

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**APRIL 14, 2014**  
**7 P.M.**

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

**PRESENT:** Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

**ABSENT:** Councilmembers Baker, Cox

City Clerk Jeffrey J. Jotz announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

This meeting of April 14, 2014 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the Union County *Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2014 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

**2. PLEDGE OF ALLEGIANCE**

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

**3. APPROVAL OF MINUTES**

March 4, 2014	7 p.m.	Pre-Meeting Conference
March 10, 2014	7 p.m.	Regular Meeting

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

**YES:** Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

**ABSENT:** Councilmembers Baker, Cox

Council President Brown declared the motion carried.

**4. PRESENTATIONS**

Commend Vinod Gaglani & Daron Fashions

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

## **6. REPORTS OF COUNCIL COMMITTEES**

Councilmember Wenson Maier moved to place AR-107-14 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox

Council President Brown declared the motion carried.

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

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

Councilmember Cox arrived at 7:09 p.m.

## **8. CONSENT AGENDA**

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

YES: Councilmember Baker, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

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

**O-12-14** City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-44-13 (WHICH PROVIDES FOR THE 2013 ROAD RECONSTRUCTION AND RESURFACING PROGRAM) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, ON NOVEMBER 12, 2013, AS AMENDED AND SUPPLEMENTED, TO AMEND THE DESCRIPTION, TO INCREASE THE APPROPRIATION BY \$300,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$285,000.

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

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Monday, May 12, 2014 at 7 p.m.

**O-13-14**

City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$571,427 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Monday, May 12, 2014 at 7 p.m.

**10. RESOLUTIONS**

**AR-82-14** Councilmember Wenson Maier presented and moved A RESOLUTION ADOPTING THE CY 2014 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Saliga.

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Edward Henderson 76 Princeton Ave.

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

Roll Call for AR-82-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**AR-83-14** Councilmember Wenson Maier presented and moved A RESOLUTION  
ADOPTING THE CITY OF RAHWAY 2014 SPECIAL IMPROVEMENT  
DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Mione.

Council President Brown opened the Public Hearing on this matter and asked if  
any citizen wished to be heard, to approach the rail, give his/her name and address  
and be heard.

Ralph Ortiz 1027 W. Lake Ave.

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

Roll Call for AR-83-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-84-14** Councilmember Cox presented and moved A RESOLUTION AMENDING AR-67-14, "A RESOLUTION TEMPORARILY SUSPENDING PROVISIONS OF 365-1 THROUGH 365-3 (SIDEWALK ENCUMBRANCES) AND 365-50 THROUGH 365-51 (CLOSING OF STREETS) OF THE CODE OF THE CITY OF RAHWAY".

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-85-14** Councilmember Cox presented and moved A RESOLUTION TEMPORARILY SUSPENDING PROVISIONS OF 365-1 THROUGH 365-3 (SIDEWALK ENCUMBRANCES) AND 365-50 THROUGH 365-51 (CLOSING OF STREETS) OF THE CODE OF THE CITY OF RAHWAY.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-86-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-87-14** Council President Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-88-14** Councilmember Bresenhan presented and moved A RESOLUTION AUTHORIZING APPLICATION OF THE CITY OF RAHWAY MUNICIPAL ALLIANCE FOR THE DRUG FREE COMMUNITIES GRANT PROGRAM.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-89-14** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-90-14** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF SEWER BILLS.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-91-14** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN EXEPMPTION FOR THE 2014 CALENDAR YEAR.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-92-14** Council President Brown presented and moved A RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF A NEW ELECTRONIC PROGRAMMABLE SIGN BOARD.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-93-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-94-14** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR AND THE 2013 & 2014 CALENDAR YEARS.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-95-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-96-14** Council President Brown presented and moved A RESOLUTION AWARDED A CONTRACT TO JOHNSTON COMMUNICATIONS FOR SUPPORT AND MAINTENANCE OF THE SENTINEL PATRIOT 911 COMMUNICATIONS SYSTEM.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.



