police Department performing the...
extra-duty services. All police officers shall be required to submit pay slips to the Police Director/Chief of Police. The pay slip shall be in a form approved by the Police Director/Chief of Police. Upon receipt of a properly executed pay slip verified by the Vendor, the Finance Department will process the pay slips for disbursement. Extra-duty officers shall be paid on a timely basis.

Except as provided elsewhere in this Ordinance, all police officers working an extra-duty assignment shall be paid as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$60.00 per hour</td>
</tr>
<tr>
<td>2017</td>
<td>$61.00 per hour</td>
</tr>
<tr>
<td>2018</td>
<td>$63.00 per hour</td>
</tr>
<tr>
<td>2019</td>
<td>$65.00 per hour</td>
</tr>
<tr>
<td>2020</td>
<td>$67.00 per hour</td>
</tr>
</tbody>
</table>

Extra-duty officers shall be paid on a timely basis. Except as provided elsewhere in this Ordinance, all police officers working an extra-duty assignment shall be paid as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$59.00 per hour</td>
</tr>
<tr>
<td>2017</td>
<td>$60.00 per hour</td>
</tr>
<tr>
<td>2018</td>
<td>$61.00 per hour</td>
</tr>
<tr>
<td>2019</td>
<td>$62.00 per hour</td>
</tr>
<tr>
<td>2020</td>
<td>$63.00 per hour</td>
</tr>
</tbody>
</table>

Furthermore, due to the nature of the services provided and the longstanding relationship between the New Brunswick Police Department and the State Theatre, the State Theatre shall be charged the extra duty rate as set forth below plus an Administrative Fee as set forth in 2.64.270. These rates shall be increased by the same per year dollar amount increases set forth in Section 2.64.260 and are set forth below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$59.00 per hour</td>
</tr>
<tr>
<td>2017</td>
<td>$60.00 per hour</td>
</tr>
<tr>
<td>2018</td>
<td>$61.00 per hour</td>
</tr>
<tr>
<td>2019</td>
<td>$62.00 per hour</td>
</tr>
<tr>
<td>2020</td>
<td>$63.00 per hour</td>
</tr>
</tbody>
</table>

The supervisor requirements and 15% differential set forth in Section 2.64.260 shall also apply to the State Theatre and the above rates.

These rates shall also apply to civic and not-for-profit organizations.

Officers shall receive "premium pay" for all hours or part thereof worked in excess of 8 on an extra-duty assignment, for all hours worked from 1900 through 0600 hours, for all hours worked on Saturdays and Sundays, and for extra-duty assignment on Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and December 31st.

"Night-time road construction" is defined as any work within the public right-of-way that takes place between the hours of 7:00 p.m. and 6:00 a.m.

The premium pay rate shall apply to all officers regardless of rank. The premium pay for years 2016 – 2020 shall be $99.00 per hour.

SECTION III

Title 2, Chapter 2.64, Department of Police, Section 2.64.270, Paragraph A is hereby amended to read as follows:

2.64.270 - Administrative Costs

A. In addition to the aforementioned fees to be collected by the City of New Brunswick from said
vendor for the payment of said extra-duty officers, the City of New Brunswick shall collect an administrative fee per person assigned to said vendor. In addition, the City of New Brunswick shall collect a fee per hour per police vehicle assigned to the vendor. Said fee shall be used to offset the administrative costs associated with the assignment of City police officers. The administrative fee and vehicle fees shall be as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADMINISTRATIVE FEE</th>
<th>VEHICLE FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$21.00</td>
<td>$19.00</td>
</tr>
<tr>
<td>2017</td>
<td>$22.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>2018</td>
<td>$22.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>2019</td>
<td>$23.00</td>
<td>$21.00</td>
</tr>
<tr>
<td>2020</td>
<td>$23.00</td>
<td>$21.00</td>
</tr>
</tbody>
</table>

SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: March 1, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: March 15, 2017

COUNCIL PRESIDENT

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 15, "BUILDINGS AND CONSTRUCTION"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Property Maintenance Code Title 15, entitled "Buildings and Construction" shall be amended to add a new Chapter 15.70, entitled "Vacant Property Registration Ordinance."

SECTION II

15.70.010 Findings and Declarations

WHEREAS, the City of New Brunswick contains structures that are vacant in whole or large part; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the City of New Brunswick incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, police calls, fire calls, and property inspections; and

WHEREAS, it is in the public interest for the City of New Brunswick to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the City of New Brunswick; and

WHEREAS, it is in the public interest for the City of New Brunswick to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the City by the presence of these structures.

15.70.020 Definitions

(1) For the purposes of this Ordinance, the following terms are defined as set forth herein:

"Municipal Officer" means the person designated by the Mayor of the City of New Brunswick, pursuant to section N.J.S.A. 40:48-2.4, or any officer of the City of New Brunswick qualified to carry out the responsibilities set forth under the provisions of this Ordinance and as designated by the Mayor.

"Owner" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, or any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (New Jersey Creditor Responsibility Law) or any other entity determined by the public officer of the City of New Brunswick to have authority to act with respect to the property.

"Vacant Property" shall mean any building or structure that is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any habitable property where all the building systems are in sound working order, where the building and the grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

15.70.030 General Requirements

(A) Effective June 1, 2017, the owner of any vacant property as defined herein shall, within sixty (60) days after the building becomes vacant, or within thirty (30) days after assuming ownership of the property, file a notice with the Municipal Officer of the City of New Brunswick.
vacant property, whichever is later; or within ten (10) days of receipt of the notice by the City of New Brunswick, file a registration statement for each such vacant property with the Municipal Officer on forms provided for that purpose by the Division of Inspections/Housing Bureau along with any fee required by this Ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

(B) Each property having a separate tax block and lot number shall be registered separately.

(C) Any owner of any building that meets the definition of vacant property prior to June 1, 2017 shall file a registration statement on or before June 30, 2017. The registration statement shall include the information required under Section 15.70.040 of this Ordinance, as well as any additional information that the Municipal Officer may reasonably require.

(D) The owner shall notify the Municipal Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Division of Inspections/Housing Bureau for such purpose.

(E) The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of a building.

15.70.040 Registration Statement Requirements

(A) The registration statement shall include the following: (i) the name, street address, e-mail address and telephone number of a natural person 18 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (ii) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property, as well as any additional information that the Municipal Officer may reasonably require. The individual or a firm responsible for maintaining the property shall be available by telephone or in person on a 24-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

(B) An owner who is a natural person and who maintains offices in the State of New Jersey or resides within the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

(C) The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15.70.080 for each vacant property so registered.

(D) The Municipal Officer may establish for purposes of efficient administration of this Ordinance that all registrations be renewed by June 1st of each year, which date shall be established by the Municipal Officer, in which case, the initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

15.70.050 Requirement for Inspection by City Official

Upon reasonable notice to the property owner or the designated agent, at any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the city to conduct exterior and interior inspections of the building to determine compliance with City of New Brunswick Property Maintenance Codes.

15.70.060 Restoration, Rehabilitation and Redevelopment of Vacant Property

(A) Any owner of vacant property who plans to restore the property to productive use and occupancy during the 12-month period following the date of the initial registration of the property shall file a detailed statement of the owner’s plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this Ordinance. In the event that the property has not been restored to productive use and occupancy at the end of the 12-month period, the owner shall be liable for any fee waived.

(B) Where the owner is a designated redeveloper as defined under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and where the property subject to this Ordinance is being held for a project of rehabilitation, redevelopment consistent with municipal plans and ordinances, or is for a redevelopment plan approved by the City, and by virtue of financing, market or other conditions of that project, may require more than one year for realization, the owner may make application to the City Housing and Property Maintenance Appeals Board for extension and continued waiver of the fee upon written
request by the owner. The owner shall provide the Municipal Office and the Board with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress. The owner shall be subject to all other provisions of this Ordinance during any period of extension.

15.70.070 Designation of Agent to Receive Notice of Legal Process

(A) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court processing or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

15.70.080 Registration and Renewal Fee Schedule

(A) The registration and renewal fee for each building shall be as follows:

<table>
<thead>
<tr>
<th>Type of Registration</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Registration</td>
<td>$1,000</td>
</tr>
<tr>
<td>First Renewal</td>
<td>$2,000</td>
</tr>
<tr>
<td>Second Renewal</td>
<td>$3,000</td>
</tr>
<tr>
<td>Any Subsequent Renewal</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

(B) At least eighty (80%) percent of all income resulting from the application of this Ordinance shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

15.70.090 Requirement to Secure Vacant Property

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within thirty (30) days of the structure becoming vacant or thirty (30) days of the owner taking title to the property:

1. Enclose and secure the structure as provided by the applicable sections of the New Brunswick Property Maintenance Code, PM 108.2 and PM 308, et seq., of the City of New Brunswick or as set forth in rules and regulations adopted by the Municipal Officer to implement those codes.

2. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.

3. Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process; and the name, address, and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least 18" x 24" in dimension, shall include the following language: "To report a problem with this building, call (contact information for owner or agent)" and shall be placed in a location where it is clearly visible and legible from the nearest public street or sidewalk, whichever is nearer; and

4. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished, or until repair or rehabilitation of the building is complete.

15.70.100 Requirement to Maintain Liability Insurance

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than $300,000 for buildings designed primarily for one to four-unit residential use and not less than $1,000,000 for any other building, including, but not limited to, buildings designed for multi-family, manufacturing, storage, or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within thirty (30) days of any lapse, cancellation, or change in coverage. The owner shall attach evidence of the insurance to the owner's
registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

15.70.110 Authority of Municipal Officer to Issue Regulations

The Municipal Officer may issue rules and regulations for the administration of the provisions of this Ordinance.

15.70.120 Penalties for Violation of Ordinance

(A) Except as otherwise provided herein, any person who violates any provision of this Ordinance or of the rules and regulations issued hereunder shall be fined not less than $500.00 nor more than $2,500.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(B) For the purposes of this section, failure to file a registration statement within thirty (30) days after assuming ownership of a vacant property, or within ten (10) days of receipt of notice of the requirement to comply with this Ordinance from the municipality, whichever is later; failure to provide correct information on the registration statement; failure to comply with the provisions of sections 15.70.090 or 15.70.100 of this Ordinance all shall be deemed to be a violation of this Ordinance.

(C) An out-of-state creditor subject to this Ordinance found to be in violation of the requirement to appoint an in-state representative or agent shall be subject to a fine of $2,500 for each day of the violation. Any fines imposed upon a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the 10-day period set forth in N.J.S.A. 46:10B-51(a) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(D) A owner subject to this Ordinance found to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Ordinance shall be subject to a fine of not less than $500 nor more than $2,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of this notice.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof.

SECTION IV

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: March 15, 2017

ADOPTED ON SECOND READING
DATED: April 5, 2017
APPROVAL OF THE MAYOR ON THIS 7th DAY OF APRIL, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION
AND FINANCIAL AGREEMENT BETWEEN THE CITY OF NEW BRUNSWICK
AND HOFFMAN HOUSING URBAN RENEWAL ASSOCIATES, LLC

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

Hoffman Housing Urban Renewal Associates, LLC (hereafter "Hoffman Housing") has undertaken a Low and Moderate Income Housing Project within the City of New Brunswick in furtherance of development of new low and moderate income housing in the Lower George Street Redevelopment Area.

The aforesaid Urban Renewal Project is being undertaken by Hoffman Housing in accordance with N.J.S.A. 40A:20-5 for the area as shown as

<table>
<thead>
<tr>
<th>Block</th>
<th>Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>105.02</td>
<td>1.03</td>
</tr>
</tbody>
</table>

on the Official Tax Maps of the City for purposes of developing a low and moderate income housing project consisting of 66 residential units for low income senior citizens.

Hoffman Housing is authorized to do business as an urban renewal entity under the laws of New Jersey pursuant to the provisions of the long-term tax exemption law, N.J.S.A. 40A:20-1, et seq. for the development of the project.

The New Brunswick City Council has determined that the development of the project will result in the development of new low and moderate income housing opportunities that will benefit the City and its residents when compared to the cost of the tax abatement and that the abatement approved herein is essential to the project which would not be feasible without the tax abatement approved by this ordinance.

SECTION II

The New Brunswick City Council hereby approves a long-term tax exemption to Hoffman Housing and the Mayor and the City Clerk are authorized to execute and attest a Financial Agreement for the project substantially in the form attached hereto, the final form of such Financial Agreement to be approved by the City Attorney and a copy thereof to be placed on file in the Office of the City Clerk.

SECTION III

SEVERABILITY:

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that anyone or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.
ADOPTED ON FIRST READING
DATED: March 13, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: April 5, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 7th DAY OF April, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" is hereby amended to DELETE the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Avenue</td>
<td>Northeast</td>
<td>From the northerly curbline of Hamilton Street to a point 367.9 feet northwest thereof.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>North</td>
<td>Beginning 37 feet from the easterly curbline of Huntington Street and extending 57 feet to a point east thereof.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>North</td>
<td>Beginning 37 feet from the westerly curbline of Huntington Street and extending 59 feet to a point west thereof.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>Northeast</td>
<td>Senior Street to Morrell Street.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>South</td>
<td>From Huntington Street to Richardson Street.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>Southwest</td>
<td>Senior Street to Hamilton Street.</td>
</tr>
</tbody>
</table>

SECTION II

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Avenue</td>
<td>Southwest</td>
<td>Beginning at the northwesterly curbline of Hamilton Street extending to the southeasterly curbline of Huntington Street.</td>
</tr>
<tr>
<td>College Avenue</td>
<td>Northeast</td>
<td>Beginning at the northwesterly curbline of Hamilton Street extending to the southeasterly curbline of Huntington Street.</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.
ADOPTED ON FIRST READING:
DATED: April 5, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 19, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 24th DAY OF April, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY
CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Municipal Council of the City of New Brunswick in the County of Middlesex finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

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

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of New Brunswick, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurs, that, in the CY 2017 budget year, the final appropriations of the City of New Brunswick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $2,189,571.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

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

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

ADOPTED ON FIRST READING
DATED: April 5, 2017

Glenn Fleming
Council President

Daniel A. Torrisi
City Clerk
ADOPTED ON SECOND READING
DATED: April 19, 2017

Daniel A. Torrisi
City Clerk

APPROVAL BY MAYOR ON THIS 24\textsuperscript{th} DAY OF April, 2017.

James M. Cahill
Mayor

APPROVALS:

City Administrator

City Attorney

Chief Financial Officer
BOND ORDINANCE PROVIDING FOR THE 2017 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $4,347,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF $4,140,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of $4,347,250, which sum includes $207,250 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of 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 the $4,347,250 appropriation not provided for by said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of $4,140,000 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 a principal amount not exceeding $4,140,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows:
<table>
<thead>
<tr>
<th>Description</th>
<th>Total Appropriation</th>
<th>Debt Authorization</th>
<th>Down Payment</th>
<th>Useful Life</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Public Facilities Projects</strong></td>
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<tr>
<td>Acquisition of an amplifier and task chairs for the Municipal Court; replacement of garage doors for the Public Works Department; resurfacing of tennis courts at various City parks; repainting and upgrade of the heating system at the Joyce Kilmer House (Dial-A-Ride program); replacement of flooring and cleaning of air ducts for the Recreation Department;</td>
<td>$162,500</td>
<td>$154,752</td>
<td>$7,748</td>
<td>15 years</td>
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<tr>
<td><strong>B. Streets and Sidewalk Projects</strong></td>
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<tr>
<td>(i) Various 2017 roadway improvements to Rutgers Village and various roadways all as on file with the City Clerk, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements, inlet, manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required, throughout the City; (ii) preparation of a road diet design for Livingston Avenue; (iii) preparation of designs for Neilson Street Park and Welton Street Park and (iv) repairs to the Delaware &amp; Raritan Canal cofferdams;</td>
<td>$2,209,700</td>
<td>$2,104,358</td>
<td>$105,342</td>
<td>15 years</td>
</tr>
<tr>
<td>Description</td>
<td>Total Appropriation</td>
<td>Debt Authorization</td>
<td>Down Payment</td>
<td>Useful Life</td>
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<tr>
<td><strong>C. Safety, Office and Equipment Projects</strong></td>
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<tr>
<td>Acquisition of mobile lifts for the Public Works Department; acquisition of a defibrillator for the Recreation Department; upgrades to servers, switches, audio visual equipment and radios for the Police Department; acquisition of equipment for Police Department vehicles; acquisition of self-contained breathing apparatus bottles and other equipment for the Fire Department and replacement of data processing equipment for various departments; and</td>
<td>$869,050</td>
<td>$827,616</td>
<td>$41,434</td>
<td>5 years</td>
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<td><strong>D. Vehicle Replacement</strong></td>
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<td>Acquisition of vehicles for the Public Works Department; acquisition of two (2) lawn mowers, a utility vehicle a front end loader/backhoe and a dump truck for the Parks Department; acquisition of a ten (10) passenger bus with lift for the Dial-A-Ride program; replacement of a sports utility vehicle for the Recreation Department; acquisition of training division vehicles for the Fire Department and acquisition of six (6) extra duty vehicles for the Police Department.</td>
<td>$1,106,000</td>
<td>$1,053,274</td>
<td>$52,726</td>
<td>5 years</td>
</tr>
<tr>
<td>Grand Total:</td>
<td>$4,347,250</td>
<td>$4,140,000</td>
<td>$207,250</td>
<td></td>
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</tbody>
</table>

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.
a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $4,140,000.

b. The aggregate estimated cost of said improvements and purposes is $4,347,250, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of $207,250.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the City for the improvements 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 Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex 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 such 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 Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date
of delivery thereof. The Chief Financial officer is directed to report in writing to the
governing body at the meeting next succeeding the date when any sale or delivery of
the notes pursuant to this bond ordinance is made. Such report must include the
principal amount, the description, the interest rate, and the maturity schedule of the
notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform
with the provisions of this bond ordinance, 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 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 of the City and will be available for public
inspection.

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 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 10.45 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 $4,140,000 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 $450,000 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 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 debt obligations authorized by this bond ordinance. The debt 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 debt 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 Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $4,140,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance 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 years after the expenditure is paid.

