

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**FEBRUARY 13, 2012**  
**7 P.M.**

1. Council Vice President Brown called the meeting to order at 7:05 p.m. and asked for a Roll Call.

**PRESENT:** Councilmembers Baker, Brown, Mione, Saliga, Scaturo, Wenson Maier

**ABSENT:** Councilmembers Cox, Rachlin, Steinman (with medical excuse)

City Clerk Jean D. Kuc 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 February 13, 2012 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Progress* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on December 30, 2011 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, Councilmember Mione offered an invocation.

Councilmember Cox arrived at 7:06 p.m.

**3. APPROVAL OF MINUTES**

January 3, 2012	7 p.m.	Reorganization Meeting
January 3, 2012	7:30 p.m.	Pre-Meeting Conference
January 9, 2012	7 p.m.	Regular Meeting

Motion was made by Councilmember Scaturo and seconded by Councilmember Mione to accept and approve the above listed minutes.

**YES:** Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

**ABSENT:** Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**4. PRESENTATIONS**

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

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

Motion was made by Councilmember Wenson Maier and seconded by Councilmember Saliga to place O-8-12 on the Agenda.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

Motion was made by Councilmember Baker and seconded by Councilmember Cox to place AR-76-12 on the Agenda.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

Motion was made by Councilmember Brown and seconded by Councilmember Cox to place AR-77-12 on the Agenda.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

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

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

## **8. CONSENT AGENDA**

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

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**9. ORDINANCES - First Reading**

**O-6-12** City Clerk Kuc read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice 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 Regular Meeting on Monday, March 12, 2012 at 7 p.m.

**O-7-12** City Clerk Kuc read AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RAHWAY APPROVING AND AUTHORIZING THE EXECUTION OF VARIOUS EASEMENTS ON CITY PROPERTIES TO FACILITATE THE DEVELOPMENT OF THE MERIDIA, WATERS EDGE RESIDENTIAL REDEVELOPMENT PROJECT ON TAX BLOCK 305, LOT 5.04, PURSUANT TO A REDEVELOPMENT AGREEMENT WITH THE RAHWAY REDEVELOPMENT AGENCY, WHICH PROJECT HAS BEEN APPROVED BY THE RAHWAY PLANNING BOARD.

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

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice 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 Special Meeting on Wednesday, February 29, 2012 at 6:30 p.m.

**O-8-12** City Clerk Kuc read AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).

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

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice 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 Regular Meeting on Monday, March 12, 2012 at 7 p.m.

## **10. RESOLUTIONS**

**AR-35-12** Councilmember Brown presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES GROUP FOR ENGINEERING AND CONSULTING SERVICES RELATED TO THE FEMA HAZARD MITIGATION GRANT PROGRAM.

The motion was seconded by Councilmember Scaturro.

NO: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion defeated.

**\*AR-47-12** Councilmember Wenson Maier presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO BOHLER ENGINEERING FOR ENGINEERING AND CONSULTING SERVICES RELATED TO THE FEMA HAZARD MITIGATION GRANT PROGRAM.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-48-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING  
THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2009 FISCAL  
YEAR.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-49-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING  
THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2010 FISCAL  
YEAR.

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-50-12** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2010 CALENDAR YEAR.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-51-12** Councilmember Scaturro 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 Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-52-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-53-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-54-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-55-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-56-12** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE SALE OF ABANDONED MOTOR VEHICLES BY THE POLICE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 39:10A-1.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-57-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE EXECUTION WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THERIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-58-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT FOR THE YEAR 2011.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.



**\*AR-59-12** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A BUILDING PERMIT FEE TO MARINA PLUMBING, HEATING & COOLING LLC.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-60-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO ALEX FONSECA/ PRIMAVERA PARKVIEW LLC FOR PERMIT #11-10-410 DATED 11/17/10 AT 1485 CHURCH STREET FOR SIDEWALK, DRIVEWAY APRON AND CURB.

The motion was seconded by Councilmember Scaturo.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-61-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING AN AMENDED INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF SCOTCH PLAINS FOR HEALTH OFFICER SERVICES.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-62-12** Councilmember Brown presented and moved A RESOLUTION ENTERING INTO AN AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR TUBERCULOSIS DISEASE SERVICES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-63-12** Councilmember Wenson Maier presented and moved A RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR SEXUALLY TRANSMITTED DISEASE SERVICES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-64-12** Councilmember Brown presented and moved A RESOLUTION COMMENDING ERIKA DERISSE CRAWFORD.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-65-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN EXEPMPTION FOR THE 2012 CALENDAR YEAR.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-66-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR THE C/Y 2012.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-67-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF SENIOR DEDUCTION FOR THE C/Y 2012.

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-68-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED DEDUCTION FOR THE C/Y 2012.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-69-12** Councilmember Saliga presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PRIME APPRAISAL, INC. FOR TAX ASSESSOR CONSULTING SERVICES.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-71-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE APPLICATION OF OPEN SPACE RECREATION GRANT FROM THE COUNTY OF UNION FOR THE DEVELOPMENT OF A BLUE ACRES PROJECT.

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**AR-72-12** Councilmember Brown presented and moved A RESOLUTION ADOPTING THE UNION COUNTY HAZARDOUS MITIGATION PLAN.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-73-12** Councilmember Saliga presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY 2012 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**\*AR-74-12** Councilmember Mione presented and moved A RESOLUTION REAPPOINTING A MEMBER OF MUNICIPAL COUNCIL AS A MEMBER OF THE HUMAN SERVICES ADVISORY BOARD (JAMES E. BAKER).