**\*AR-97-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO RAGNASOFT INCORPORATED FOR THE PURCHASE OF SCHEDULING AND HUMAN RESOURCES SOFTWARE FOR THE RAHWAY POLICE DEPARTMENT.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-98-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL COST SHARING AGREEMENT WITH THE COUNTY OF UNION FOR INTERSECTION IMPROVEMENTS.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-99-14** Councilmember Cox presented and moved A Resolution Awarding THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED LIBRARY ROOF REPLACEMENT” FOR THE CITY OF RAHWAY TO VMG GROUP.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-100-14** Council President Brown presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "2013 ROADWAY RESURFACING PROJECT" FOR THE CITY OF RAHWAY TO BLACK ROCK ENTERPRISES, LLC.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-101-14** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING AWARDDING A CONTRACT FOR EXTRAORDINARY UNSPECIFIABLE SERVICES TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY FOR THE CELEBRATION OF INDEPENDENCE DAY.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-102-14** Councilmember Wenson Maier presented and moved A RESOLUTION ENTERING INTO AN AGREEMENT WITH UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY ON BEHALF OF UNIVERSITY HOSPITAL-LATTIMORE PRACTICE AT UMDNJ.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-103-14** Councilmember Giacobbe presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR AN ASPHALT HOT BOX FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-103-14** Council President Brown presented and moved A RESOLUTION DESIGNATING BUSINESS AND GOVERNMENT INSURANCE AGENCY THE RISK MANAGER FOR THE CITY OF RAHWAY.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-104-14** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ENTER INTO AN AGREEMENT WITH THE CITY OF LINDEN FOR LEAF COMPOSTING.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

- \*AR-105-14** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF LINDEN (ANIMAL CONTROL SERVICES).

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-106-14** Council President Brown presented and moved A RESOLUTION  
AUTHORIZING A TEMPORARY CAPITAL BUDGET.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**\*AR-107-14** Councilmember Wenson Maier presented and moved A RESOLUTION  
AWARDING A SERVICE CONTRACT FOR MASONRY REPAIR AT  
RAHWAY FIRE DEPARTMENT HEADQUARTERS.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

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

- O-5-14** Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

AN ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF AN AMENDMENT TO THE USE, OCCUPANCY AND CAPITAL GRANT AGREEMENT WITH THE RAHWAY REDEVELOPMENT AGENCY (THE "AGENCY") RELATING TO THE ISSUANCE OF CITY-SECURED PUBLIC LIBRARY REVENUE REFUNDING BONDS, SERIES 2014 BY THE AGENCY TO REALIZE DEBT SERVICE SAVINGS FOR THE CITY TAXPAYERS

**WHEREAS**, the Rahway Redevelopment Agency (the "Agency") has been duly created by resolution of the City of Rahway, in the County of Union, State of New Jersey (the "City"), duly adopted January 25, 2001, as a public body corporate and politic pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Act"); and

**WHEREAS**, the Agency is authorized to issue its bonds pursuant to the provisions of the Act and other applicable provisions of law; and

**WHEREAS**, the Agency has undertaken a capital project entailing the acquisition of land located in the City (the "Land") as described in the Capital Grant Agreement (as hereinafter defined) and the construction of a multi-use building that will house both the new Free Public Library of Rahway (the "Library") and private office space for SDI Technologies, Inc. (collectively, the "Facilities"), such Facilities to be located on the Land and a portion of such Facilities to be used and occupied by the City and operated by the Library in connection with the Capital Grant Agreement between the City and the Agency (the "Project"); and

**WHEREAS**, pursuant to a resolution entitled "Resolution of the Rahway Redevelopment Agency Authorizing the Issuance of City-Secured Public Library Project Notes and City-Secured Public Library Revenue Bonds" duly adopted by the Agency on June 19, 2001, as amended and restated on September 17, 2002, October 21, 2003 and October 19, 2004 (the "General Bond Resolution"), the Agency issued \$2,000,000 aggregate principal amount of City-Secured Public Library Revenue Bonds, Series 2004, dated October 29, 2004 (the "Series 2004 Bonds"), of which \$1,195,000 aggregate principal amount of Series 2004 Bonds maturing on or after October 15, 2015 is currently Outstanding, which Series 2004 Bonds were originally issued to provide funds to pay the costs of the Project; and

**WHEREAS**, \$1,195,000 aggregate principal amount of the Series 2004 Bonds maturing on October 15 in the years 2015 through and including 2024 (the “Callable Bonds”) are subject to redemption at a price equal to one hundred one percent (101%) of the principal amount thereof (the “Redemption Price”) on or after October 15, 2014 and will be redeemed at the Redemption Price, together with accrued interest thereon, on or after October 15, 2014 (the “Redemption Date”); and