SECTION 10. 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 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: April 5, 2017

[Signatures]

DAVID A. TORRISI, City Clerk

GLENN FLEMING, Council President

ADOPTED ON SECOND READING

DATED: April 19, 2017

[Signatures]

DAVID A. TORRISI, City Clerk

GLENN FLEMING, Council President

APPROVAL BY THE MAYOR ON THIS 29th DAY OF APRIL, 2017

JAMES M. CAHILL, Mayor

APPROVALS:

[Signatures]

City Administrator

[Table of Councilmember votes]

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Yes</th>
<th>No</th>
<th>No Vote</th>
<th>Absent</th>
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<tr>
<td>John Anderson V. Pres</td>
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<tr>
<td>Kevin Egan</td>
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</tbody>
</table>

M-Moved S=Second
First Reading Vote on APRIL 5, 2017

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:

APRIL 5, 2017

Daniel A. Torrisi, City Clerk

[Table of Councilmember votes]

<table>
<thead>
<tr>
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M-Moved S=Second
Second & Final Reading Vote on April 19, 2017

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:

April 19, 2017

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER SYSTEM BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $4,344,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $4,344,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of $4,344,000, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the City are hereby authorized to be issued in the principal amount of $4,344,000 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 a principal amount not exceeding $4,344,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows improvements to the water system:
A. Replacement of cell #4 module; upgrades to gravity filters; acquisition of control screens for membranes; improvements to water quality stations; acquisition of powder activated carbon; improvements to water mains; acquisition of a pole barn for indoor storage; installation of fencing at the Farrington Dam; repairs to sewer line membranes; development of corrosion control strategies; replacement of the roof at the distribution garage; recoating of waste tanks; acquisition and installation of fire hydrants; valve work in the Van Dyke area and engineering and design studies for water treatment plant basins:

B. Replacement of cold water meters; and

C. Acquisition of a dump truck and a pick up truck.

Grand Total:

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $4,344,000.

b. The aggregate estimated cost of said improvements and purposes is $4,344,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the City for the improvements 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 Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex 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 such 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 Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance, 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 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 of the City and will be available for public inspection.

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 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 17.92 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 $4,344,000 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 $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 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 debt obligations authorized by this bond ordinance. The debt 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 debt 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 Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal
Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,000,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance 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 years after the expenditure is paid.

SECTION 10. 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 11. This bond ordinance shall take effect twenty (20) days after
the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: April 5, 2017

DANIEL A. TORRISI, City Clerk

GLENN FLEMING, Council President

ADOPTED ON SECOND READING

DATED: April 19, 2017

DANIEL A. TORRISI, City Clerk

GLENN FLEMING, Council President

APPROVAL BY THE MAYOR ON THIS 24TH DAY OF APRIL, 2017

JAMES M. CAHILL, Mayor

APPROVALS:

City Administrator

City Attorney

Chief Financial Officer

Councilmember  Yes  No  No Vote  Absent
John Anderson  V. Pres.  X
Kevin Egan  X
Rebecca Escobar  S
Suzanne Sicora Ludwig  X
Glenn Fleming, Pres  X

M=Moved  S=Second
First Reading Vote on APRIL 5, 2017

L. Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:

APRIL 5, 2017

Daniel A. Torrisi, City Clerk

Councilmember  Yes  No  No Vote  Absent
John Anderson  X
Rebecca Escobar  S  X
Glenn Fleming, Pres  X
Suzanne Sicora Ludwig  X
Kevin, Egan  M

M=Moved  S=Second
Second & Final Reading Vote on April 19, 2017

L. Daniel A. Torrisi, City Clerk of the City at New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:

April 19, 2017

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SANITARY SEWER SYSTEM BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,500,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, 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 City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $1,500,000, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of $1,500,000 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 the aggregate principal amount of $1,500,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and the purposes for the financing of which the bonds or notes are to be issued are various improvements to the sanitary sewer system, including, but not limited to, the repair and improvement of system pump stations and the repair/replacement/relining of City-wide sanitary and storm lines and investigation of system, as needed, all as on file with the City Clerk.

The above improvements or purposes set forth above shall also include, as applicable, all engineering and design work, preparation of plans and specifications,
permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $1,500,000.

(b) The aggregate estimated cost of said improvements or purposes is $1,500,000.

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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer 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, if any, from their dates to the
date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the office of the Clerk and is 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 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 period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $1,500,000, but such amount shall constitute a deduction from gross debt to the extent permitted by law, 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 amount not exceeding $200,000 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 improvements or purposes described in Section 3 hereof.
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 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. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,500,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. 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 by this bond ordinance 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. 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: April 5, 2017

[Signature]

DANIEL A. TORRISI, City Clerk

GLENN FLEMING, Council President

ADOPTED ON SECOND READING

DATED: April 19, 2017

[Signature]

DANIEL A. TORRISI, City Clerk

GLENN FLEMING, Council President

APPROVAL BY THE MAYOR ON THIS 26th DAY OF April, 2017

[Signature]

JAMES M. CAHILL, Mayor

APPROVALS:

<table>
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M-Moved S-Sec Move
First Reading Vote on APRIL 5, 2017

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on APRIL 5, 2017

[Signature]

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
AN ORDINANCE AMENDING ORDINANCE NUMBER O-021503 FIXING SALARIES AND WAGES OF VARIOUS EMPLOYEES REPRESENTED BY THE MUNICIPAL EMPLOYEES ASSOCIATION

BE IT ORDAINED, by the New Brunswick City Council, New Jersey as follows:

SECTION I

Section II of said Ordinance O-021503 as amended, is further amended as follows:

A. The following title is ADDED:

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SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: May 3, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: May 17, 2017

COUNCIL PRESIDENT

CITY CLERK
APPROVAL OF THE MAYOR ON THIS

APPROVALS:

THOMAS A. LONELLE, 3rd
CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc

19th DAY OF MAY, 2017.

MAYOR
AN ORDINANCE TO ADOPT THE REDEVELOPMENT PLAN FOR THE FERREN REDEVELOPMENT PLAN AREA IN THE CITY OF NEW BRUNSWICK

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

The City Council makes the following findings:

a) The New Brunswick Planning Board held a hearing to review and discuss the adoption of the proposed redevelopment plan for the downtown redevelopment area on May 8, 2017, with said redevelopment area shown on Map 1 of the Downtown Redevelopment Plan; and

b) The New Brunswick Planning Board forwarded a report to the City Council regarding the Board’s finding that the Ferren Redevelopment Plan is consistent with the City’s Master Plan; and

c) The redevelopment plan provides guidelines for the development of the redevelopment area with mixed-use development including office, retail and residential uses and that said guidelines include appropriate zoning regulations for the bulk and mass of the proposed buildings, parking and traffic circulation; and

d) The proposed redevelopment plan is consistent with the goals and objectives of the City of New Brunswick’s master plan, including the concentration of cultural, entertainment, commercial, public health and institutional activities in clearly defined and distinctive activity centers; the protection and enhancement of the aesthetic compatibility of all development within the community; to encourage tendency of commercial development to cluster to the mutual advantage of both customers and merchants and other goals and objectives cited in the Planning Board’s May 10, 2017 report; and

e) The proposed redevelopment plan supports the goals and objectives of the State Master Plan, including the encouragement of development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and the discouragement of development where it may impair or destroy natural resources or environmental qualities, the reduction of sprawl and promotion of development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds.; and

f) The development of the redevelopment area as proposed by the redevelopment plan will create new retail and recreational opportunities and new jobs in the City of New Brunswick.

The New Brunswick City Council has reviewed the Ferren Redevelopment Plan and held a public hearing about the redevelopment plan to receive comments from the public.

SECTION II

The New Brunswick City Council hereby declares that the Ferren Redevelopment Plan is adopted as the official redevelopment plan for this area.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.
SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: May 17, 2017

ADOPTED ON SECOND READING
DATED: June 7, 2017

ATTEST
CITY CLERK

APPROVAL OF THE MAYOR ON THIS 13th DAY OF
2017

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, “VEHICLES AND TRAFFIC”

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.28 - "Residential Parking Permits", Section 10.28.010 - “Parking by Permit Only in Designated Residential Areas” is hereby amended to ADD the following:

A. The vehicle is owned or operated on a regular basis by a resident of that street and the vehicle is properly registered pursuant to the digital procedures established by the New Brunswick Parking Authority.

SECTION II

Title 10, Chapter 10.28 - "Residential Parking Permits", Section 10.28.020 - “Exemptions” is hereby amended to ADD the following:

A. Visitors. A vehicle obtaining a current visitor parking permit may park provided that the operator of the vehicle is a bona fide guest of a residence within the permit parking area. The visitor’s permit shall be obtained pursuant to the digital procedures established by the New Brunswick Parking Authority.

SECTION III

Title 10, Chapter 10.28 - "Residential Parking Permits", Section 10.28.040 - “Administration” is hereby amended to ADD the following:

B. Visitor permits may be issued for each residential unit in a structure on any street or portion upon which parking is restricted by this section for use by visitors to a resident of a residential dwelling unit within such structure subject to a maximum of two (2) permits per structure. A multi-family structure which is owner-occupied may be issued one additional visitor permit. Such visitor permit must be obtained by and issued to the owner of the structure and will be valid for a period of one (1) year. Such permits may be renewed for succeeding years or months as needed.

SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK

TITLE 8, "HEALTH AND SAFETY"

BE IT ORDAINED by the New Brunswick City Council:

SECTION I

Title 8, entitled "Health and Safety", shall be amended to add new Chapters 8.56.100, 8.56.200, 8.56.300, 8.56.400, 8.56.500, 8.56.600 and 8.56.700 entitled "Identification Card Program"

SECTION II

§ 8.56.100. City of New Brunswick Identification Card Program; Administration of Program.

A. The City of New Brunswick hereby establishes a City of New Brunswick Identification Card Program which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this chapter.

B. The Administering Department, New Brunswick Public Library (hereinafter referred to as the "Administering Department") shall be designated as the department to administer the New Brunswick Identification Card Program.

The Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this ordinance, including the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Administering Department shall also make the applications available online.

§ 8.56.200. Definitions.

CITY OF NEW BRUNSWICK CITY IDENTIFICATION CARD or NEW BRUNSWICK IDENTIFICATION CARD — An identification card issued by the City of New Brunswick that shall, at a minimum, display the card holder’s photograph, name, date of birth, address, signature, issuance and an expiration date. Such identification card shall be designated in a manner to deter fraud.

RESIDENT — A person who can establish that he or she is a current resident of the City of New Brunswick.

CITY — Unless otherwise identified shall solely mean City of New Brunswick.

CARE OF ORGANIZATION — City Agency, hospital, private or public shelter, nonprofit organization, or religious institution in New Brunswick, New Jersey serving homeless individuals or survivors of domestic violence.

CARE ADDRESS — Authorized use of address by City Agency, hospital, private or public shelter, nonprofit organization or religious institution in New Brunswick serving homeless individuals or survivors of domestic violence.

CARE ADDRESS LETTER — A letter from a City Agency, hospital, nonprofit organization, private or public shelter, nonprofit organization, or religious institution in New Brunswick, New Jersey authorizing use of address. Letter must indicate applicant has received services from the entity for the past fifteen (15) days and may use entity’s address for mailing purposes (dated within fifteen (15) days). Address on card will be "Care Of the organization.

VETERAN — A U.S. military veteran who has served or is serving in the armed forces.

SENIOR CITIZEN — A person of 65 years of age or older.

§ 8.56.300. Issuance of New Brunswick Identification Cards; Display; Term; Fee.

A. The City of New Brunswick Identification Card shall be available to any resident of the City of New Brunswick, provided that such resident is able to provide the requirements for establishing his or her identity and residency as set forth in this chapter and of any applicable policies and procedures established by the Administering Department.
B. The New Brunswick Identification Card shall display at minimum the applicant’s full name, photograph, address, date of birth, signature, card issue and expiration dates. Such identification card shall be designed in a manner to deter fraud which may include: bar codes, serial numbers, watermarks, City Seal, and other security measures.

C. The City of New Brunswick Identification Card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the City invalidates the City of New Brunswick Identification Card and shall be returned to the City for destruction.

D. The fee for the issuance of the City of New Brunswick Identification Card shall be $20.00 for adults and $7.00 for children, veterans, the disabled and senior citizens. Adult renewal of card shall be $10.00, renewal of card for child, veteran, the disabled and senior citizen shall be $7.00 and change of information shall be $7.00. The Administering Department may adopt rules and permit residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver of the fee.

   (1) The Administering Department may in full or in part waive the fee for the City of New Brunswick Identification Card, if an applicant can establish a hardship exemption. Applicants may file for a hardship exception waiver during applicant’s intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:

   (a) Applicant is currently homeless; or
   (b) Applicant has recently reported domestic violence; or
   (c) Applicant currently receives one of the following:
       Supplemental Nutrition Assistance Program, or SSI, or TANF, or Food Stamps. The applicant should provide proof in the form of a letter, notice or other official document from the Agency granting the benefit containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received; or
   (d) Applicant’s current household income is at or below 15% of the federal poverty level.

§ 8.56.400. Proof of Residency and Identity.

A. In order to obtain a City of New Brunswick Identification Card an applicant must establish their identity and residency within the City of New Brunswick as follows:

   (1) Proof of Identity. The City of New Brunswick Identification Card Program will use a point system as promulgated by the Administering Department to determine if applicants are able to prove identity and residency in New Brunswick, New Jersey. The Administering Department, through its policies and procedures, shall determine the point value allocated to each type of document provided in this paragraph, and requires that, at a minimum, an applicant produce more than one of the following documents in order to establish identity:

   (a) a U.S. or foreign passport;
   (b) a U.S. driver’s license;
   (c) a U.S. boater’s license;
   (d) a voter registration card;
   (e) a valid U.S. state corrections identification card;
   (f) a formerly incarcerated release form;
   (g) a U.S. state identification card;
   (h) a U.S. permanent resident card;
   (i) a consular identification card;
   (j) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
(k) a certified copy of U.S. or foreign birth certificate;

(l) Social Security card;

(m) a national identification card with photo, name, address, date of birth and expiration date,

(n) a valid foreign driver’s license,

(o) a U.S. or foreign military identification card;

(p) a current visa issued by a government agency;

(q) a current U.S. work permit;

(r) a U.S. Individual Taxpayer Identification Number ("ITIN") authorization letter;

(s) an Electronic Benefit Transfer (EBT) card, or

(t) any other documentation that the (Administering Agency) deems acceptable.

If the individual is a minor, proof must be furnished on behalf of said minor by the individual’s parents or legal guardian or by a court of competent jurisdiction. The Administering Department shall, through the policy and procedure it establishes, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Administering Department through its policies and procedures shall determine the weight to be given to each type of document provided in this paragraph, and require that at a minimum an applicant produce more than one document to establish identity.

(2) Proof of Residency. In order to establish residency, an applicant must present one or more of the following items showing both the applicant’s name and residential address located within the City:

(a) a utility bill;

(b) a local property tax statement or mortgage payment receipt;

(c) a bank account statement;

(d) proof that the applicant has a minor child currently enrolled in a school located within the City;

(e) an employment pay stub;

(f) a jury summons or court order issued by State or Federal court;

(g) a Federal or State income tax or refund statement;

(h) an insurance bill (homeowner's, health, life or automobile insurance);

(i) Care Address Letter confirming residency; and

(j) any other document the Administering Department determines is acceptable which shall be set forth in its policies and procedures it promulgates.

The Administering Department shall create through it policies and procedures alternative methods to establish residency, notwithstanding the lack of fixed address. The Administering Department may consider a care address acceptable for the homeless and domestic violence applicants.

All City of New Brunswick departments shall accept the New Brunswick Municipal Identification Card as proof of identity and residence for access to City services and benefits unless such acceptance is prohibited by federal or state law or unless the department or authority has reason to suspect fraud by the purported cardholder.

§ 8.56.500. Confidentiality.

The records relating to the application and issuance of the City of New Brunswick Identification Cards shall be maintained in accordance with law.

A. The City of New Brunwick shall make best efforts to protect the confidentiality of all municipal
card applicants to the maximum extent allowable by federal and state law. The City of New Brunswick shall not disclose personal information obtained from an applicant for a City of New Brunswick Municipal Identification Card to any individual, public or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting City department for the limited purpose of administering the program or determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable federal and state privacy laws and regulations.

B. The Administering Department shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a New Brunswick City Identification Card.

§ 8.56.600. Disclaimer.
A. The City of New Brunswick is providing the New Brunswick Identification Card for identification and access to services provided by the City of New Brunswick. The City does not act as guarantor or warrantor either of the information provided by the applicant for the New Brunswick Identification Card or against any acts, criminal or otherwise committed by the individual(s) while possessing or using the New Brunswick Identification Card. The City does not waive any of its protections afforded under federal, state or local laws, including, but not limited to, the immunities under the New Jersey Torts’ Claims Act, N.J.S.A. 59:1-1 et seq. by processing or issuing the New Brunswick Identification Card.

The Administering Department shall submit a report to the Mayor and the City of New Brunswick Council on the status of the City Identification Card Program on a yearly basis or at the request of the Mayor and/or City Council.

§ 8.56.700. Violations and Penalties.
Altering or intentionally damaging the New Brunswick Municipal Identification Card, using another person's New Brunswick Municipal Identification Card, or allowing the cardholder's New Brunswick Municipal Card to be used by another person may result in confiscation of the card and is in violation of N.J.S.A. 2C:28-7. Submission of false documents to obtain a New Brunswick Municipal Identification Card is a violation of N.J.S.A. 2C:21-2.1(c). Making false statements to obtain a New Brunswick City Identification card is a violation of N.J.S.A. 2C:21-4. Except as otherwise expressly provided for as a violation of statute cited in this section, any person who violates any provisions of this chapter shall, upon conviction thereof, be punished as provided for under Chapter 1.08 of the RGO of the City of New Brunswick. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION III
SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof.