**WHEREAS**, in an effort to realize an aggregate debt service savings equal to or greater than three percent (3%) of the net present value of the Callable Bonds, the Agency is desirous of paying the principal of and redemption premium, if any, and accrued and unpaid interest due on the Callable Bonds on the Redemption Date (the “Refunded Bonds”); and

**WHEREAS**, the City, by final adoption of this ordinance, has determined and hereby gives its consent to refund the Refunded Bonds through the issuance by the Agency of City-Secured Public Library Revenue Refunding Bonds, Series 2014 (or such other year designation as may be appropriate at the time of issuance) (the “Refunding”) in an aggregate principal amount not to exceed \$1,500,000 (the “Refunding Bonds” or the “Bonds”); and

**WHEREAS**, the Agency has determined pursuant to the Act to issue the Bonds for the purpose of refunding the Callable Bonds, which Bonds constitute Refunding Bonds under Section 206 of the General Bond Resolution and which Bonds shall be on parity with any bonds issued or to be issued from time to time pursuant to the Bond Resolution (as hereinafter defined); and

**WHEREAS**, all actions necessary and required under the Act for approval of the Refunding (as further defined in the hereinafter defined Capital Grant Agreement), including the review of and the issuance of positive findings with respect to such financing by the Local Finance Board within the Division of Local Government Services of the Department of Community Affairs in the State of New Jersey (the “Local Finance Board”), have been taken by the Agency; and

**WHEREAS**, the Agency will, pursuant to the Act, provide for the financing of the Costs (as hereinafter defined) of the Refunding via the issuance of the Refunding Bonds, which shall be payable from grant payments to be received from the City pursuant to the terms and conditions set forth in the Use, Occupancy and Capital Grant Agreement dated as of October 1, 2001, as amended and supplemented (the “Original Capital Grant Agreement”), as further amended and supplemented by a Fifth Amendment to the Use, Occupancy and Capital Grant Agreement by and between the City and the Agency to be dated the date of issuance of the Refunding Bonds (the “Capital Grant Amendment” and together with the Original Capital Grant Agreement, the “Capital Grant Agreement”); and

**WHEREAS**, the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs has held or will hold a hearing on the Refunding and has issued or it is reasonably anticipated that it will issue positive findings on the Refunding; and

**WHEREAS**, there has been prepared and submitted to the City the form of the Capital Grant Amendment, to be entered into by and between the Agency and the City, which Capital Grant Amendment has been approved by the City and which is attached hereto as Exhibit A, providing for the undertaking and financing of the Refunding. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Capital Grant Agreement.

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

**Section 1.** Pursuant to the provisions of the Act, the City is hereby authorized and directed to enter into and perform the Capital Grant Agreement, which Capital Grant Agreement permits the refunding of all or a portion of the Refunded Bonds and the issuance of City-Secured Public Library Revenue Refunding Bonds, Series 2014 (or such other year designation as may be appropriate at the time of issuance) (the "Refunding Bonds" or the "Bonds") by the Agency pursuant to the General Bond Resolution, as amended and supplemented by a supplemental resolution entitled "Supplemental Resolution of the Rahway Redevelopment Agency Authorizing the Issuance of City-Secured Public Library Revenue Refunding Bonds, Series 2014" (the "Supplemental Resolution" and together with the General Bond Resolution, the "Bond Resolution"). The Capital Grant Amendment, in the form submitted herewith as Exhibit A (a copy of which is on file in the office of the City Clerk), is hereby approved with such changes, amendments or modifications as may be approved by Director of Law and bond counsel to the Agency.

**Section 2.** The City hereby covenants and agrees to the punctual payment of the obligations set forth in the Capital Grant Amendment authorized by this ordinance, including without limitation, (i) all Grant Payment obligations of the City under the Capital Grant Agreement, including Agency Administrative Expenses and Additional Grant Payments and (ii) all direct and indirect costs of the Agency related to the enforcement of the Capital Grant Agreement ((i) and (ii) collectively, the "Grant Payment Obligation"). Pursuant to the Local Redevelopment and Housing Law, the Grant Payment Obligation under the Capital Grant Agreement shall be a direct, unlimited and general obligation of the City, not subject to annual appropriation by the City, and unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the Grant Payment Obligation thereunder without limitation as to rate or amount.

An Authorized City Representative (as defined in the Original Capital Grant Agreement) is hereby authorized and directed to execute the Capital Grant Amendment on behalf of the City in substantially such form as attached hereto as Exhibit A and the City Clerk is hereby authorized and directed to attest to such signature and affix the seal of the City thereto. All representatives, officials and employees of the City are each hereby authorized and directed to enforce and to implement provisions of the Capital Grant Agreement.

**Section 3.** The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Grant Payment Obligation for which the City shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Refunding Bonds of the Agency, shall not exceed \$1,500,000, or the sum necessary to (i) refund the Refunded Bonds, and (ii) pay the City's share of the costs of issuance, Agency Administrative Expenses, Additional Grant Payments and all other amounts required to be paid by the City under the Capital Grant Agreement, as and if applicable.

(b) The Refunding Bonds of the Agency shall mature no later than December 31, 2024.

(c) The Grant Payment Obligation authorized herein shall remain effective until all the Agency's Refunding Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the City under the Capital Grant Agreement have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Capital Grant Agreement.

(d) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk 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 obligations provided for in this ordinance by not to exceed \$1,500,000 and the said obligations authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

**Section 4.** As an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the City hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Capital Grant Agreement. The Mayor, the Chief Financial Officer of the City or any other Authorized City Representative are each hereby authorized and directed to execute and deliver a



Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Agency to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Agency 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 5.** The Mayor, City Clerk, Chief Financial Officer of the City or other Authorized City Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Capital Grant Agreement, the undertaking of the Refunding and all related transactions contemplated by this ordinance.

**Section 6.** Upon the payment of all amounts referenced in Sections 3(a) and 3(c) herein, the full faith and credit pledge of the City as to its Grant Payment Obligation authorized herein shall cease to exist.

**Section 7.** The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the City Clerk and is available for public inspection.

**Section 8.** Pursuant to and in accordance with the terms of the Capital Grant Agreement, the Bond Resolution and the Act the City does hereby consent to: (i) the Agency's undertaking of the Refunding which in the aggregate shall not exceed \$1,500,000 and (ii) the execution of any and all agreements and/or amendments thereto in connection therewith.

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

**Section 10.** The City Clerk is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

**Section 11.** Subsequent to the effective date of this ordinance, the City Clerk is hereby authorized and directed to send originally certified copies of the

authorization proceedings reflecting the adoption of this ordinance and an originally certified copy of this ordinance to representatives of the Agency.

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

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Councilmember Wenson Maier made a motion to table O-5-14 until the June 11, 2014 Regular Meeting because the Local Finance Board Application for this ordinance was deferred until May 14, 2014.

The motion was seconded by Councilmember Giacobbe.

Roll Call to table O-5-14 to the June 11, 2014 Regular Meeting:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.

**O-8-14**

Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

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

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

**401-79 Schedule XXI: Handicapped Parking**

**DELETE:**

**442 Harrison St (Added) 1-9-96 By Ord. No.O-71-95)**

**448 Harrison St (Added) 1-14-05 by Ord. No. O-42-05)**

**ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT  
WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY  
REPEALED.**

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE  
AND PUBLICATION AS PROVIDED BY LAW.**

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-8-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-9-14** Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION,  
NEW JERSEY, APPROVING AN APPLICATION FOR A LONG TERM  
TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND  
AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A  
FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF  
RAHWAY AND DORNOCH RAHWAY II URBAN RENEWA:, L.L.C.  
FOR PROPERTY LOCATED ON LOTS 1 THROUGH 10 AND 23 IN  
BLOCK 318 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY**

**OF RAHWAY AND LOCATED IN THE CENTRAL BUSINESS DISTRICT AREA**

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

**Section 1.** The Municipal Council of the City of Rahway designated properties located at Block 318 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and Lot 23 (the “Properties”) as part of a larger redevelopment area (the “Central Business District Redevelopment Area”) by adoption of a resolution on February 9, 1998 and included the Properties as part of the Central Business District Redevelopment Plan, last amended on March 11, 2013 (the “Plan”).

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

**Section 3.** The Agency entered into a redevelopment agreement with Dornoch Rahway II, LP on March 16, 2006 for the redevelopment of the Properties, which agreement was terminated on or about June 30, 2011.

**Section 4.** Block 318, Lots 1 through 10 were owned by Dornoch Rahway II, LP (“Dornoch Rahway”) and have been transferred to an Affiliate, Dornoch Rahway II Urban Renewal, L.L.C., the Redeveloper.