SECTION IV
REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V
EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: May 17, 2017

Page 4 of 5
ADOPTED ON SECOND READING:
DATED:

ATTEST:

CITY CLERK


JAMES M. CAHILL, MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
Ordinance No. O-061701
Ordinance of the City of New Brunswick

ORDINANCE OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING THE APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE CITY OF NEW BRUNSWICK TO ENTER INTO A FINANCIAL AGREEMENT WITH CULTURAL CENTER REDEVELOPMENT ASSOCIATES URBAN RENEWAL LLC AND GRANTING A TAX EXEMPTION

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Redevelopment Law confers certain contract, planning and financial powers upon a redevelopment entity, as defined in Section 3 of the Redevelopment Law, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the City of New Brunswick (the "City"), in the County of Middlesex, State of New Jersey, in accord with its plans for the revitalization of the City and pursuant to the Redevelopment Law, in 1977 designated property known as Block 12, Lot 23.01, as being in need of redevelopment and, in 1975, memorialized by resolution the rehabilitation area designation of Block 12, Lots 13.01 and 15.01, which properties are located in the City’s Urban Enterprise Zone (collectively, the "Redevelopment Area"); and has adopted a redevelopment plan to include the Redevelopment Area, entitled, "Cultural Center Redevelopment Plan" ("Redevelopment Plan"), by Ordinance #O-011701, adopted February 1, 2017; and

WHEREAS, the Redevelopment Plan sets forth the standards and goals by which the Redevelopment Area will be developed; and

WHEREAS, the New Brunswick Housing Authority (the "Housing Authority"), acting as the City’s redevelopment entity under the Redevelopment Law, has designated Cultural Center Redevelopment Associates Urban Renewal LLC, an urban renewal entity formed pursuant to the Redevelopment Law (the "Entity"), as the redevelopment of the Redevelopment Area; and

WHEREAS, the Entity shall be the ground lessee of that portion of the Redevelopment Area on which the improvements that are the subject of the exemption granted hereunder (i.e., the Theater Component and the Apartment Component, both as hereinafter defined) are to be constructed (referred to herein as the "Property"); and

WHEREAS, on April 26, 2017, the Housing Authority adopted a resolution authorizing the execution and delivery of that certain Redevelopment Agreement (the "Redevelopment Agreement"), which sets forth the respective obligations for each Entity and the Housing Authority with respect to the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan and which is dated May 9, 2017; and

WHEREAS, the Redevelopment Agreement provides for, inter alia, a mixed-use redevelopment project consisting of two state-of-the-art theaters and accompanying rehearsal and office space (the "Theater Component"), as further described on Exhibit A to the Financial Agreement (as defined herein), approximately 207 rental apartments including an affordable component, as further described on Exhibit A of the Financial Agreement (the "Apartment Component"), approximately 31,700 square feet of office space (the "Office Component"), an approximately 350-space structured parking garage (the "Parking Component"), and approximately 4,250 square feet of separately demised rehearsal space (the "Ballet Component"), as well as infrastructure improvements and related remediation (collectively, the "Greater Project"), which Greater Project is consistent with the Redevelopment Plan; and

WHEREAS, the Greater Project constitutes a redevelopment project under the Redevelopment Law; and

WHEREAS, the cost of the Greater Project is expected to be approximately $169,000,000; and

WHEREAS, despite the Entity’s current and future substantial investment of "at-risk" equity, governmental grants and contributions, and traditional borrowed funds for acquisition, development and construction of the Greater Project, such amounts of equity and traditional borrowed funds are insufficient to pay for all of the costs associated with the acquisition, development and construction of the Project; and
WHEREAS, the Greater Project will consist of two separate, but connected, buildings, the Theater Tower (which includes the Theater Component, the Office Component and the Apartment Component) and the Parking Garage (which includes the Parking Component and the Ballet Component); and

WHEREAS, the Office Component (to be owned by the County of Middlesex, a governmental entity), the Parking Component (to be owned by the New Brunswick Parking Authority, a governmental entity) and the Ballet Component (to be owned by the Princeton Ballet Society d/b/a American Repertory Ballet and Princeton Ballet School, a non-profit corporation) are all, as result of their ownership and use, exempt from real property taxes and thus are not the subject of the Financial Agreement; and

WHEREAS, the Entity intends to enter into a Management Agreement with a to-be-formed limited liability company or non-profit corporation expected to be known as NBAPAC Management, whose members or trustees will consist of Rutgers University, New Brunswick Cultural Center, Inc., New Brunswick Development Corporation, American Repertory Ballet and George Street Playhouse; all entities being either governmental or nonprofit and exempt from taxation ("NBAPAC Management"); and

WHEREAS, NBAPAC Management will pay $1.00 to the Entity for the rights it will obtain under the Management Agreement; and

WHEREAS, NBAPAC Management is not an affiliate of the Entity and its gross revenues will not be considered as revenues of the Entity; and

WHEREAS, the City is agreeable to granting a long term tax exemption to the Entity for the Theater Component and the Apartment Component (the "Project" or the "Improvements"), and, in connection therewith, City and the Entity will utilize the Long Term Tax Exemption Law, codified at N.J.S.A. 40A:20-1 et seq. (the "LTTE Law"), Redevelopment Area Bond Financing Law, codified at N.J.S.A. 40A:12A-64 et seq. (the "Bond Financing Law"), and such other statutes as may be sources of relevant authority, if any, to facilitate financing of the Project; and

WHEREAS, each of the Theater Component and the Apartment Component shall be deemed a "unit" for the purposes of the LTTE Law; and

WHEREAS, the provisions of the LTTE Law, the Bond Financing Law, and such other statutes as may be sources of relevant authority, if any, authorize the City to accept, in lieu of real property taxes, one or more annual service charges paid by the Entity or its assignee to the City as set forth in the LTTE Law; and

WHEREAS, the Entity has submitted an application for seeking long term tax exemption for the Project, which application is on file with the City Clerk (the "Application") and seeking approval of a financial agreement between the Entity and the City pursuant to which the Entity agrees to pay, in lieu of tax payments, an Annual Service Charge (the "Financial Agreement") providing for exemption from municipal taxation for the Project as aforesaid, for a period of the earlier of (A) 35 years from the date of execution hereof or (B) 30 years from the Annual Service Charge Start Date and for payment in lieu of taxes of an Annual Service Charge; and

WHEREAS, pursuant to the Bond Financing Law, specifically N.J.S.A. 40A:12A-68, the Annual Service Charge (as such term is defined in the Financial Agreement) shall, upon the recitation of the Financial Agreement and this Ordinance, constitute a municipal lien on the Project within the meaning of such law; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Financing Law, specifically N.J.S.A. 40A:12A-67(a), the City or the redevelopment entity may issue bonds, may apply to an authority (as such term is defined in the Bond Financing Law) to issue bonds, or may cause the issuance of such bonds, which bonds may be secured by all or a portion of the Annual Service Charge (as defined below, the "Pledged Annual Service Charge"); and

WHEREAS, in order to assist in financing a portion of the costs of the Theater Component of the Project, the City has agreed to issue, or cause to be issued, its General Obligation Redevelopment Area Bonds (New Brunswick New Brunswick Cultural Center Project), Series 2017-A (such designation to reflect the year of issuance) (the "Bonds") in accordance with that certain resolution anticipated to be adopted on June 21, 2017 relating to the issuance of the Bonds (as the same may be amended, modified or supplemented from time to time, the "Bond Resolution") and a bond ordinance introduced as of the date hereof and anticipated to be finally adopted on June 21, 2017 authorizing issuance of the Bonds (the "Bond Ordinance" and, together with the Bond Resolution, the "Bond Authorization Proceedings") for the purpose of providing funds for the Theater Component of the Project; and

WHEREAS, pursuant to the terms of the Financial Agreement and the Bond Authorization Proceedings and in accordance with the terms of the Bond Financing Law, specifically N.J.S.A. 40A:12A-67(a), the Pledged Annual Service Charge shall be pledged to the payment of the principal or redemption premium of, and interest on, the Bonds; and

WHEREAS, the Entity and the City have agreed that the Debt Service (as defined in the Financial Agreement) on the Bonds shall be paid from the Pledged Annual Service Charge (as well as from the County Grant, as such term is defined in the Financial Agreement) and that any portion of the Pledged Annual Service Charge not utilized for Debt Service (if any) may be used by the City for any lawful
purpose in the exercise of the City’s sole discretion following the repayment and defeasance of the Bonds in full; and

WHEREAS, the Entity has represented to the City that the Project would not be feasible in its intended scope but for the provision of financial assistance by the City; and

WHEREAS, improvements to property located within an area in need of redevelopment or an Urban Enterprise Zone may qualify for tax exemptions; and

WHEREAS, after review of the Application, the Mayor recommended that the Application be approved on such terms as set forth in a proposed form of Financial Agreement substantially in the form attached hereto as Exhibit A, and by this reference incorporated herein, as may be modified in consultation with counsel as set forth herein, and

WHEREAS, the City Council has reviewed the Application and the terms of the Financial Agreement, and wishes to approve the Application on such terms; and

WHEREAS, the City Council has determined that the Project represents an undertaking permitted by the LTTE Law, and has further determined that the Project is an improvement made for the purposes of clearance, replanning, development, or redevelopment of an area in need of redevelopment within the City, as authorized by the LTTE Law and shall promote and further the redevelopment of the City; and

WHEREAS, the City hereby finds that the relevant benefits of the Project to outweigh the costs, if any, associated with the tax exemption, and in fact increase City revenues over current levels by granting the long term tax exemption for the Project, which relevant benefits are further described in the Application and the Financial Agreement; and

WHEREAS, the City hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Financing Law and together with the Redevelopment Law and the LTTE Law, the City is authorized to provide for such tax exemption and payments in lieu of taxes in accordance with the LTTE Law, except that the provisions of the LTTE Law: (i) establishing a minimum or maximum annual service charge and requiring staged increases in annual service charges over the term of the exemption period, and (ii) permitting an urban renewal entity to relinquish its status under the LTTE Law, shall not apply to redevelopment projects financed with bonds issued in accordance with the Bond Financing Law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of New Brunswick, in the County of Middlesex, State of New Jersey as follows:

I. GENERAL

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

II. APPROVAL OF EXEMPTION FROM TAXATION

An exemption from taxation as set forth in the Application is hereby approved and granted to the Entity with respect to the Project in accordance with the terms set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of thirty-five (35) years from the date of execution thereof or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Entity’s receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law and any other agreement related to the Project or the Property; and provided, further, that in no event shall the resulting property tax obligation in each year the property tax exemption is in effect, when combined with the Annual Service Charge as defined in the Financial Agreement, be less than the amount of the Land Taxes (as defined in the Financial Agreement) prior to redevelopment.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

(a) The Mayor, in consultation with legal counsel to the City, are hereby authorized and directed to execute the Financial Agreement, substantially in the form as it has been presented to the City Council, and attached hereto as Exhibit A, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the Financial Agreement.

(b) The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.
(c) Within thirty (30) days of its execution, the City Clerk shall file certified copies of this ordinance and the executed Financial Agreement with the Tax Assessor of the City and shall forward a certified copy of this Ordinance and the executed Financial Agreement to the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs in accordance with Section 12 of the LTTE Law.

(d) The executed copy of the Financial Agreement shall be filed with the Office of the City Clerk.

IV. ENTITY OBLIGATIONS

(a) The Project shall conform with all Federal and State laws and ordinances and regulations of the City relating to its construction and use.

(b) The Entity shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

(c) The Entity shall, from the time that the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

(d) The Entity shall complete the Project within the timeframes set forth in the Redevelopment Agreement.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. ACTION REGARDING FINANCIAL AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

VI. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the City.

VII. EFFECTIVE DATE

This Ordinance shall take effect according to law.

ADOPTED ON FIRST READING
DATED: June 7, 2017

COUNCIL PRESIDENT

ATTEST:
CITY CLERK

ADOPTED ON SECOND READING
DATED: June 21, 2017

COUNCIL PRESIDENT

ATTEST:
CITY CLERK
APPROVAL OF THE MAYOR ON THIS 22nd DAY OF JUNE, 2017.

APPROVALS:

[Signatures]

CHIEF FINANCIAL OFFICER

TKS/kc

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M=Moved S=Second
First Reading Vote on: JUNE 7, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on: JUNE 7, 2017

Daniel A. Torrisi, City Clerk

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M=Moved S=Second
Second & Final Reading Vote on: JUNE 21, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on: JUNE 21, 2017

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
BOND ORDINANCE PROVIDING FOR THE FUNDING OF IMPROVEMENTS TO THE THEATER PORTION OF THE NEW BRUNSWICK CULTURAL CENTER REDEVELOPMENT PROJECT BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $18,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $18,500,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as improvements authorized by Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") and N.J.S.A. 40A:12A-65 et seq. (the "Redevelopment Area Bond Financing Law" and together with the Redevelopment Law, the “Acts”). For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of not to exceed $18,500,000. No down payment for said improvements is required pursuant to Section 37 of the Redevelopment Law and the Redevelopment Area Bond Financing Law.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof negotiable bonds of the City are hereby authorized to be issued in the principal amount not to exceed $18,500,000 pursuant to the Redevelopment Law and the Redevelopment Area Bond Financing 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 $18,500,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are the construction of the Theater Component (as such term is defined in the hereinafter defined "Financial Agreement") of the New Brunswick Cultural Center Redevelopment Development Project as described in the financial agreement between the City and the
Cultural Center Redevelopment Associates Urban Renewal LLC (the "Financial Agreement") the form of which is on file with the City Clerk.

   a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $18,500,000.

b. The aggregate estimated cost of said improvements and purposes is $18,500,000.

SECTION 4. The capital budget 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 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 of the City and will be available for public inspection.

SECTION 5. 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 except to the extent set forth in the Financial Agreement, 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 purposes according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

c. The supplemental debt statement required by the N.J.S.A. 40A: 2-1 et seq. (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 $18,500,000 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 $500,000 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 improvements hereinbefore described.

SECTION 6. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt 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 debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 7. 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 7 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 Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $5,000,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All
reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance 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 3 years after the expenditure is paid.

SECTION 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: June 7, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

ADOPTED ON SECOND READING
DATED: June 21, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THE 22ND DAY OF JUNE, 2017

MAYOR

APPROVAL:

CITY ADMINISTRATOR

CHIEF FINANCIAL OFFICER

Councilmember
John Anderson, V. Pres
Kevin, Egan
Rebecca Escobar
Suzanne Sicora Ludwig
Glenn Fleming, Pres

Yes
X
No Vote
X
Absent
X

Approved S:Second
First Reading Vote on JUNE 7, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:
JUNE 7, 2017

Daniel A. Torrisi, City Clerk

Councilmember
John Anderson, V. Pres
Kevin, Egan
Rebecca Escobar
Suzanne Sicora Ludwig
Glenn Fleming, Pres

Yes
X
No
X
No Vote
X
Absent
X

M-Moved S:Second
Second & Final Reading Vote on JUNE 21, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:
JUNE 21, 2017

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
ORDINANCE AUTHORIZING THE GUARANTY BY THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, OF NOT EXCEEDING $23,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED PARKING REVENUE BONDS, SERIES 2017, OF THE PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK

WHEREAS, the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City"), pursuant to the Parking Authority Law, as amended and supplemented, N.J.S.A. 40:11A-1 et seq. (the "Act"), has heretofore by ordinance duly enacted, created a body corporate and politic known as the Parking Authority of the City of New Brunswick (the "Authority"); and

WHEREAS, the Authority duly adopted on August 27, 1985, and amended and restated in its entirety on September 5, 1985, a resolution entitled "Resolution Authorizing the Issuance of Revenue Bonds of the Parking Authority of the City of New Brunswick" (the "General Bond Resolution"), as such resolution has from time to time been amended and supplemented by the first to fifteenth supplemental resolutions (collectively, the "Bond Resolution"); and

WHEREAS, the General Bond Resolution authorizes the issuance by the Authority, from time to time, of its revenue bonds, in one or more series, for the authorized purposes of the Authority, such bonds being authorized and issued pursuant to a Supplemental Resolution or Supplemental Resolutions; and

WHEREAS, the Authority desires to undertake the acquisition of the necessary land and construction thereon of an Authority owned parking deck consisting of approximately 344 parking spaces on six supported levels (the "Cultural Center Parking Deck Project"), to be located in the City's Cultural Center district in the central business district on the block bounded by Bayard Street, George Street and Livingston Street in the City, and adjacent to a redevelopment site in the City on which will be constructed a mixed-use redevelopment project, consisting of two theaters, an apartment tower, office space for use by the County of Middlesex, practice space for the American Repertory Ballet, and the Cultural Center Parking Deck Project; and

WHEREAS, the Authority desires to permanently finance the costs of the Cultural Center Parking Deck Project through the issuance of not to exceed $23,000,000
aggregate principal amount of its City Guaranteed Parking Revenue Bonds, Series 2017 (the “Series 2017 Bonds”); and

WHEREAS, in anticipation of the issuance of the Series 2017 Bonds, the Authority is seeking the positive findings of the Local Finance Board, within the Division of Local Government Services, New Jersey Department of Community Affairs (the “Local Finance Board”) for the issuance of the Series 2017 Bonds; and

WHEREAS, the proceeds of the Series 2017 Bonds will be used to fund the costs of (i) permanently financing the Cultural Center Parking Deck Project, (ii) funding the Bond Reserve Requirement for the Series 2017 Bonds, to the extent required, (iii) funding any other reserves, to the extent required, under the General Bond Resolution (as hereinafter defined), (iv) funding capitalized interest on the Series 2017 Bonds for a period not to exceed twenty-four (24) months from the date of issuance of the Series 2017 Bonds, and (v) paying the costs of issuing the Series 2017 Bonds (collectively, the “Project”); and

WHEREAS, the General Bond Resolution of the Authority requires that any bonds issued by the Authority be guaranteed by the City; and

WHEREAS, in an effort to accomplish the issuance of the Series 2017 Bonds at the lowest possible interest cost, the Authority has requested the City to guarantee the timely payment of the principal of and interest on the Series 2017 Bonds; and

WHEREAS, pursuant to Section 22 of the Act, the City is authorized to unconditionally guarantee the punctual payment of the principal of and the interest on any bonds or notes of the Authority by ordinance duly adopted or by instruments or other action authorized by such ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) that:

SECTION 1. Pursuant to and in accordance with Section 22 of the Act, the City is hereby authorized to and does hereby unconditionally guarantee the punctual payment of the principal of and interest on the Authority’s City Guaranteed Parking
Revenue Bonds, Series 2017 (the "City Guaranty"), which City Guaranteed Parking Revenue Bonds, Series 2017 (the "Series 2017 Bonds") shall be in the aggregate principal amount of not exceeding $23,000,000 at any one time Outstanding (as defined in the General Bond Resolution), to be issued for the purpose of providing funds to finance the costs of the Project as described in the recitals hereof, such Series 2017 Bonds to be dated, to be in such form and series, to mature, and to bear such rate or rates of interest and to be otherwise as provided or established in or by a resolution or resolutions of the Authority authorizing the issuance thereof which is consistent with the exercise of its public responsibility. The City Guaranty authorized herein shall be given solely in accordance with the Guaranty Agreement (as defined below). The full faith and credit of the City of New Brunswick, in the County of Middlesex, State of New Jersey, is hereby unconditionally and irrevocably pledged for the full and punctual performance of said City Guaranty.

SECTION 2. The Mayor and City Clerk are each hereby authorized and directed to execute, by manual or facsimile signature, on each of the Series 2017 Bonds, and to affix the seal of the City thereon, language evidencing such City Guaranty of the full and punctual payment of the principal thereof and interest thereon in substantially the following form:

"GUARANTY BY THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Pursuant to the provisions of the Act referred to in the within Bond, the City of New Brunswick, in the County of Middlesex, New Jersey hereby FULLY AND UNCONDITIONALLY GUARANTEES the full and punctual payment of the principal of and interest on the within Bond according to its terms, and the City of New Brunswick is unconditionally and irrevocably liable for the full and punctual payment, when due, of the principal of and interest on the within Bond according to its terms.

IN WITNESS WHEREOF, the City of New Brunswick, in the County of Middlesex, New Jersey, has caused this Guaranty to be executed on its behalf by the manual or facsimile signature of its Mayor and the seal of said City to be impressed, impressed or otherwise reproduced hereon, and attested by the manual or facsimile signature of its City Clerk, all as of the date of the within Bond.

[SEAL] CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

ATTEST:

CITY CLERK

By: MAYOR

SECTION 3. The Mayor is hereby authorized and directed to execute and deliver an agreement evidencing such City Guaranty of the Series 2017 Bonds in an
aggregate principal amount not to exceed $23,000,000 (the "Guaranty Agreement"), a form of which Guaranty Agreement is attached hereto and incorporated by this reference herein, on behalf of the City, and the City Clerk is hereby authorized and directed to affix and attest the seal of the City thereon, and said Mayor, the Chief Financial Officer and all other officers of the City (collectively, the "City Representatives") are hereby authorized and directed to execute and deliver any and all further instruments and documents, and to do and perform such other acts and things as may be necessary and proper, and to perform all obligations of the City under the Guaranty Agreement and to fully effectuate the same and the purpose of this ordinance. The Mayor or the Chief Financial Officer of the City, upon the issuance of any obligations by the Authority, shall report in writing to the City Council, setting forth the principal amount and interest rate(s) of the obligations so issued. The authorization of the Mayor to execute the Guaranty Agreement is contingent upon (a) the issuance of positive findings by the Local Finance Board, within the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") on the Authority's application for the issuance of the Series 2017 Bonds, including approval of and consent to the adoption of this guaranty ordinance and the guaranty of the Series 2017 Bonds by the City, (b) the Authority adopting the sixteenth supplemental resolution authorizing the issuance of the Series 2017 Bonds, and (c) the issuance of the Series 2017 Bonds by the Authority.

SECTION 4. It is hereby found, determined and declared by this City Council that:

(a) the aggregate maximum principal amount of Series 2017 Bonds of the Authority hereby and hereunder guaranteed as to the payment of principal of and interest thereon shall not exceed $23,000,000 in Series 2017 Bonds at any one time outstanding;

(b) the purpose described in this ordinance is not a current expense of the City and no part of this cost thereof shall be assessed on the property specially benefited thereby;

(c) the Series 2017 Bonds shall mature no later than thirty (30) years from their date of issuance;
(d) the City Guaranty authorized herein shall remain effective until the Series 2017 Bonds shall have been paid or payment duly provided for in accordance with their terms and the terms of the Resolution (as hereinafter defined) notwithstanding the occurrence of any other event; and

(e) a supplemental debt statement of the City has been made and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Division of Local Government Services, New Jersey Department of Community Affairs, and said statement shows that while the gross debt of the City, as defined in the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), is increased $23,000,000 by this ordinance, upon satisfaction of the conditions set forth in N.J.S.A. 40:11A-22(e), the net debt of the City is not increased by this ordinance, and the obligations of the City authorized by or incurred pursuant to this ordinance are permitted by an exception to the debt limitations of the Local Bond Law, which exception is contained in the Act.

SECTION 5. This ordinance may be adopted notwithstanding any statutory or other debt limitation of the City, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of Series 2017 Bonds guaranteed pursuant to this ordinance for the Project, being an amount not to exceed $23,000,000, shall be reflected in the debt statements of the City in the manner provided in N.J.S.A. 40:11A-22(e). The principal amount of Series 2017 Bonds guaranteed pursuant to this ordinance and included in the gross debt of the City, is deemed to be a deduction from such gross debt under and for all purposes of the Local Bond Law (a) from and after the date of adoption of the ordinance authorizing such guaranty and until the end of the fifth fiscal year beginning next thereafter and (b) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fifth fiscal year or any subsequent fiscal year if the City shall not have been required to make any payment in such fiscal year on account of the principal of or interest on the portion of the Series 2017 Bonds guaranteed pursuant to this ordinance.

SECTION 6. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. The City hereby agrees to comply with the requirements of Rule 15c2-12, as amended and supplemented (the "Rule"), promulgated by the Securities
and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, to the extent the City is an "Obligated Person" (as defined in the Rule), including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Guaranty Agreement. The Mayor and Chief Financial Officer of the City or any other City Representative are each hereby authorized and directed to 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 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 8. The Clerk of the City is hereby authorized and directed to cause the publication of the text of this ordinance in full or in summary after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof, which public hearing shall be held at the public meeting of the City Council to be held on June 21, 2017.

SECTION 9. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in a resolution duly adopted by the Authority on August 27, 1985 and amended and restated in its entirety on September 5, 1985 entitled, "Resolution Authorizing the Issuance of Revenue Bonds of the Parking Authority of the City of New Brunswick" (the "General Bond Resolution"), as such resolution has from time to time been amended and supplemented by the first to fifteenth supplemental resolutions (collectively, the "Bond Resolution"), and as further amended and supplemented by a resolution to be duly adopted by the Authority entitled, "Sixteenth Supplemental Resolution Authorizing the Issuance of City Guaranteed Parking Revenue Bonds, Series 2017" (the "Sixteenth Supplemental Resolution" and together with the Bond Resolution, the "Resolution").
SECTION 10. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law, with such publication being on a date that shall be after the approval of this ordinance by the Local Finance Board, within the Division of Local Government Services, New Jersey Department of Community Affairs.

ADOPTED ON FIRST READING
DATED: June 7, 2017

ATTEST:
CITY CLERK

ADOPTED ON SECOND READING
DATED: June 21, 2017

ATTEST:
CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF 2017.

APPROVALS:
CITY ADMINISTRATOR
CITY ATTORNEY

CHIEF FINANCIAL OFFICER

TKS/kc

Councilmember Yes No No Vote Absent
John Anderson, V. Pres M X
Kevin Egan
Rebecca Escobar S X
Suzanne Sicora Ludwig X
Glenn Fleming, Pres X

M=Moved S=Second
First Reading Vote on JUNE 7, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:
JUNE 7, 2017

Daniel A. Torrisi, City Clerk

COUNCIL PRESIDENT

COUNCIL PRESIDENT

M=Moved S=Second
Second & Final Reading Vote on JUNE 21, 2017
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:
JUNE 21, 2017

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 13.04, "WATER SERVICE SYSTEM"

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

Paragraph (A) of Section 13.04.010 is amended to read as follows:

A. All water users shall be billed at the following yearly rates per One Thousand (1,000) cubic feet and shall be at a minimum quarterly charge as shown:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MINIMUM QUARTERLY CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$51.01</td>
</tr>
<tr>
<td>2019</td>
<td>$54.07</td>
</tr>
<tr>
<td>2020</td>
<td>$57.31</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall take effect on January 1, 2018 following final passage and publication as required by law.

ADOPTED ON FIRST READING: DATED: June 7, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING: DATED: June 21, 2017

COUNCIL PRESIDENT

ATTEST: ________________________________

CITY CLERK


MAYOR
COUNCILMEMBER | Y | N | AR | COUNCILMEMBER | Y | N | AR
ANDREW, VT. AL | X | | | SICORA LIJDWIC | X | | |
FLEMING | | | | X | | |
FIRST READING WEDNESDAY, JUNE 7, 2017
M - ABSENTE | S - ABSENT NO - REQUITED AS ADDED

COUNCILMEMBER | Y | N | AR | COUNCILMEMBER | Y | N | AR
ANDREW, VT. AL | X | | | SICORA LIJDWIC | X | | |
FLEMING | | | | X | | |
SECOND READING TUESDAY, JUNE 13, 2017
M - ABSENT | S - ABSENT NO - ADDED AS REQUITED

JUNE 21, 2017
Daniel A. Tartt, City Clerk
The undersigned certify that the foregoing Ordinance is a true copy of the original Ordinance adopted on second reading at a regular meeting of the New Brunswick City Council at its meeting on the 21st day of June, 2017.

Daniel A. Tartt, City Clerk
Any reproduction of the Original Ordinance must contain the endorsement of the City of New Brunswick to be valid or certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 13, "SEWER SERVICE SYSTEM"

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

Revised General Ordinance Section 13.08.340 is amended as follows:

Section 13.08.340 Schedule A - Schedule of Charges. The charges of all sewer services furnished by the City of New Brunswick shall be in accordance with the following rates:

a. Residential/Commercial Rates:
   (1) Quarterly Rate - per 1,000 cubic feet.
   
<table>
<thead>
<tr>
<th>Year</th>
<th>2017 (July 1)</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$54.27</td>
<td>$56.98</td>
<td>$59.83</td>
<td>$62.82</td>
</tr>
</tbody>
</table>

b. Industrial Rates.
   (1) Flow - per 1,000,000 gallons per quarter.
   
<table>
<thead>
<tr>
<th>Year</th>
<th>2017 (July 1)</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
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<td></td>
<td>$8,085.57</td>
<td>$8,389.85</td>
<td>$6,709.34</td>
<td>$7,044.81</td>
</tr>
</tbody>
</table>

   (2) BOD - per ton per quarter.
   
<table>
<thead>
<tr>
<th>Year</th>
<th>2017 (July 1)</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$864.30</td>
<td>$907.52</td>
<td>$952.90</td>
<td>$1,000.55</td>
</tr>
</tbody>
</table>

   (3) Suspended Solids - per ton per quarter.
   
<table>
<thead>
<tr>
<th>Year</th>
<th>2017 (July 1)</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
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</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall take effect on July 1, 2017 upon final passage and publication as required by law.
ADOPTED ON FIRST READING:
DATED: June 7, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: June 21, 2017

COUNCIL PRESIDENT

ATTEST
CITY CLERK

APPROVAL OF THE MAYOR ON THIS 22nd DAY OF June, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 5, "BUSINESS LICENSES AND REGULATIONS"

BE IT ORDAINED by the New Brunswick City Council:

SECTION I

Title 5, entitled "Business Licenses and Regulations", Chapter 5.112 – Wreckers shall be amended as follows:

5.112.010 - Definitions

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

Applicant
An individual or a legally formed business entity, which seeks to obtain a license from the City of New Brunswick to furnish wrecker services within the City pursuant to this chapter.

Business Location
A base of operation within the City of New Brunswick which is staffed during the normal business hours of 7:00 a.m. to 7:00 p.m., excluding holidays. Such location shall be a secure facility, and if an outdoor facility, be lighted from dusk to dawn. The business must be clearly marked with signs identifying the name of the business and the hours of operation. The applicant must be the owner or principal tenant at the location, which shall include a permanent facility with an office, a patron waiting area, a restroom for patron use and a secured vehicle storage area which is contained within an enclosed building and/or a fenced-in area, as described in §5.112.020 hereof, which shall be used for the storage of towed vehicles.

Cruising
Driving of an unengaged wrecker along the public streets at a slow rate of speed or in any fashion calculated to solicit business.

Dead Storage
The storage by an operator of a towed vehicle which was delivered to the storage yard by a wrecker as a result of the provision of wrecker services for the vehicle, where such storage continues overnight or for more than 12 hours from the time that a vehicle is removed from the scene from which it was towed, whichever is longer (i.e., there will be no storage charge for the same-day removal of a towed vehicle), and such storage is unrelated to either any repairs or continuing services which are being rendered by the operator at the request of the vehicle's owner.

Decoupling Fee
A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a wrecker, but prior to the vehicle actually having been moved or removed from the property or location from which the intended tow was to originate.

Garage
A nonresidential building where motor vehicles can be sheltered, stored, repaired and made ready for use.

Heavy Duty Wrecker
A wrecker with a minimum lifting capacity of twenty-five (25) tons on a tandem truck chassis.

1. Minimum Equipment Requirements for Heavy Duty License Applicants. Before being considered for a heavy duty license, an applicant must submit proof of ownership or control of the following minimum equipment:

a. One heavy duty wrecker.

i. Manufacturer rating gross vehicle weight eighty thousand (80,000) pounds. (Manufacturer rating may be obtained from the factory where the truck originates).

ii. Power take-off controlled winch with a minimum cable thickness of five-eighths of an inch.

iii. Four double-faced rear flashing amber lights mounted as high as maximum state requirements.

iv. A three hundred sixty (360) degree rotating amber beacon light mounted over the cab. All lights are of such candle power in intensity as to be visible one-fourth of a mile away, or must be equal to the candle power of the lights on police vehicles.
v. One-half inch safety chain. The lift chain and safety chain are not to be attached in any form or manner, on the same part of the wrecker.
vi. Air brakes.

vii. Connecting air lines for connection with the air compressor and air brake lines of the towed vehicle.
ix. Detachable amber flashing bar lights to be attached to the rear of the towed vehicle.
x. One three-stage hydraulic crane with minimum lifting capacity of forty-five (45) tons.

xi. One hydraulic low-boy trailer capable of hauling trucks or buses a minimum of forty-eight (48) feet in length.
xii. One fifth wheel unit dolly.

LICENSE
The permit to perform wrecker services as hereinafter described. The license is granted to a wrecker operator to provide these services with those vehicles specified on the application for that wrecker operator.

LIGHT DUTY
A wrecker that is able to handle all makes of passenger cars and small trucks, such as pick-up small panel trucks, up to one and one-half tons, and must have, or be equipped, with the following:

i. Dual rear wheels, or equivalent;
ii. The garage from which it originates must be equipped with a portable car dolly;
iii. A power take-off controlled winch with a minimum cable thickness of three-eighths inch, or equivalent;
iv. It must have comparable weight equal to the vehicles to be towed with a minimum of five thousand five hundred (5,500) pounds;
v. A three-eighths inch safety chain. The lift chain and the safety chain are not to be attached in any form, or manner, to the same part of the wrecker;
vi. Four double-faced rear flashing amber lights mounted as high as maximum state requirements;

vii. A three hundred sixty (360) degree rotating amber beacon light mounted over the cab;

viii. All lights are of such candle power in intensity as to be visible one-fourth of a mile away, or must be equal to the candle power of the lights on city police vehicles.

MOTOR VEHICLE
Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NONCONSENSUAL TOWING
The towing of a motor vehicle without the consent of the owner or operator of the vehicle.

OPERATOR or WRECKER OPERATOR
Anyone who engages in the business of providing wrecker services pursuant to this chapter or who operates a licensed wrecker.

PRIVATE PROPERTY OWNER
The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

PRIVATE PROPERTY TOWING
The nonconsensual towing from private property or from a storage facility, by a wrecker service, of a consumer’s motor vehicle that is parked illegally, parking during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:436.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

WAITING TIME
The period of time between the arrival of a wrecker on the scene to which it was called by the police and the time at which the wrecker is actually permitted to commence its efforts to render any required
wrecker services. Waiting time shall not start earlier than the 15th minute after the wrecker service arrives at
the scene

WRECKER
A public vehicle driven by mechanical power, licensed and employed for the purpose of towing,transporting, conveying or removing any and all kinds of other vehicles or parts of vehicles which are so
damaged they are unable to be operated under their own power, have been impounded so that they are not
allowed to be operated upon the public right of way, or for the removal from private property for the
unauthorized use thereof, for which a service charge or fee is exacted.

WRECKER SERVICE
Such roadside assistance as vehicle towing, transport, conveyance or removal and/or storage
services as are to be provided by a licensed operator pursuant to this chapter.

5.112.020 - LICENSE REQUIRED; DURATION & APPLICATION
1. No wrecker operates upon the city's streets without first registering with the city clerk. It is the
purpose of this chapter to require that all wreckers garaged in the city be registered with the city
clerk. Licenses are required only of wreckers which are qualified and which are on the police call
list. Both the registration and licensing of wreckers is for a one-year period commencing on January
1st of each and every year.