**Section 5.** Block 318, Lot 23 is owned by the Rahway Parking Authority.

**Section 6.** On or about September 24, 2006, the Rahway Parking Agency (“the RPA”) and Dornoch Rahway, LP entered into a purchase and sale agreement regarding Block 318, Lot 23, which agreement has been superseded by an Agreement of Sale between the RPA and the Redeveloper regarding Block 318, Lot 23 (“the RPA Contract”).

**Section 7.** On December 5, 2012 Slokker Real Estate Group (“Slokker”), an Affiliate of the Redeveloper, made a presentation to the Board of Commissioners of the Agency regarding its concept proposal to develop a mixed use residential and commercial project for the Properties including approximately 190 units in two buildings with approximately 4,000 square feet of ground floor retail space (“the Project”), which Project has been reviewed and found consistent with the City's and Agency's goals for the Redevelopment Area.

**Section 8.** On January 9, 2013, the Agency adopted a resolution conditionally designating Slokker as redeveloper of the Properties and the Agency and the Redeveloper, now known as Dornoch Rahway II Urban Renewal, LLC, have agreed to the terms and conditions of a redevelopment agreement that is

anticipated to be approved by the Agency Board of Commissioners on March 5, 2014.

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

**Section 10.** The Redeveloper has submitted an application, dated January 27, 2014, for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is attached hereto as Exhibit A).

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

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

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

**Section 1.** The City acknowledges that Dornoch Rahway II Urban Renewal, L.L.C., by effectuating the redevelopment, has significantly limited its profits in two respects; (1) the cleanup and remediation costs borne by the Entity, which has provided significant and long-term benefits to the City of Rahway; and (2) the extension of Monroe Street, from Main Street to Cherry Street, which will improve the streetscape, the pedestrian experience and enhance vehicular and pedestrian circulation in the downtown.

**Section 2.** The City makes the following findings:

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

1. The Property currently generates no real estate tax revenue to the City as the entire Property is currently designated as tax exempt. The projected Annual Service Charge will generate net revenue to the City of approximately \$359,856.

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

3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to downtown Rahway;
4. The Project will further the redevelopment objectives of the Redevelopment Plan for the Redevelopment Area; and
5. The extension of Monroe Street will improve the streetscape, the pedestrian experience and enhance vehicular and pedestrian circulation in the downtown.
6. The City has determined that the benefits of the Project significantly outweigh the costs to the City.

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

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

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

**Section 4.** The Financial Agreement shall be for a 30-year term with an annual service charge based on 10% of actual annual gross revenues for the project in accordance with the Long Term Tax Exemption Law.

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

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

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-9-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-10-14** Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE AMENDING SECTION 5-77 OF THE CODE OF THE CITY OF RAHWAY (POLICE SPECIAL DUTY JOBS)**

**BE IT ORDAINED**, By the City Council of the City of Rahway that Section 5-77 of the Code of the City of Rahway is hereby amended to read as follows

Section I.

§ 5-77. Special-duty jobs, salary and vehicle fees.

A. Any and all extra-duty assignments for police personnel shall be determined and approved by the Chief of Police or his designee. No police officer shall perform special-duty assignments for private parties or non-law enforcement entities for compensation other than through the procedure set forth in this article. The Chief of Police or his designee shall obtain such information as he determines necessary and is authorized to approve such special-duty police work in accordance with this article. The Chief of Police or his designee may assign a police vehicle for use in performing extra duty if and in the event it is determined that the use of a police vehicle is necessary to perform the contracted duty. A separate fee shall be charged for such use. The Chief of Police or his designee may deny the assignment or use of police officers or vehicles and/or may impose any condition or requirement as in his sole discretion and determination is in the best interest of the City and/or police officers or public safety. The Chief of Police or his designee shall be guided by the nature of the assignment and may refuse to

approve those with conflict of interest and/or significant risk of injury. This ordinance does not apply to assignments or work performed for or at the direction of any special task force or similar assignments by the Union County Prosecutor's Office or other law enforcement agencies.

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

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

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

E. Special fund.

(1) All payments for special-duty assignments shall be deposited in and be made through a special police trust fund established by the City's Chief Financial Officer, from which payment shall be made to the individual police officers performing such service. All payments from the trust fund shall be made to the



police officers in a timely manner as provided by law, subject to required deductions and an administrative fee to be retained by the municipality. Any dispute between the contractor and the police officer on assignment as to services required or compensation due shall be determined by the Chief of Police or his designee. The Chief of Police's decision, or that of his designee, shall be final and binding.