2. The city clerk shall issue licenses at a rate of one license per every six thousand (6,000) city residents
as established by the federal census figures or fractions thereof. However no more than eight
wrecker licenses are issued during any one licensing year.
   i Transferrability. Any license issued under the provisions of this chapter
      applies only to the person to whom it was issued and may be transferred
      either from person to person or place to place, or both, in accordance with
      these provisions.
   ii Application for transfer of a license is made by the person seeking the
      transfer to the city clerk in accordance with the provisions of this chapter.
      This application is signed and sworn to by the person seeking the transfer
      and bears the consent in writing to such a transfer by the licensee. The
      transfer of any license under this chapter is subject to the approval of
      the municipal council. The fee for the transfer of a license from person to
      person is two hundred fifty dollars ($250.00) in addition to the license fee
      itself. The fee of a transfer from place to place is fifty dollars ($50.00), in
      addition to the license fee itself.
   iii As a requirement of licensure, every licensee shall own or lease an
      enclosed storage yard to which vehicles towed pursuant to this chapter
      shall be delivered and stored. Every such storage yard shall be located
      within the City of New Brunswick or on a road or street contiguous to the
      municipal boundary, but in no event any further than two (2) miles outside
      the borders of the City of New Brunswick.

3. Application of license; required information; affidavit. Applications for licenses issued hereunder shall
be made upon printed forms prepared and made available in the City Clerk's office and shall
include:
   i The complete legal name, trade name (if any), home address and proposed
      or actual business address of the applicant, and whether the applicant is the
      owner, lessee or bailee. In the event the applicant is a corporation, the
      names, addresses and home telephone numbers of every person owning
      10% or more of said corporation shall be listed.
   ii Contain an abstract of the driving history of each operator of a licensed
      wrecker and a listing of each criminal conviction of any such operator, a
      statement of any denial of any license or permit to operate a motor
      vehicle or a towing service for any applicant.
   iii Evidence that the applicant has at least three years' experience of providing
      properly insured towing services with references available.
   iv Evidence that the applicant has a business location within the City of New
      Brunswick, or on a road or street contiguous to the municipal boundary on
      which there is situated a permanent facility and a secured, vehicle storage
      area which is contained within an outside area surrounded by a chain link,
      stockade or other such type restrictive fencing which is at least six feet in
of 11

Page 4

height. The storage area shall be adequate for properly accommodating and protecting all motor vehicles which may be towed. No operator will be permitted to store, place or otherwise cause or permit any towed vehicles to be stored, placed, parked or otherwise located upon any public property or any City street or any property which is not zoned for such storage, except as may be specifically directed by the City police in the course of clearing a collision scene or in regard to an official investigation or vehicle seizure. The entire storage area must be lighted during the hours of darkness so that the interior of the storage area is visible.

v A certification from the City’s Zoning Officer that the business location is a permitted use pursuant to Municipal ordinances.

vi A description of each vehicle operated as a wrecker, including year, make, model, type, Vehicle Identification Number (VIN) and any other information which is necessary or proper to effectuate the purpose of this chapter and to determine whether the terms of this chapter have been satisfied.

INVESTIGATION OF APPLICANT

1. Investigation and inspection; approval or denial of application. Upon receipt of an application as provided for herein, the City Clerk’s office shall cause an investigation to be made of the applicant and of the subject business location. Inspection of the business location shall be made by both assigned police officers and code enforcement officials of the City. Said inspection shall be completed within 30 days. The City Clerk’s Office may request assistance from the Police Department through the Director of Police or his or her designee for the making and completion of such investigation and inspections, or may delegate the inspections of the vehicles to an independent person, who is not a wrecker operator, and who shall be qualified by experience and training to make such inspection. An inspection report for each vehicle shall be filed with the City Clerk’s office and shall clearly indicate whether each vehicle complies with the requirements and standards of this chapter as set forth herein.

2. The Police Department of the City of New Brunswick shall conduct a thorough background check of the licensee, its officers, principals and employees prior to the granting of a license within 30 days after receipt of a completed application. A conviction for a disorderly persons offense and/or a motor vehicle violation evidencing unsafe driving habits or a disregard for the New Jersey Motor Vehicle Laws will be considered ample reason to disqualify any applicant or a particular employee. Each prospective licensee shall furnish with its application executed background check waivers for all officers, principals and employees in the form provided by the Police Department.

3. A report shall be made to the Director of Police as to whether the wrecker is in compliance with the requirements and standards of this chapter.

4. Upon completion of the investigation and inspection, the Director of Police shall forward a report of his or her findings and a proposed classification of the applicant as light-duty motor vehicle accident, light-duty miscellaneous, heavy-duty motor vehicle accident, heavy-duty motor vehicle accident, heavy-duty miscellaneous or not qualified for the call list in accordance with the standards set forth in this chapter. The City Clerk shall either refuse to approve the application or shall classify and refer the application to the governing body for approval and shall inform the applicant of his/her decision. If the application is approved, the applicant shall supply the City Clerk with the insurance policies or certificates as required.

APPROVAL

The City Clerk shall classify and refer an application to the governing body for approval only when the following requirements have been met:

i The wreckers to be used, on inspection, meet with the required minimum standards for the light-duty motor vehicle accident, light-duty miscellaneous or heavy-duty motor vehicle accident or heavy-duty miscellaneous.

ii Adequate proof of the applicant’s ability to produce insurance policies as required herein has been submitted.

iii The applicant and proposed operators are properly qualified to operate and conduct a wrecker service in the City in accordance with the requirements as are set forth in this chapter.

iv All wrecker operators are currently licensed drivers by the State of New Jersey and such license(s) is (are) not presently revoked or suspended for any reason.

v The applicant is in compliance with all requirements of this chapter and all other governing laws, statutes and ordinances.

vi Each wrecker has been properly licensed and inspected by the State of New Jersey and has the necessary stickers affixed thereto. No vehicle shall be licensed as a wrecker which is using dealer’s license plates or which has failed the state inspection.

Page 4 of 11
DENIAL

If the City Clerk denies an application, a letter setting forth the reasons for the denial shall be sent by the City Clerk's office by certified mail to the applicant within 72 hours of such decision. The applicant may thereafter request a hearing before the municipal governing body.

5.112.030 - INSURANCE REQUIRED

1. In order to insure the full protection of the property of the public, it is unlawful for any wrecker to be operated, nor shall any license to do so be issued unless the applicant obtains a policy of insurance with an acceptable company and furnish satisfactory evidence thereof to the city clerk, in the sum of at least one hundred thousand dollars ($100,000.00) insuring the customer's property against damage by the owner of the wrecker or his or her agent, servant or employee and in the sum of at least two hundred and fifty thousand dollars ($250,000.00) for personal injuries.

2. The required insurance shall provide coverage for the wrecker's towing operations and also for the storage yard required by Section 5.112.020.

3. The application of any operator for a license pursuant to this chapter shall imply an agreement by the operator that, upon the issuance of a license, the licensee shall indemnify the City of New Brunswick against all statutory, common law or contractual claims of third parties relating to any acts or services performed or rendered or which failed to be performed or rendered by the licensee. Any formal agreement to provide said indemnification shall be in such form as is approved by the City Attorney and shall be properly executed by the operator and attested to by an authorized notary of the State of New Jersey.

4. The termination or expiration of any of the insurance coverages which are required herein shall be cause for the immediate suspension of a wrecker's license unless renewal or replacement of such coverage is timely made in compliance with the applicable requirements as are set forth hereinabove.

5.112.040 - LICENSE SUSPENSION OR REVOCATION

Licenses issued under the provisions of this chapter are suspended or revoked in accordance with the provisions of Sections 5.04.090 through 5.04.120 and 5.04.140.

5.112.050 - RATES FOR TOWING AND STORAGE

The prices that may be charged for wrecking service as provided in this chapter shall not exceed the following rates:

A. Light Duty; All Passenger Vehicles.
   1. Monday through Friday, 7:00 a.m. to 7:00 p.m.: $125.
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   2. Monday through Friday, 7:01 p.m. to 6:59 a.m.: $135.
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   3. Weekends and Holidays: $135
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   4. Vehicles owned or operated by City of New Brunswick: $35

B. Light Duty; All Vehicles Registered between 6,001 pounds and 12,000 pounds.
   1. Monday through Friday, 7:00 a.m. to 7:00 p.m.: $135.
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   2. Monday through Friday, 7:01 p.m. to 6:59 a.m.: $145.
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   3. Weekends and Holidays: $145
      Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.
   4. Vehicles owned or operated by City of New Brunswick: $35
5. Vehicles legally parked in an area where emergency utility work must be performed: $25 to be paid by the utility company or contractor. (Wrecker service not to lose spot in rotation).

C. STORAGE FEES: Any wrecker service operating within the City of New Brunswick shall be allowed to charge a fee for the storage of towed vehicles. However, the storage fees, as described below, shall only be charged after the passage of at least 24 hours following the tow, subject to the "Dead Storage" provisions of 5.112.010.

1. Inside storage facility: $60 per day. (Must be at the owner's request or at the direction of the New Brunswick Police Department)
2. Outside storage facility: $30 per day.
3. The City of New Brunswick shall not be required to pay a storage fee under any circumstances.

E. Miscellaneous services, not to exceed:

1. Start vehicle: $70.
2. Change flat tire: $70.
3. Respond to provide fuel (does not include cost of fuel): $70.
4. Winching: $75 per 1/2 hour or any portion thereof.
5. Cleanup materials. This item is to be a separate line item and itemized on each bill that the use of clean-up materials are required. When Speedi-Dry is used as a cleanup material, a fee of $15 per bag is authorized.
6. Digging any light duty vehicle out of the snow prior to hook-up and tow: $35.
7. A yard charge for each visit or request to access a vehicle in storage may be charged for the following, but not limited to: car cover; photographs; administrative; placing any vehicle on a public street adjacent to it for the vehicle's removal; vehicle estimate requested by the owner or third-party insurance carrier (includes time with appraiser); removal of personal property from the subject vehicle (up to 15 minutes): $30/each occurrence.
   a. There shall be no yard charge assessed to any person seeking to retrieve house keys, medication, or vehicle credentials needed to secure a release from the New Brunswick Police Department.
8. De-coupling Fee $50; Wrecker service to be placed back at top of list.

F. Heavy-Duty Towing

1. Conventional tow, 12,000 pounds to 25,000 pounds: $250.
2. Conventional tow, 25,001 pounds to 55,000 pounds: $350.
3. Conventional tow, 55,001 pounds to 80,000 pounds: $450.
6. Per mile outside New Brunswick (all tolls additional): $11.
7. Extra-heavy-duty tilt bed low-boy tractor and trailer, or any other heavy equipment necessary to lift, load, right, or move a heavy-duty vehicle of the contents of any spilled load: $400 per hour.
8. Winching: $200 per half hour or portion thereof.
9. Remove bumper: $35.
11. Remove axle: $30 per hour.
12. Remove drive shaft: $40.
13. Extra men, per hour, per man: $90.
14. Cleanup materials. This item is to be a separate line item and itemized on each bill that its use is required.
15. A yard charge may be charged for the following, but not limited to: vehicle cover; photographs; administrative; placing any vehicle on a public street adjacent to it for the vehicle's removal; vehicle estimate requested by the owner or third-party insurance carrier (includes time with appraiser); removal of personal property from the subject vehicle (up to 15 minutes): $45.

G. Heavy-duty storage.
Every operator of a wrecker shall give the owner of the vehicle a written receipt for the fee paid. All fees shall be in accordance with the rates posted for the services, which are required, or directed to be rendered. Receipts shall contain all of the information required pursuant to 5.112.070

No wrecker shall charge an unreasonable fee for the services rendered. Fees shall be presumed to be unreasonable if they exceed 25% of the usual and customary fee charged for consensual towing and related storage services, or 50% of the usual and customary fees for nonconsensual towing and related storage services by towing and storage companies operating within the City. Wrecker services found to have charged an unreasonable fee may be subject to punishment as proscribed by the governing body, which may include the suspension or revocation of their license to operate within the City of New Brunswick.

Whenever a vehicle is towed pursuant to the provisions of this section, it shall be stored on a protected lot owned or controlled by the licensed wrecker owner.

The lot, owned or controlled by the licensed wrecker owner, shall be available between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, Saturdays 7:00 a.m. to 1:00 p.m., in the event towed vehicles are being stored pursuant to the provisions of this section in order that customers may be able to retrieve their vehicles. Licensees are not required to make themselves available on Sundays and state or national holidays for retrieval of towed vehicles.

If a licensed wrecker owner chooses to remain closed on Sundays and state or national holidays, storage fees cannot be charged for that day.

If a licensed wrecker owner chooses to open the lot for vehicle retrieval between the hours of 7:30 p.m. and 6:30 a.m. Monday through Friday, Saturday after 1:30 p.m., or on Sundays and state or national holidays, then a flat fee of twenty-five dollars ($25.00) may be charged for a yard opening fee.

The maximum flat rates contained herein shall be charged by all wrecker and wrecking services operating in the city, using public streets, to effectuate any hauling or removal from any public street or private property. These rates apply to all wreckers within the city, whether they are licensed by the city or not.

Any wrecking service operating within the City of New Brunswick shall accept, cash, check or debit cards as a form of payment. In the event an insurance company or other business entity is paying for the tow, storage, or any other service associated with a tow and storage, the wrecker service shall accept a business check as payment. Wrecking companies are not required to accept personal checks.

ADMINISTRATION FEES.

All vehicles towed by licensed wreckers at the request of the police department are subject to a twenty-dollar ($20.00) administration fee prior to being released by the wrecker company. This administration fee will not apply to vehicles which were towed solely as the result of a motor vehicle collision, or if the vehicle was towed as the result of criminal activity and the vehicle and/or owner/driver was the victim.

The administration fee will be collected by the police department prior to the vehicle being released by the wrecker company. The vehicle's owner or designee will report to the police department's front desk and speak with the supervisor assigned to the front desk.* The front desk supervisor will confirm with the tow log, via dispatch, the reason for tow and the location of wrecker company responsible for the tow. The front desk supervisor will also verify the individual picking up the towed vehicle is a licensed driver and the reason for the tow has been corrected. Once the front desk supervisor confirms the above information he/she will collect the twenty dollar ($20.00) administration fee (cash only) and provide the driver with a "tow release receipt." The tow release receipt must be presented to the wrecker company prior to the vehicle's release. All fees owed to the wrecker company must be settled between the wrecker company and the vehicle's owner or designee.

After collecting the administration fee, the front desk supervisor will deposit the monies along with an attached copy of the tow release receipt in a separate and secure lock box or safe located at the front desk area. A tow release log book entry will be completed and dispatch will be advised to make a notation in the tow log that the vehicle has been approved for release.

1. Tractor: $55.
2. Trailer: $55.
4. Tractor-Trailer: $85.

* The front desk supervisor will inform the customer of the fee.
When the vehicle's owner or designee settles the fees owed to the wrecker company the wrecker company employee will note the tow release receipt number on their company receipt.

* In the event of a snow emergency the police department's traffic safety and enforcement unit may assign a traffic officer to the front desk to assist with the collection of the administration fee at the completion of the snow emergency.

(Ord. No. 0-031007, § 1, 4-9-10; Ord. 0-120604 § 1, 2006; Ord. 0-100104 §§ 1-3, 2001; prior code § 7-11.5)

5.112.060 - RATES TO BE POSTED.

All wreckers shall contain a card or metal plate, to be furnished by the owner, and affixed to a prominent portion of the wrecker as directed by the governing body where it can be easily read stating the license number of the vehicle and rates charged, as well as having same posted at their place of business.

a. All wrecker services operating within the City of New Brunswick shall provide the operator of the motor vehicle being towed, the following written information:
   1. The name, address, and telephone number of the towing company.
   2. The name and location of the storage yard where the vehicle will be kept if different from the wrecker service responding to the scene.
   3. The rates for towing and storage.
   4. The date and time of the tow.

5.112.070 - CUSTOMER RECEIPTS.

A. Every operator of a wrecker shall give the customer a written itemized receipt for the fee paid. Each itemized receipt must contain at a minimum, the following information:
   1. Date of tow;
   2. Time of tow;
   3. Location vehicle was towed from;
   4. Reason for tow;
   5. Tow requested by;
   6. Vehicle type;
   7. Vehicle plate number and state of issuance;
   8. Location vehicle was towed to;
   9. Itemization of fees;
   10. NBPD tow release number;
   11. Date of release.
   12. Time of release

B. Every licensee must have copies of all tow receipts available at the place of business for inspection by a representative of the New Brunswick police department during normal business hours, 7:00 a.m. to 7:00 p.m., Monday through Saturday.

5.112.080 - RULES AND REGULATIONS.

A. The governing body designates the police department generally and the director of police particularly as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder. All equipment required for licensure or used in connection with the business of a licensed wrecker is subject to inspection as required by the supervising authority.

1. No wrecker shall engage in cruising.

2. No wrecker shall solicit or attempt to divert patrons of another wrecker whether or not licensed under this chapter, nor shall a wrecker solicit or divert prospective patrons of a given repair service to any other repair service.

3. No owner of a wrecker or his or her agent, servant or employee shall solicit, demand or receive any fee or emolument whatever except in accordance with the terms of this chapter or give or offer any gratuity or other form of compensation to any city employee.

4. No flashing lights or sirens are used on a wrecker except by permission granted by the State Director of Motor Vehicles under the provisions of R.S. 39:11 et seq.

5. Prior to license renewal and again during the month of July each wrecker licensed under this chapter is inspected by a representative of the police department for fitness.

6. Each licensed wrecker at all times maintains and carries the necessary equipment to remove disabled or locked vehicles or equipment necessary to separate or open vehicles to enable public safety personnel to remove entrapped passengers.
7. Each wrecker prior to departure from the scene of towing services shall clean and clear the streets of any debris resulting from any accident at such scene and at all times carry the necessary equipment to perform such cleaning services.

8. No wrecker shall respond to the scene of an accident except upon the request of the New Brunswick Police Department, upon notification by the channel of communication established by the police department to notify licensed wreckers of the necessity of their presence.

9. When multiple cars are to be towed, the choice of towing a particular vehicle is established by the sequence of licensed wreckers responding to the call to service. However, before any car is removed, the wreckers must participate in clearing the scene of vehicles blocking the public right-of-way or debris, or in the application of speed-dri®.

10. All licensed wreckers shall be available on a twenty-four (24) hour basis for wrecking service except when reporting out of service to the designated dispatcher.

11. The dispatch desk shall assign wreckers for towing purposes on a rotating basis among the various licensees. Where a licensee has reported out of service, then his or her turn shall be skipped over by the dispatch desk and the call assigned to the next licensee in rotation; the out of service licensee shall be permitted to resume his or her normal rotation if he or she is back in service at the time his or her normal turn again is reached.

a. In establishing a rotation system of assignment of wreckers, a separate list is set up limited to heavy duty wreckers, and the assignment of a heavy duty wrecker to tow a disabled truck is in addition to and not in limitation of the right of the heavy duty wrecker owners to participate on a rotating basis, on the light duty call list.

b. Any wrecker that de-couples from a vehicle at the scene of service shall be back at the top of the rotation.

12. No wreckers listed as in-service may refuse assignments. If assignments are refused then the dispatch desk shall report such refusal and the type of car refused to the police director, which refusal will subject the refusing licensee to the penalties provided by this chapter. Upon receiving notification of refusal by the dispatcher the police director shall, as soon as practicable, notify the city clerk of same.

13. Wreckers shall arrive at the scene to which dispatched within a reasonable time after being dispatched. Under normal circumstances such reasonable time limit is defined as within fifteen (15) minutes.

14. Where no designation has been made, licensed wreckers are authorized to remove the vehicle to the place of business of the wrecker service and charge storage fees in accordance with the provisions of this chapter. Vehicles being stored by a wrecker service which remain unclaimed after thirty (30) days, shall be reported to the New Brunswick police department traffic safety enforcement unit, no sooner than thirty (30) days, but no later than sixty (60) days from date of impound.

15. Where vehicles are towed to premises controlled by the police department for the purpose of utilizing the vehicle or its contents as evidence, or for other purposes, such vehicle is not released from police custody unless the owner of the vehicle furnishes the police department with a receipt that towing service fees have been paid.

16. In all cases where cars are to be towed for illegal parking summonses for such offense shall be issued, and affixed to the vehicle prior to towing.

17. When cars are removed because of emergency snow conditions they are towed to a designated location which will be provided and utilized by the licensed wreckers.

18. Such additional rules and regulations as may be promulgated by the city clerk shall take effect five days after notification of such rules and regulations upon the holders of all licenses for wreckers. Service is made by forwarding these rules, and regulations by certified mail, return receipt requested, to the licensee at the address listed in the licensee's most recent application.

19. During a snow emergency, where snow routes are being cleared by the New Brunswick police department and wreckers are requested for tows, the licensed wrecker must have an employee available at the yard to release cars, regardless of the time of day, as long as the police department continues to tow vehicles and the licensed wrecker participates in the tows.

20. In order to assure compliance with subsections 10 through 13 the police department shall maintain a roster of time(s) of call, wrecker(s) called, wrecker(s) responding and wrecker(s) out of service.

21. Any person operating a City of New Brunswick licensed wrecker must be appropriately attired when responding to a call for service. Appropriate attire shall at a minimum include work shoes or boots with a non-skid sole, work pants similar to Carharts™, Dickies™, or blue jeans, and a DOT approved safety vest or jacket. (Sweatpants, pajamas and sneakers are prohibited).
22. Under no circumstances shall a wrecker operator or employee respond to the scene of a tow while under the influence of alcohol or drugs, including prescription medication that bears the warning that it may cause drowsiness, and/or that the person taking said medication should not operate a motor vehicle or heavy machinery.

5.112.090 - DISPATCHING FEE

To expedite the enforcement of the provisions of this chapter, all licensed wreckers shall participate in a dispatching service at their joint expense for the purpose of making available licensed wreckers when a towing service is required. Such dispatch service shall be conducted and provided by the New Brunswick Police Department. Upon the occasion of the necessity of such towing service, police department personnel shall inform the dispatching desk of the need for a wrecker.

The fee for the dispatching service shall be determined by the Police Director and approved by the governing body on an annual basis. Beginning calendar year 2017 the dispatching fee shall be $20,000.00 per year, to be divided by the licensed wrecker services, and to be paid in monthly installments by each, to the City of New Brunswick.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: July 5, 2017

ADOPTED ON SECOND READING:
DATED: August 2, 2017

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF August 2017.

JAMES M. CAHILL, MAYOR
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 13, "SEWER SERVICE SYSTEM"

BE IT ORDEIGNED, by the City Council of the City of New Brunswick as follows:

SECTION I

Revised General Ordinance Section 13.08.340 is amended as follows:

Section13.08.340 Schedule A - Schedule of Charges. The charges of all sewer services furnished by the City of New Brunswick shall be in accordance with the following rates:

<table>
<thead>
<tr>
<th>a.</th>
<th>Residential/Commercial Rates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Quarterly Rate - per 1,000 cubic feet.</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
</tr>
<tr>
<td>$57.53</td>
<td>$60.41</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b.</th>
<th>Industrial Rates.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Flow - per 1,000,000 gallons per quarter.</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
</tr>
<tr>
<td>$6,450.71</td>
<td>$6773.25</td>
</tr>
<tr>
<td>(2)</td>
<td>BOD - per ton per quarter.</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
</tr>
<tr>
<td>$916.16</td>
<td>$961.97</td>
</tr>
<tr>
<td>(3)</td>
<td>Suspended Solids - per ton per quarter.</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
</tr>
<tr>
<td>$362.63</td>
<td>$380.76</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective August 3, 2017 following final adoption and publication as required by law.
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the New Brunswick City Council that Ordinance O-071702 now pending, is hereby amended as follows:

SECTION I

Revised General Ordinance Section 13.08.340 is amended as follows:

Section13.08.340 Schedule A - Schedule of Charges. The charges of all sewer services furnished by the City of New Brunswick shall be in accordance with the following rates:

a. Residential/Commercial Rates:
   (1) Quarterly Rate - per 1,000 cubic feet.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$57.53</td>
</tr>
<tr>
<td>2018</td>
<td>$60.41</td>
</tr>
<tr>
<td>2019</td>
<td>$63.43</td>
</tr>
<tr>
<td>2020</td>
<td>$66.60</td>
</tr>
</tbody>
</table>

b. Industrial Rates.
   (1) Flow - per 1,000,000 gallons per quarter.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$6,450.71</td>
</tr>
<tr>
<td>2018</td>
<td>$6,773.25</td>
</tr>
<tr>
<td>2019</td>
<td>$7,111.91</td>
</tr>
<tr>
<td>2020</td>
<td>$7,467.51</td>
</tr>
</tbody>
</table>

   (2) BOD - per ton per quarter.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$916.16</td>
</tr>
<tr>
<td>2018</td>
<td>$981.97</td>
</tr>
<tr>
<td>2019</td>
<td>$1,010.07</td>
</tr>
<tr>
<td>2020</td>
<td>$1,060.57</td>
</tr>
</tbody>
</table>

   (3) Suspended Solids - per ton per quarter.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$362.63</td>
</tr>
<tr>
<td>2018</td>
<td>$380.76</td>
</tr>
<tr>
<td>2019</td>
<td>$399.80</td>
</tr>
<tr>
<td>2020</td>
<td>$419.79</td>
</tr>
</tbody>
</table>

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective August 3, 2017 following final adoption and publication as required by law.

BE IT FURTHER RESOLVED, that Certified Copies of this Resolution shall be sent by the City Clerk to the following:

- City Administrator
- City Attorney
- Director of Water Utility

ADOPTED: July 19, 2017

CITY CLERK
APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, “VEHICLES AND TRAFFIC”

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.20, Section 10.20.010 - Schedule 39, “Parking Zones for Handicapped Persons” is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 Curtis Place</td>
<td>East</td>
<td>Beginning at a point 142 feet from the southeasterly curbline of Mitchell Avenue and extending to a point 23 feet south thereof.</td>
</tr>
<tr>
<td>102 Comstock Street</td>
<td>Northwest</td>
<td>Beginning at a point 264 feet from the northeasterly curbline of Throop Avenue and extending to a point 23 feet southeast thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING: DATED: July 5, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING: DATED: August 2, 2017

COUNCIL PRESIDENT

ATTEST: CITY CLERK
APPROVAL OF THE MAYOR ON THIS ___ DAY OF ___, 2017.

APPROVALS:

MAYOR

CITY ADMINISTRATOR

CITY ATTORNEY

CGIkc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDNANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.050 - Schedule 29, "Time Limit Parking" is hereby amended to DELETE the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>PROGRESSIVE RATES</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty</td>
<td>South</td>
<td>Beginning at a point 40 feet east of the easterly curbline of George</td>
<td>1-2 hr.: $1.50/hr.</td>
<td>8 Hours</td>
<td></td>
<td>Monday to</td>
</tr>
<tr>
<td>Street</td>
<td></td>
<td>Street along the southerly curbline of George Street extending 46 feet</td>
<td>3rd hr.: $2.00</td>
<td>8 a.m.</td>
<td></td>
<td>Saturday</td>
</tr>
<tr>
<td></td>
<td></td>
<td>east thereof.</td>
<td>4th hr.: $3.00</td>
<td>8 p.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5th hr.: $4.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6th hr.: $5.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7th hr.: $6.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8th hr.: $7.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

Title 10, Chapter 10.12, Section 10.12.060 and 10.12.070 - Schedule 8-B, "Loading Zones" is hereby amended to DELETE the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty</td>
<td>South</td>
<td>Beginning at a point 35 feet from the easterly curbline of George Street</td>
</tr>
<tr>
<td>Street</td>
<td></td>
<td>and extending to a point 91.5 feet east thereof.</td>
</tr>
</tbody>
</table>

Title 10, Chapter 10.12, Section 10.12.060 and 10.12.070 - Schedule 8-B, "Loading Zones" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty</td>
<td>South</td>
<td>Beginning at a point 40 feet east of the easterly curbline of George</td>
</tr>
<tr>
<td>Street</td>
<td></td>
<td>Street and extending to a point 86.5 feet east thereof.</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.
Any reproduction of this Ordinance shall contain:

APPROVED:
Applicant: 

Daniel Torrisi, City Clerk 

APPROVAL OF THE MAYOR ON THIS DAY OF August 30, 2017 

Applicant: 

Signed: 

CITY CLERK 

ATTEST: 

Dated: August 2, 2017 

Adopted on Second Reading:

Dated: July 19, 2017 

Adopted on First Reading:

0-071704
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDNANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suydam Street</td>
<td>Southwest</td>
<td>Beginning at the northwesterly curbline of Railroad Avenue extending to a point 64' northwest thereof.</td>
</tr>
<tr>
<td>Suydam Street</td>
<td>Southwest</td>
<td>Beginning at the southeasterly curbline of Railroad Avenue extending to a point 39' southeast thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: July 19, 2017
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: August 2, 2017
COUNCIL PRESIDENT
APPROVAL OF THE MAYOR ON THIS DAY OF August, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

ATTEST:

CITY CLERK

W. H. Kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" is hereby amended to DELETE the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paterson</td>
<td>South</td>
<td>From Elm Row to George Street.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: July 19, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: August 2, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK
APPROVAL OF THE MAYOR ON THIS DAY OF August, 2017.

APPROVALS:


THOMAS L. MARTIN
CITY ADMINISTRATOR

CITY ATTORNEY
CG/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter 10.16, Section 10.16.020 - Schedule 24, "No Parking At Any Time" - UNDER ALL RAILROAD ELEVATIONS - is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayard Street</td>
<td>North</td>
<td>Beginning at the easterly curbline of Connector Way extending to a point 116' westerly thereof.</td>
</tr>
<tr>
<td>Bayard Street</td>
<td>South</td>
<td>Beginning at the westerly curbline of Connector Way extending to a point 385' westerly thereof.</td>
</tr>
<tr>
<td>Handy Street</td>
<td>Northeast</td>
<td>Beginning at the northwesterly curbline of Railroad Avenue (northbound) extending to a point 60' northwest thereof.</td>
</tr>
<tr>
<td>Paterson Street</td>
<td>South</td>
<td>Beginning at the easterly curbline of French Street to Kirkpatrick Street.</td>
</tr>
<tr>
<td>Suydam Street</td>
<td>Southwest</td>
<td>Beginning at a point 85' from the northwesterly curbline of Railroad Avenue (northbound) extending to a point 60' northwest thereof.</td>
</tr>
<tr>
<td>Suydam Street</td>
<td>Northeast</td>
<td>Beginning at the northwesterly curbline of Railroad Avenue (northbound) extending to a point 60' northwest thereof.</td>
</tr>
<tr>
<td>Townsend Street</td>
<td>Northeast</td>
<td>Beginning at the northwesterly curbline of Railroad Avenue (northbound) extending to a point 60' northwest thereof.</td>
</tr>
<tr>
<td>Townsend Street</td>
<td>Southwest</td>
<td>Beginning at a point 85' from the northwesterly curbline of Railroad Avenue (northbound) extending to a point 60' northwest thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.
ADOPTED ON FIRST READING:
DATED: July 19, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: August 2, 2017

COUNCIL PRESIDENT

ATTES:
CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF August 21, 2017.

MAYOR

APPROVALS:
CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE CITY OF NEW BRUNSWICK AND 78 EASTON AVE. URBAN RENEWAL, L.L.C.

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

City Council finds and determines as follows:

(A) 78 Easton Ave. Urban Renewal, L.L.C. (the "Entity") is the owner of a Project within the City of New Brunswick Urban Enterprise Zone.

(B) The aforesaid Urban Renewal Project is being undertaken by the Entity for the parcel at the site generally bordered by Easton Avenue, Hamilton and Guilden Streets and shown as BLOCK 56 LOTS 1.01, 1.03 and 14 on the Official Tax Maps of the City for purposes of development a mixed use project consisting of approximately 9,000 square feet of retail space and approximately 181 residential apartments.

(C) The Entity shall be authorized to do business as an urban renewal entity under the laws of New Jersey pursuant to the provisions of the long-term tax exemption law, N.J.S.A. 40A:20-1, et seq., for the development of the project.

(D) The City Council of the City of New Brunswick has determined that the development of the project will result in the provision of retail as well as residential housing space that will benefit the City and its residents when compared to the cost of the tax abatement and that the abatement approved herein is essential to the project which would not be feasible without the tax abatement approved by this Ordinance.

SECTION II

APPROVAL OF EXEMPTION FROM TAXATION

An exemption from taxation as set forth in the Application is hereby approved and granted to the Entity with respect to the Project in accordance with the terms set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of thirty-five (35) years from the date of execution thereof or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law and any other agreement related to the Project or the Property; and provided, further; that in no event shall the resulting property tax obligation in each year the property tax exemption is in effect, when combined with the Annual Service Charge as defined in the Financial Agreement, be less than the amount of the Land Taxes (as defined in the Financial Agreement) prior to redevelopment.

SECTION III

EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

(a) The Mayor, in consultation with legal counsel to the City, is hereby authorized and directed to execute the Financial Agreement, substantially in the form as it has been presented to the City Council, and attached hereto as Exhibit A, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the Financial Agreement.

(b) The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.

(c) Within thirty (30) days of its execution, the City Clerk shall file certified copies of this ordinance and the executed Financial Agreement with the Tax Assessor of the City and shall forward a certified copy of this Ordinance and the executed Financial Agreement to the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs in accordance with Section 12 of the LTTE Law.

(d) The executed copy of the Financial Agreement shall be filed with the Office of the City Clerk.
SECTION IV
ENTITY OBLIGATIONS

(a) The Project shall conform with all Federal and State laws and ordinances and regulations of the City relating to its construction and use.

(b) The Entity shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

(c) The Entity shall, from the time that the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

SECTION V
SEVERABILITY:

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that anyone or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION VI
ACTION REGARDING FINANCIAL AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

SECTION VII
REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VIII
EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: August 2, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: September 20, 2017

COUNCIL PRESIDENT
APPROVAL OF THE MAYOR ON THIS 22nd DAY OF SEPTEMBER, 2017.

APPROVALS:

CITY CLERK

CITY ADMINISTRATOR

CITY ATTORNEY

DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT

TKS/kc
FINANCIAL AGREEMENT

BETWEEN

THE CITY OF NEW BRUNSWICK

And

78 EASTON AVE URBAN RENEWAL, LLC

Dated: As of ____________, 2017

Long Term Tax Exemption
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>General Provisions.</td>
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<td>1.1</td>
<td>Governing Law</td>
</tr>
<tr>
<td>1.2</td>
<td>General Definitions</td>
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<tr>
<td>1.3</td>
<td>Exhibit Incorporated</td>
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<td>II.</td>
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<td>Approval of Tax Exemption</td>
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<td>2.2</td>
<td>Approval Entity</td>
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<td>III.</td>
<td>Duration of Agreement.</td>
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<td>3.1</td>
<td>Term</td>
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<td>IV.</td>
<td>Annual Service Charge.</td>
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<td>4.1</td>
<td>Annual Service Charge</td>
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<tr>
<td>4.2</td>
<td>Quarterly Installments</td>
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<td>4.3</td>
<td>Land Tax Credit</td>
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<td>4.4</td>
<td>Material Condition</td>
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<tr>
<td>V.</td>
<td>Dispute Resolution.</td>
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<tr>
<td>5.1</td>
<td>Remedies</td>
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<tr>
<td>VI.</td>
<td>Certificate of Occupancy</td>
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<tr>
<td>6.1</td>
<td>Certificate of Occupancy</td>
</tr>
<tr>
<td>6.2</td>
<td>Substantial Completion</td>
</tr>
<tr>
<td>6.3</td>
<td>Filing for Certificate of Occupancy</td>
</tr>
<tr>
<td>VII.</td>
<td>Annual Audits.</td>
</tr>
<tr>
<td>7.1</td>
<td>Accounting Systems</td>
</tr>
<tr>
<td>7.2</td>
<td>Periodic Reports</td>
</tr>
<tr>
<td>7.3</td>
<td>Inspection</td>
</tr>
<tr>
<td>7.4</td>
<td>Limitation of Profits and Reserves</td>
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<tr>
<td>7.5</td>
<td>Payment if Dividend and Excess Profit Charge</td>
</tr>
<tr>
<td>VIII.</td>
<td>Assignment and/or Assumption.</td>
</tr>
<tr>
<td>8.1</td>
<td>Approval</td>
</tr>
<tr>
<td>8.2</td>
<td>Operation of Project</td>
</tr>
<tr>
<td>8.3</td>
<td>Termination</td>
</tr>
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<td>IX.</td>
<td>Waiver.</td>
</tr>
<tr>
<td>9.1</td>
<td>Waiver</td>
</tr>
<tr>
<td>X.</td>
<td>Notice.</td>
</tr>
<tr>
<td>10.1</td>
<td>Notice</td>
</tr>
</tbody>
</table>
XI. Compliance.
   11.1 Statutes and Ordinances

XII. Construction.
   12.1 Construction

XIII. Indemnification.
   13.1 Defined

XIV. Default.
   14.1 Default
   14.2 Cure Upon Default
   14.3 Remedies Upon Default

XV. Termination.
   15.1 Termination Upon Default of the Entity
   15.2 Voluntary Termination by the Entity
   15.3 Final Accounting

XVI. Miscellaneous.
   16.1 Conflict
   16.2 Oral Representation
   16.3 Entire Document
   16.4 Good Faith
   16.5 Grammatical Agreement
   16.6 Recording

XVII. Exhibits.
THIS FINANCIAL AGREEMENT, (hereafter Agreement) made as of the ____ day of _________, 2017, by and between 78 EASTON AVE URBAN RENEWAL, LLC, a New Jersey Urban Renewal Limited Liability Company, qualified to do business under the provisions of the Long Term Tax Exemption law, as amended and supplemented, (N.J.S.A. 40A:20-1 et seq.) having its principal office at 7711 Bonhomme Avenue, Suite 625, St. Louis, Missouri 63105, hereinafter also designated as the “Entity,” and the City of New Brunswick, a Municipal Corporation in the County of Middlesex and the State of New Jersey, hereinafter designated as the “City.”