(2) All requests by private and/or non-law enforcement parties for special-duty services shall be made no later than 1600 hours on the day prior to the scheduled workday, except in the event of exigent circumstances. This time period may be waived by the Chief of Police or his designee. Upon filing the request, the requesting party shall deposit with the City, or have on deposit, in the Special Duty Police Trust Fund at least sufficient funds to pay for the services requested, including all administrative charges. The amount required to be deposited shall be subject to the determination and approval of the Chief of Police or his designee and must at all times be sufficient to pay for special-duty services before said services are rendered, and no services shall be rendered unless prepaid. In the event that the request for special services was not made by 1600 hours on the day prior to the scheduled workday, the "emergency traffic/security rates" as enumerated in § 5-77E(5) herein shall come into effect.

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

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

(5) The hourly rate/charge payable to police officers shall be as follows:

<b>Job</b>	<b>Rate Per Hour</b>	
	<b>Under 8 hours</b>	<b>In Excess of 8 Hours</b>
Traffic Assignments	<u><b>\$60.00</b></u>	<u><b>\$90.00</b></u>
Security Assignments	<u><b>\$30.00</b></u>	<u><b>\$45.00</b></u>
Emergency Traffic	<u><b>\$75.00</b></u>	<u><b>\$112.50</b></u>

A four-hour minimum is applicable to all jobs unless waived by the Chief of Police or his designee.

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

- New Year's Eve
- New Year's Day
- Easter
- Memorial Day
- July 4<sup>th</sup>
- Labor Day
- Thanksgiving
- Christmas Eve
- Christmas Day

(7) The hourly rate/charge payable for police vehicles shall be an additional **\$15.00** per hour or portion thereof per each vehicle used. The City shall also charge **\$7.00** per hour as a surcharge for administrative costs to be retained by the municipality. The Chief of Police or his designee may waive the minimum hours on a particular assignment should he determine this is in the interests of the City. In continuing assignments, the Chief of Police or his designee may waive the hourly minimum on a continuing basis. The Chief of Police or his designee, with the approval of the Business Administrator, may waive or adjust the administrative fee for assignments for municipalities, government agencies or non-profit organizations.

(8) Hours will be billed in full hour increments only. If an officer works 15 minutes or greater into an hour, a full hour will be billed

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

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

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

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

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

## **Section II**

This ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-10-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga,  
Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-11-14** Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

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

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% 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 City Council of the City of Rahway in the County of Union finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.0 % increase in the budget for said year, amounting to \$1,236,037 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Rahway in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the City of Rahway shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by up to 3.5 %, amounting to \$1,442,043, and that the CY 2014 municipal budget for the City of Rahway be approved and adopted in accordance with this ordinance; and,

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

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

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

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-11-14:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

ABSENT: Councilmember Baker

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

## **\*12. MISCELLANEOUS**

### **13. COMMUNICATIONS - Hearing of Citizens**

Ralph Ortiz 1027 W. Lake Ave.

Asked about flooding downtown and requested that the City assist property owners in the area who have experienced flooding.

City Engineer James Houston detailed the City's efforts to separate storm and sanitary sewer lines downtown to lessen flooding.

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

#### **14. COUNCIL COMMENT**

*Councilmember Mione:* Expressed concern for flooding concerns downtown.

*Councilmember Giacobbe:* Asked Engineer if all new developments in Rahway require retention and/or stormwater management systems.

*Councilmember Cox:* Said that Hot Rods & Harleys kicks off with May 8 barbecue and movie at Hamilton Stage, followed with a cocktail reception at Luciano's on May 9 and Hot Rods & Harleys downtown on May 10 between 11 a.m.-6 p.m.

*Councilmember Bresenhan:* Asked for a moment of silence in memory of Hilda Judah.

*Council President Brown:* Thanked those involved in the Taste, especially the Mayor.

#### **15. ADJOURNMENT**

Motion to adjourn the meeting at 7:38 p.m. was made by Councilmember Mione and seconded by Councilmember Bresenhan:

YES: Councilmembers Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson  
Maier, Brown

ABSENT: Councilmember Baker

Council President Brown declared the motion carried.