WITNESSETH:

WHEREAS, the Entity wishes to have a Long Term Tax Exemption granted for the development of a mixed-use building, located at 78, 92 and 94 Easton Avenue, and further known as Block 56 Lots 1.01, 1.03 and 14 (as described on Exhibit “A” attached hereto and incorporated herein) on the Official Tax Maps of the City of New Brunswick, New Jersey (hereinafter called the “Project”); and

WHEREAS, the City, does hereby grant its approval for a mixed-use building to be developed and maintained upon the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

ARTICLE I – GENERAL PROVISIONS

Section 1.1 Governing Law

This Agreement shall be governed by the provisions of the Long Term Tax Exemption Law, as amended and supplemented, (N.J.S.A. 40A:20-1 et seq.) being referred to herein as the
“Law.” It being expressly understood and agreed that the City expressly relies upon the facts, data and presentations contained in the application attached hereto in granting this tax exemption.

Section 1.2 General Definitions

Unless specifically provided otherwise or the context otherwise requires, the following terms when used in this Financial Agreement shall mean:

i. **Allowable Profit Rate** – The Allowable Profit Rate for the purpose of this Agreement shall be calculated in accordance with N.J.S.A 40A:20-3(b).

ii. **Annual Service Charge** – The amount the Entity on behalf of itself and Successor Unit Purchasers has agreed to pay the City in lieu of full taxation on the improvements, as outlined in the application submitted by 78 EASTON AVE URBAN RENEWAL, LLC attached hereto and in accordance with N.J.S.A. 40A:20-12.

iii. **Auditor’s Report** – A complete financial statement outlining the financial status of the Project the contents of which have been prepared in a manner consistent with the current standards of the Financial Accounting Standards Board and which fully details all items as required by all state statutes which has been certified as to its conformance with such standards by a certified public accountant who is, or whose firm is licensed to practice that profession in the State of New Jersey.

iv. **Certificate of Occupancy** – Document issued by the City authorizing occupancy of a building, including a temporary certificate of occupancy with minor or weather related punch list items.
v. **City** – The parties agree that reference of the term City within the Financial Agreement shall be defined as the City of New Brunswick.

vi. **Default** - Shall be the failure of the Entity to perform any obligation imposed upon the Entity by the terms of the herein Financial Agreement.

vii. **Entity** – The parties agree that reference to the term Entity within this Financial Agreement shall be defined as 78 EASTON AVE URBAN RENEWAL, LLC, c/o a Collegiate Development Group, 7711 Bonhomme Avenue, Suite 625, St. Louis, Missouri 63105 or any subsequent purchasers or successors in interest of 78 EASTON AVE URBAN RENEWAL, LLC.

viii. **Gross Revenue** - The annual gross revenue and other income of 78 EASTON AVE URBAN RENEWAL, LLC, as defined in N.J.S.A. 40A:20-3(a), as set forth in the tentative fiscal plan submitted by 78 EASTON AVE URBAN RENEWAL, LLC in its application attached hereto.

ix. **Improvements** - Any building, structure or fixture permanently affixed to the land upon which the Project is located.

x. **In Rem Tax Foreclosure** – A summary proceeding by which the City may enforce the lien for taxes due and owing by a tax sale. Said foreclosure is governed by N.J.S.A 54:5-1 et seq.

xi. **Land Taxes** – The amount of taxes assessed on the value of land on which the Project is located. Land Taxes are not abated.
xii. **Land Tax Payments** – Payments made on the quarterly due dates for Land Taxes on the real property upon which the Project is located as determined by the Tax Assessor and the Tax Collector.

xiii. **Law** – The term Law shall refer to the Long Term Tax Exemption Law, as amended and supplemented N.J.S.A 40A:20-1, et seq., and all other relevant federal, state and municipal statutes, ordinances, resolutions, rules and regulations.

xiv. **Minimum Annual Service Charge** – The minimum annual service charge shall be at least the amount of the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation. The Minimum Annual Service Charge shall be further defined in Section 4.2.

xv. **Net Profit** – The gross revenue of the Entity less all operating and non-operating expenses of the Entity, all determined in accordance with generally accepted accounting principles and the provisions of N.J.S.A 40A:20-3(c).

xvi. **Project** – The land and improvements located upon the site, as identified in the application, which shall contain a nine-story mixed-use building containing 9000+/- square feet of commercial/retail space on the ground floor; 181 residential units comprised of 52 one-bedroom units, 6 two-bedroom units, 35 three-bedroom units, 31 four-bedroom units, and 57 five-bedroom units; and two levels of underground parking. a lobby area, amenity spaces and a parking garage containing 134+/

which are the subject of this Agreement and as defined in N.J.S.A
xvii. Pronouns – He or it shall mean the masculine, feminine or neuter gender, the singular, as well as the plural, as proper meaning requires.

xviii. Property – The Project land and the improvements thereon as disclosed in the application as described on Exhibit “A” attached hereto and incorporated herein.

xix. Statutes – The term statutes used in this Financial Agreement shall refer to statutes of the State of New Jersey as contained in N.J.S.A 40:20-1 et seq.

xx. Substantial Completion – The determination by the City by the issuance of a Certificate of Occupancy for the Project that it is ready for the use intended, as further defined in Section 6.2 of this Agreement.

xxi. Termination – Any act or omission which by operation of the terms of the herein Financial Agreement shall cause the Entity to relinquish its long term tax exemption.

Section 1.3 Exhibits Incorporated

All exhibits which are referred to in this Financial Agreement and are attached hereto are incorporated herein and made a part hereof.

ARTICLE II – APPROVAL

Section 2.1 Approval of Tax Exemption

The City has granted and does hereby grant its approval for a tax exemption for the Project to be developed and to be maintained under the provisions of the Law for the premises described in said Application commonly known as 78, 92 and 94 Easton Avenue, Lots 1.01, 1.03 and 14 in Block 56 on the Official Tax Maps of the City of New Brunswick, New Jersey as described on Exhibit “A” attached hereto and incorporated herein.
Section 2.2 Approval of Entity

Approval hereunder is granted to the Entity for the contemplated Project on the land referred to above, which shall in all respects comply and conform to all applicable statutes of the State of New Jersey and the lawful regulations made pursuant thereto, governing land, building(s) and the use thereof, and which Project is more particularly described in this accompanying Application.

ARTICLE III – DURATION OF AGREEMENT

Section 3.1 Term

So long as there is compliance with the Law and this Agreement, it is understood and agreed by the parties hereto that this Agreement shall remain in effect for thirty (30) years from the date of Substantial Completion of the Project, and shall only be effective during the period of the Project’s operation as described in the application and shall continue in force only while said Project is owned by an Urban Renewal Entity formed pursuant to N.J.S.A 40A:20-5 or Title 15A of the New Jersey Statutes. However, in no case shall this Agreement remain in effect for more than 35 years unless otherwise extended by law, after which time (i) the tax exemption for the Project shall expire and the land and the improvements thereon shall thereafter be assessed and taxed according to the general law, applicable to other non-exempt property in the City and (ii) restrictions and limitations upon the Entity shall terminate upon the Entity’s rendering and the City’s acceptance of its final accounting.

ARTICLE IV – ANNUAL SERVICE CHARGE

Section 4.1 Annual Service Charge
In consideration of the aforesaid exemption from taxation on the Project, the Entity shall make Payment in Lieu of Taxes to the City in a sum equal to: 15.00% of Gross Revenue annually. Gross revenue shall include all rents and commercial revenue generated by the Project.

The Annual Service Charge is initially estimated as follows:

<table>
<thead>
<tr>
<th>Gross Revenue</th>
<th>Annual Service Charge</th>
<th>Initial Annual Service Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7,318,410</td>
<td>15.00%</td>
<td>$1,097,762</td>
</tr>
</tbody>
</table>

The estimated Gross Revenue and Annual Service Charge are further estimated in the Application for approval of this Financial Agreement which is incorporated by reference herein.

The Annual Service Charge shall be finalized based upon the submission of an annual certified financial audit of the Project’s revenues prepared by a certified public accountant.

The duration of the tax exemption shall be thirty (30) years following Substantial Completion of the Project as described in the Entity’s application. However, in no case shall this Agreement remain in effect longer than thirty-five (35) years from the date of execution of this agreement.

This amount (hereinafter referred to as the "Annual Service Charge") may be adjusted from time to time based upon the submission of an annual certified financial audit or, as to Successor Unit Purchasers, by recalculating the gross revenue on each subsequent sale or re-mortgaging. The Annual Service Charge for the Project shall be calculated from the first day of the month following the determination by the City of Substantial Completion of the Project in the manner governed by application of Article IV herein.

**Section 4.2 Minimum Annual Service Charge**

The total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation was $_________ for the entirety of
Block 56, Lots 1.01, 1.03 and 14 and the Minimal Annual Service Charge shall not be established at an amount less than this figure for Block 56, Lots 1.01, 1.03 and 14, as may be consolidated into one lot.

The Minimal Annual Service Charge for this Project is established as: $___________ (to be defined). The agreed Minimum Annual Service Charge shall not be reduced through any tax appeal on land and/or improvements during the period that this agreement shall be in force.

Section 4.3 Quarterly Installments

The Entity expressly agrees that the aforesaid Annual Service Charge(s) shall be made in quarterly installments on those dates when real estate tax payments are due; subject, nevertheless, to adjustment for over or underpayment within thirty (30) days after the close of each City fiscal year. In the event that the Entity or any Successor Unit Purchaser fails to so pay, the amount unpaid shall bear the highest rate of interest permitted in the case of the unpaid taxes or tax liens on the land until paid.

Section 4.4 Land Tax Credit

The Entity is obligated to make Land Tax Payments for any entitlement to a Land Tax Credit for the subsequent year. The Entity shall be entitled to credit against the Annual Service Charge for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments against the Annual Service Charge. The Entity’s failure to make the requisite Annual Service Charge payment hereunder and/or sewer and water charge payments attributable to the Project site in a timely manner shall constitute a violation and breach of the Financial Agreement and the City shall, among its other remedies, have the right to proceed against the property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A 54:55-1, et seq. In addition, the City may terminate the Financial Agreement by duly authorized action of
the governing body after having provided the Entity with a written Notice of Default which Notice shall provide a sixty (60) day right to cure to the Entity. Any default arising out of the Entity’s failure to pay Land Taxes, Annual Service Charges hereunder, and/or water and sewer charges attributable to the Project site, shall not be subject to the default procedural remedies as provided in Section 14.3 of the Financial Agreement herein.

Section 4.5 Material Conditions

It is expressly agreed and understood that all Land Tax Payments, Annual Service Charges, including the methodology of computation, water and sewer charges, and any interest payment due, are material conditions of this Agreement. If any other terms, covenant or condition of this Financial Agreement or the Application, to any person or circumstance shall, to the extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition or this Financial Agreement shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE V – DISPUTE RESOLUTION

Section 5.1 Remedies

In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, other than those items specifically included as material conditions herein, either party may apply to the Superior Court of New Jersey by appropriate proceeding, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the act known as the Long Term Tax Exemption Law as amended and supplemented. In the event the Superior Court shall not
entertain jurisdiction, then the parties shall submit the dispute to the American Arbitration Association in New Jersey to be determined in accordance with its rules and regulations in such a fashion as to accomplish the purpose of said Law. Costs for said arbitration shall be borne equally by the parties. In the event of a default on the part of the Entity, to pay the Annual Service Charge as defined in Article IV, above, the City among its other remedies, reserves the right to proceed against the Entity’s interest in the land and premises and/or a Successor Unit Purchaser, in the manner provided by N.J.S.A. 54:5-1 to 54:5-129, and any Act supplementary or amendatory thereof. Whenever the word “Taxes” appear, or is applied, directly or implied to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as is pertinent to this Agreement as if the Annual Service charge were taxes or municipal liens on land. In such event, however, the Entity does not waive any defense it may have to contest the right of the City to proceed in the above mentioned manner by conventional or In Rem Tax Foreclosure.

ARTICLE VI – CERTIFICATE OF OCCUPANCY

Section 6.1 Substantial Completion

The Annual Service Charge is to commence from the first day of the month following the Substantial Completion of the Project or any phase(s) thereof, if the Project is undertaken in phases. The phrase Substantial Completion denotes the issuance, by the City’s Construction Official, of a valid Certificate of Occupancy for each residential unit in the Project.

Section 6.2 Certificate of Occupancy

It is understood and agreed that it shall be the obligation of the Entity to make application for and make all reasonable efforts to obtain all Certificates of Occupancy for the Project in a timely manner as identified in the accompanying Application and failure to use reasonable
efforts to secure and submit said Certificate of Occupancy shall subject the property to full taxation provided the City has served the appropriate Notice of Termination pursuant to 15.1 hereof, provided the appropriate cure period has elapsed and, further, City has reasonably cooperated in processing Entity’s request for the issuance of such Certificate of Occupancy.

Section 6.3 Filing of Certificate of Occupancy

It shall be the primary responsibility of the Entity to forthwith file with the Tax Assessor, the Tax Collector, and the Chief Financial Officer of the City a copy of such Certificate of Occupancy. Failure of the Entity to cause Entity to file such issued Certificate of Occupancy for the Project as required by the preceding paragraph, shall not militate against any action or non-action, taken by the City’s Tax Assessor in the absence of such filing by the Entity.

ARTICLE VII – ANNUAL AUDITS

Section 7.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance generally accepted accounting principles and as otherwise prescribed in N.J.S.A. 40A:20-1 et seq. during the term of the tax exemption.

Section 7.2 Periodic Reports

Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity’s account basis, that this Agreement shall continue in effect, the Entity which administers and manages the Project shall submit its auditor’s report certified by a certified public accountant for the preceding fiscal or calendar year to the Director of Department of Planning and Economic and Community Development, the Chief Financial Officer, and the City Clerk of said City, and the Director of the Division of Local Government Services in the Department of Community
Affairs N.J.S.A. 40A:20-9(d). Said auditor’s report shall include, but not be limited to the following: rent schedule of the Project and the terms and interest rate on any Entity mortgage(s) associated with the Project and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the Law, as amended and supplemented by the Agreement.

Section 7.3 Inspection

The Entity shall permit the inspection of the Property, equipment, buildings and other facilities of the Project. It also shall permit, upon request, examination and audit of its books, contracts, records, documents, and papers by representatives duly authorized by the city. Such examination or audit shall be made during the reasonable hours of the business day, in the presence of any officer or Agent of the Entity.

Section 7.4 Limitation of Profits and Reserves

During the period of tax exemption as provided herein, the Entity shall be subject to limitation of its profits payable by it pursuant to the provisions of N.J.S.A. 40A:20-15. The Allowable Profit rates shall be calculated in accordance with the provisions of N.J.S.A. 40A:2-3(b). The Entity shall have the right to establish a reserve against unpaid rentals, reasonable contingencies and/or vacancies in an amount not exceeding ten percent (10%) of the gross revenues of the Entity for the fiscal year preceding the year in which a determination is being made with respect to permitted net profits as provided in N.J.S.A. 40A:20-15, said reserve to be noncumulative, it being intended that no further credits thereto shall be permitted after the reserve shall have attained the allowable level of ten percent (10%) of the preceding year’s gross revenue as aforesaid.
Section 7.5 Payment of Dividend and Excess Profit Charge

In the event the Net Profits of the Entity, as provided in N.J.S.A. 40A:20-15 shall exceed the Allowable Net Profits for such period then the Entity shall, within ninety (90) days after the end of such fiscal year, pay such excess profit to the City as an Additional Service Charge, provided, however that the Entity may maintain a reserve as determined pursuant to aforementioned paragraph 7.4.

ARTICLE VIII - ASSIGNMENT AND/OR ASSUMPTION

Section 8.1 Approval

It is understood and agreed that the City, on written application by the Entity, will not unreasonably withhold its consent to a sale of its interest in the Project site and the transfer of the Financial Agreement to an Entity eligible to operate under the Law provided the Entity is not in default regarding any performance required of it hereunder and full compliance with N.J.S.A. 40A:20-1, et seq has occurred to date and the Entity’s obligation under this Agreement with the City is fully assumed by the transferee.

Section 8.2 Operation of Project

The Project shall be operated in accordance with the provisions of the Long Term Tax Exception Law, N.J.S.A. 40A:20-1 et seq., as currently amended and supplemented.

Section 8.3 Termination

The Entity hereby agrees at all times prior to the expiration or termination of this Agreement to remain bound by the provisions of N.J.S.A. 40A:20-1 et seq. and N.J.S.A. 55:14K-37 as currently amended and supplemented. It is an express condition of the granting of this tax exemption that during its duration, the Redeveloper shall not, without the prior consent of the
Municipal Council, convey or transfer all or part of the Project site so as to sever, disconnect, or divide the improvements except as provided in Article 4.4.

ARTICLE IX - WAIVER

Section 9.1 Waiver

Nothing contained in this Financial Agreement or otherwise shall constitute a waiver or relinquishment by the City of any rights and remedies, including without limitation, the right to terminate the Financial Agreement and tax exemption for violation of any of the conditions provided herein in accordance with the provisions of this Agreement. Nothing herein shall be deemed to limit any right of recovery of any amount which the City has a right under law, in equity, or under any provisions of this Financial Agreement.

SECTION X - NOTICE

Section 10.1 Notice

Any notice required hereunder to be sent by either party to the other shall be sent by certified mail or registered mail, return receipt requested, addressed as follows:

78 EASTON AVE URBAN RENEWAL, LLC
c/o Collegiate Development Group
7711 Bonhomme Avenue, Suite 625
St. Louis, Missouri 63105
Attn: Brandt Stiles

When sent by the Entity to the City, it shall be addressed to the City Clerk, City Hall, 78 Bayard Street, New Brunswick, New Jersey 08901, with copies sent to the City Attorney, Tax Collector, Tax Assessor, the Director of the Department of Planning, Community and Economic Development and the Chief Financial Officer unless prior to the giving of notice to the City shall
have notified the Entity otherwise. The notice to the City shall identify the subject by the address and block/lot numbers assigned to the Property by the City's Tax Assessor.

**ARTICLE XI – COMPLIANCE**

Section 11.1 Statutes and Ordinances

The Entity hereby agrees at all times prior to the expiration or termination of this Financial Agreement to remain bound by the provisions of Federal and State Statutes and Municipal Ordinances and Regulations including, but not limited to N.J.S.A. 40A:20-1 et seq. The Entity's failure to comply with such statutes or Ordinances which may materially adversely affect the City's ability to enforce this Agreement and receive the benefits hereof shall constitute a violation and breach of the Financial Agreement and the City shall, among its other remedies, have the right to terminate said tax exemption, provided, that City shall first have served a written Notice of Default upon the Entity which Notice shall provide a sixty (60) day right to cure to the Entity or its Investor Member.

**ARTICLE XII – CONSTRUCTION**

Section 12.1 Construction

This Financial Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the City have combined in their review and approval of same.

**ARTICLE XIII – INDEMNIFICATION**

Section 13.1 Defined
It is understood and agreed that in the event the City shall be named as party defendant in any action brought against the Entity by reason of any breach, default or a violation or any of the provisions of this Agreement and/or the provisions of N.J.S.A. 40A:20-1 et seq. by the Entity, the Entity shall indemnify and hold the City harmless, and the Entity agrees to defend the suit at its own expense. However, the City maintains the right to intervene as a party thereto, to which intervention the Entity consents, the expense thereof to be borne by the City.

**XIV – DEFAULT**

**Section 14.1 Default**

Default shall be defined as the failure of the Entity to comply with the terms of the Financial Agreement herein and, further, by failure of the Entity to comply with any statute, ordinance or lawful regulation which may materially adversely affect the City’s ability to enforce this Agreement and receive the benefits hereof.

**Section 14.2 Cure Upon Default**

Should the Entity be in default as defined and set forth in this agreement, the City shall notify the Entity in writing of said default. Said notice shall notify the Entity in writing of said default. Said notice shall set forth with particularly the basis of said default. Except as provided by Section 4.4, the Entity or its Investor Member shall have sixty (60) days to cure any default which shall be the sole and exclusive remedy available to the Entity to cure said default.

**Section 14.3 Remedies Upon Default**

All of the remedies provided in this Agreement to the City, and all rights and remedies granted to it by law and equity shall be cumulative and concurrent. No termination of any provision within this Financial Agreement shall deprive the City of any of its remedies in
accordance with law or actions permitted against the Entity because of its failure to pay Land Tax Payments, the Annual Service Charge, and/or the water and sewer charges with interest. This right shall apply to arrearages that are due and owing at the time of which, under the terms hereof, would in the future become due nor shall the bringing of any action for any Land Taxes and Annual Service Charges, or other charges, or in the breach of covenant or the resort of any other remedy herein provided for the recovery of Land Taxes, Annual Services Charges, and water and sewer charges, or other charges be construed as a waiver of the right to terminate said tax exemption or proceed with In Rem Foreclosure action or any other remedy as provided for in this Agreement.

ARTICLE XV – TERMINATION

Section 15.1 Termination Upon Default of the Entity

In the event the Entity fails to cure or remedy such default or breach within the time period provided in Section 15.2, the City may cancel this Agreement upon thirty (30) days notice to the Entity. For purposes of rendering a final financial accounting the termination of the Agreement shall be deemed to be the end of the fiscal year for the Entity.

The Entity shall within ninety (90) days after the date of such termination pay to the City a sum equal to the amount of the reserves, if any, maintained pursuant to N.J.S.A. 40A:20-13 & 15. Upon such termination of the Project, all affected parcels and all improvements made thereto shall be assessed and subject to taxation as are all other taxable properties within the City.

Section 15.2 Voluntary Termination by the Entity

The Entity may after the expiration of one (1) year from the date of Substantial Completion of the Project notify the Municipal Council of the City that as of a certain date
designated in the notice it relinquishes its status as a tax exempted project. As of the date so set, the tax exemption, the service charges and the profit and dividend restriction shall terminate. Upon termination, the Entity shall provide a final accounting and pay any reserve, if any, to the City pursuant to the provisions of N.J.S.A. 40A:20-12 and 15.

Section 15.3 Final Accounting

Upon any termination of such exemption, whether by affirmative action of the Entity or by virtue of the provisions of the Long Term Tax Exemption Law, as amended and supplemented, or pursuant to the terms of this Agreement, the date of such termination shall be deemed to be the end of the fiscal year of the Entity.

It is further provided that at the end of the period of tax exemption granted hereunder, the Project of the Entity, as well as the land shall be assessed and taxed according to general law like other property in the Municipality. At the same date, all restrictions and limitations upon the Entity, shall terminate upon the Entity rendering its final accounting with the Municipality, and the City's acceptance thereof, pursuant to N.J.S.A. 40A:20-13.

ARTICLE XVI – MISCELLANEOUS

Section 16.1 Conflict

The parties agree that in the event of a conflict between the Application and the Financial Agreement, the language in the Financial Agreement shall govern and prevail.

Section 16.2 Oral Representation

There have been no oral representations made by either of the parties hereto which are not contained in this Financial Agreement. This Financial Agreement, the Municipal Resolution authorizing the Agreement and the Application constitute the entire Agreement between the
parties and there shall be no modifications thereto other than by a written instrument executed by both parties and delivered to each.

Section 16.3 Entire Document

This Agreement and all conditions in the Resolution of the Municipal Council approving this Agreement are incorporated in this Agreement and made a part hereof.

Section 16.4 Good Faith

In their dealings with each other, utmost good faith is required from the Entity and the City.

Section 16.5 Grammatical Agreement

The bracketing of the letter(s) at the end of a word such as unit(s) shall mean the singular or plural as proper meaning requires and all related verbs and pronouns shall be made to correspond.

Section 16.6 Recording

Either this entire Agreement or a memorandum of recording will be filed and recorded with the Middlesex County Clerk by the Entity.

[remainder of page intentionally left blank]
IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the day and year first above written.

78 EASTON AVE URBAN RENEWAL, LLC

By: CDG New Brunswick, LLC, Managing Member

WITNESS: By: Brandt Stiles, Member

ATTEST:

THE CITY OF NEW BRUNSWICK

BY: James M. Cahill, Mayor

APPROVED AS TO FORM AND LEGALITY

T.K. Shamy, City Attorney
Exhibit "A"

METES AND BOUNDS DESCRIPTION
OF BLOCK 56, LOTS 1.01, 1.03 and 14
CITY OF NEW BRUNSWICK, NEW JERSEY
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 10,
"VEHICLES AND TRAFFIC" CHAPTER 10

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Section 10.20.010, Schedule 40, "Parking Spaces for Handicapped Persons" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 Jersey Avenue</td>
<td>South</td>
<td>Beginning at a point 25 feet from the southwesterly curbl line of Jersey Avenue and extending to a point 23 feet thereof.</td>
</tr>
</tbody>
</table>

SECTION II

Section 10.20.010, Schedule 39, "Parking Zones for Handicapped Persons" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 Eighth Street</td>
<td>South</td>
<td>Beginning at a point 25 feet from the southwesterly curbl ine of Joyce Kilmer Avenue and extending to a point 23 feet thereof.</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: August 16, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: September 6, 2017

COUNCIL PRESIDENT
APPROVAL OF THE MAYOR ON THIS 7th DAY OF September, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CG/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE O-021503 ENTITLED, "AN ORDINANCE FIXING THE SALARIES AND WAGES OF VARIOUS EMPLOYEES, OFFICIALS OF THE CITY OF NEW BRUNSWICK, PROVIDING FOR THE MANNER OF PAYMENT," AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH

BE IT ORDAINED, by the New Brunswick City Council, New Jersey as follows:

SECTION I

Section II of said Ordinance O-021503 as amended, is further amended as follows:

A. The following title is ADDED:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>RANGE NUMBER</th>
<th>SALARY RANGE (2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Technician Information Systems</td>
<td>94</td>
<td>$46,000 - $99,500</td>
</tr>
</tbody>
</table>

B. Attachment B is amended to adjust Range 94 and S01 for 2017 as follows:

- RANGE 94: $46,000 - $99,500
- S01: $5,000 - $50,500

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: September 6, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: September 20, 2017

COUNCIL PRESIDENT

CITY CLERK
APPROVAL OF THE MAYOR ON THIS 22nd DAY OF September, 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE AMENDING ORDINANCE NUMBER O-127802 FIXING SALARIES AND WAGES OF VARIOUS EMPLOYEES REPRESENTED BY THE MUNICIPAL EMPLOYEES ASSOCIATION

BE IT ORDAINED, by the New Brunswick City Council, New Jersey as follows:

SECTION I

Section II, Schedule B, of said Ordinance O-127802 as amended and supplemented through O-090005 is hereby amended as follows:

A. The following title is ADDED:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>RANGE NUMBER</th>
<th>SALARY RANGE (2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Telecommunicator Trainee</td>
<td>12</td>
<td>$38,445 - $51,982</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: September 6, 2017
CITY CLERK
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: September 20, 2017
CITY CLERK
COUNCIL PRESIDENT
APPROVAL OF THE MAYOR ON THIS 22nd DAY OF September, 2017.

MAYOR

APPROVALS:

Thomas A. Laughlin
CITY ADMINISTRATOR

CHY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE O-021503 ENTITLED, "AN ORDINANCE FIXING THE SALARIES AND WAGES OF VARIOUS EMPLOYEES, OFFICIALS OF THE CITY OF NEW BRUNSWICK, PROVIDING FOR THE MANNER OF PAYMENT," AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH

BE IT ORDAINED, by the New Brunswick City Council, New Jersey as follows:

SECTION I

Section III of said Ordinance O-021503, as amended, is further amended to include the following:

In addition to compensation authorized pursuant to other sections of this Ordinance, there is hereby authorized the payment of City of New Brunswick Employees in connection with services provided to the New Brunswick Municipal Court pursuant to N.J.S.A. 26:28-32 to 35, the Alcohol Education, Rehabilitation and Enforcement Fund, as may be authorized by the Assignment Judge of the County pursuant to Court Rule R1:33-4.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: September 20, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: October 18, 2017

COUNCIL PRESIDENT

ATTEST:
CITY CLERK
APPROVAL OF THE MAYOR ON THIS DAY OF October 19, 2017.

APPROVALS:

[Signatures]

CITY ADMINISTRATOR
CITY ATTORNEY

TKS/kc
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the New Brunswick City Council that Ordinance O-091703 now pending, is hereby amended as follows:

Section I of Ordinance O-091703 is amended to read as follows:

SECTION I

Section III of said Ordinance O-021503, as amended, is further amended to include the following:

In addition to compensation authorized pursuant to other sections of this Ordinance, there is hereby authorized the payment of City of New Brunswick Employees in connection with services provided to the New Brunswick Municipal Court pursuant to N.J.S.A. 26:2B-32 to 35, the Alcohol Education, Rehabilitation and Enforcement Fund, as may be authorized by the Assignment Judge of the County pursuant to Court Rule R1:33-4.

BE IT FURTHER RESOLVED, that Certified Copies of this Resolution shall be sent by the City Clerk to the following:

- City Administrator
- City Attorney

ADOPTED: October 4, 2017

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc

COUNCIL PRESIDENT

<table>
<thead>
<tr>
<th>COUNCIL MEMBER</th>
<th>VOTE</th>
<th>N/H</th>
<th>NO VOTE</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>David A. Torrie</td>
<td>X</td>
<td></td>
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</table>

1. David A. Torrie, City Clerk of the City of New Brunswick, N.J., hereby certify the foregoing resolution, a true copy of the original resolution, adopted at the regular meeting of the New Brunswick City Council in its meeting on October 4, 2017.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 3, REVENUE AND FINANCE

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Title 3, Chapter 3.28, Section 3.28.120 "Parks and Recreation Fees" is hereby amended to read as follows:

PROGRAM
Basketball Leagues (all ages)
Soccer Leagues (all ages)
Replacement ID Cards for Teen Center Gym

DESCRIPTION
Participation Fee
Participation Fee
Replacement Fee

FEE
$50.00 for each participant
$50.00 for each participant
$5.00
$30.00 additional child (same family)
$30.00 additional child (same family)

SECTION II

SEVERABILITY:
If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:
All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:
This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: Sept. 29, 2017
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: October 4, 2017
COUNCIL PRESIDENT

ATTEST:
CITY CLERK

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 10, "VEHICLES AND TRAFFIC" CHAPTER 10

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Section 10.20.010, Schedule 39, "Parking Zones for Handicapped Persons" is hereby amended to ADD the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>44B Chester Circle</td>
<td>East</td>
<td>Beginning at a point 146 feet south of the southerly curbline of Hoffman Boulevard and extending to a point 23 feet west thereof.</td>
</tr>
<tr>
<td>(Placard No. P1742686)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Laurel Place</td>
<td>Southeast</td>
<td>Beginning at a point 208 feet from the southwesterly curbline of Somerset Street and extending to a point 23 feet southeast thereof.</td>
</tr>
<tr>
<td>(Placard No. P1851451)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68 Remsen Avenue</td>
<td>Southeast</td>
<td>Beginning at a point 88.5 feet from the southwesterly curbline of Townsend Street and extending to a point 20 feet southwest thereof.</td>
</tr>
<tr>
<td>(Plate No. HW5474)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: November 1, 2017
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: November 15, 2017
COUNCIL PRESIDENT

ATTEST:
CITY CLERK

MAYOR

APPROVALS:

THOMAS M. HOWELL 31
CITY ADMINISTRATOR

CITY ATTORNEY

CG/kc
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDNANCES OF THE CITY OF NEW BRUNSWICK, TITLE 10, "VEHICLES AND TRAFFIC", CHAPTER 10.12 - TRAFFIC CONTROL REGULATIONS

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Section 10.12.220, Schedule 22, "Traffic Control Signals" is hereby amended to re-certify the following intersections pursuant to Chapter 10.08 and Chapter 10.12.220 with the noted Certification dates:


SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING: DATED November 1, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING: DATED November 15, 2017

COUNCIL PRESIDENT

ATTEST:

CITY CLERK


MAYOR
BOND ORDINANCE PROVIDING FOR VARIOUS PARK IMPROVEMENTS BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $142,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of $150,000, which sum includes $8,000 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of 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 the $150,000 appropriation not provided for by said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of $142,000 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 a principal amount not exceeding $142,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued is various park improvements, including, but not limited to, the acquisition and installation of exercise equipment and landscaping improvements at Buccleuch Park and Alice Jennings Park, including, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $142,000.

b. The aggregate estimated cost of said improvements and purposes is $150,000 the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of $8,000.

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SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the City for the improvements 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 Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex 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 such 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 Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance, 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 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 of the City and will be available for public inspection.

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 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 15 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $142,000 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 $50,000 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 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 debt obligations authorized by this bond ordinance. The debt 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 debt 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 Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond
ordinance or another issue of debt obligations of the City, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,000,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be “capital expenditures” in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance 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 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 Code, of the interest on all bonds and notes issued under this ordinance.

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

ADOPTED ON FIRST READING

DATED: DECEMBER 6, 2017

[Signature]
DANIEL A. TORRISI, City Clerk

[Signature]
GLENN FLEMING, Council President

ADOPTED ON SECOND READING

DATED: DEC. 20, 2017

[Signature]
DANIEL A. TORRISI, City Clerk

[Signature]
GLENN FLEMING, Council President

APPROVAL BY THE MAYOR ON THIS 21, 2017

[Signature]
JAMES M. CAHILL, Mayor

APPROVALS:

City Administrator

City Attorney

Chief Financial Officer
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M=Moved  S=Second  
First Reading Vote on **DECEMBER 6, 2017**

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on: **DECEMBER 6, 2017**

![Signature]

Daniel A. Torrisi, City Clerk

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M=Moved  S=Second  
Second & Final Reading Vote on **DECEMBER 20, 2017**

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on: **DECEMBER 20, 2017**

![Signature]

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK TITLE 10, VEHICLES AND TRAFFIC, CHAPTER 10.50, "PROVISIONS FOR SUBTITLE 1 OF NEW JERSEY STATUTE TITLE 39; ENFORCEMENT"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 10, Chapter, 10.50, Provisions for Subtitle 1 of New Jersey Statute Title 39; Enforcement, Section 10.50.030 "Schedule of Title 39 Enforcement Agreements" is hereby amended to ADD the following:

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SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: December 6, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: December 20, 2017

COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS _______ DAY OF _______ 2017.

MAYOR