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**AR-75-12** Councilmember Brown presented and moved A RESOLUTION INTRODUCING THE 2012 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**AR-76-12** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF A THIRD PARTY SEWER RENT BILLING AND COLLECTION SERVICES PROVIDER.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

**AR-77-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF A THIRD PARTY COLLECTION SERVICE PROVIDER FOR MUNICIPAL COURT DELINQUENT REVENUE.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.

## **11. Ordinances – Second Reading**

**O-1-12** Council Vice 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**

**Add:**

In front of 600 W. Grand Ave.

South Side- beginning at a point 211 feet West of Church St. extending to a point 22 feet West thereof.

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

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

Council Vice 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 Vice President Brown closed the Public Hearing.

Roll Call for O-1-12:

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice 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-2-12** Council Vice 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:

**A BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE NO. O-11-11 ADOPTED APRIL 11, 2011 AND ENTITLED: “BOND ORDINANCE PROVIDING FOR DEMOLITION AND IMPROVEMENTS TO VARIOUS PROPERTIES WITHIN A DULY DESIGNATED REDEVELOPMENT AREA IN THE CITY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY” TO INCREASE THE APPROPRIATION AND AUTHORIZED BONDS AND NOTES TO \$285,000 AND TO MAKE SUCH OTHER CONFORMING CHANGES AS APPROPRIATE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY (Not less than Two-thirds of All the Members Thereof Affirmatively Concurring), AS FOLLOWS:**

**SECTION 1.** Bond Ordinance No. O-11-11, adopted April 11, 2011, and titled: “Bond Ordinance Providing for Demolition and Improvements to Various Properties Within a Duly Designated Redevelopment Area in the City, Appropriating \$200,000 Therefor and Authorizing the Issuance of \$200,000 Bonds And/or Notes of the City for Paying the Cost Thereof for Said Improvements Authorized to Be Undertaken in and by the City of Rahway, in the County of Union, New Jersey” be and is hereby amended in its entirety to read as follows:



**A BOND ORDINANCE PROVIDING FOR DEMOLITION AND IMPROVEMENTS TO VARIOUS PROPERTIES WITHIN A DULY DESIGNATED REDEVELOPMENT AREA IN THE CITY, APPROPRIATING \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY** (Not less than Two-thirds of All the Members Thereof Affirmatively Concurring), **AS FOLLOWS:**

Section 1. The improvement and purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the City of Rahway, County of Union, New Jersey (hereinafter referred to as the "City"). For the improvement or purpose set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$285,000. Pursuant to Section 37 of the Local Redevelopment and Housing Law (codified at N.J.S.A. 40A:12A-1 *et seq.*, and as amended or supplemented from time to time, the "Act"), no down payment is required because the improvement or purpose set forth in Section 3 are Redevelopment Projects under the Act, notwithstanding the requirements of Section 11 of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 *et seq.* (the "Law").

Section 2. For the financing of the improvement or purpose and to meet the part of the \$285,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$285,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes authorized herein shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$285,000, the moneys raised by

the issuance of the bonds shall, to not less than the amount of such excess, be applied to the payment of the notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Law. Each of the notes shall be signed and shall be under the seal of the City and attested as permitted by law. The appropriate City officers are hereby authorized to execute the notes and to issue the notes in such form as may be adopted in conformity with the Law. The power to determine all matters in connection with this ordinance and also the power to sell the notes is hereby delegated to the chief financial officer of the City (the "Financial Officer"), who is hereby authorized to sell the notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvement hereby authorized and the purpose for which said obligations are to be issued is as follows:

<b>Improvement/Acquisition</b>	<b>Estimated Cost</b>	<b>Maximum Amount of Bonds/Notes</b>	<b>Useful Life (Years)</b>
Demolition of 65 Cherry Street and improvements thereto, improvements to Dornoch I property and to Dornoch II (Parking Lot B), to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$285,000	\$285,000	10

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

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is property or an improvement which the City may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Law, N.J.S.A. 40A:2-22, and taking into consideration the amount of the obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the useful life is 10 years.

(c) The Supplemental Debt Statement required by the 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 in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in the Law is increased by this bond ordinance by \$285,000 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$75,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 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 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt

obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on said obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and, unless paid from other revenues of the City, the City shall be obligated to levy *ad valorem* taxes upon all taxable property within the City for the payment of the obligations and interest thereon without limitation as to rate or amount.

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

Section 9. The City reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds and/or notes authorized by this ordinance with the proceeds of such bonds and/or notes. No funds from sources other than the bonds and/or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds and/or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate

requirements.

Section 10. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. The provisions of this bond 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 in full force and effect.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Law.

**SECTION 2.** To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

**SECTION 3.** The provisions of this bond 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 in full force and effect.

**SECTION 4.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Law.

Council Vice 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 Vice President Brown closed the Public Hearing.

Roll Call for O-2-12:

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturro, Wenson  
Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice 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**

Shirley J. Palmer                      1650 Columbus Pl.  
Said that the citizens of Rahway are concerned with the unrest and should be informed about what is going on.

Bryan DesRochers                      209 Albermarle St.  
Commented on budget reductions; ELEC violations and pay-to-play.

Patrick Cassio                      1971 Barnett St.  
Spoke on Kevin Reinhart, the Marine from Colonia.

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

### **14. COUNCIL COMMENT**

*Councilmember Mione:* Commented on the funeral for Kevin Reinhard and people lining Inman Ave.

*Councilmember Baker:* Responded to citizen's remark on the ELEC fines and comments in paper. Said that the ELEC fine had nothing to do with pay-to-play but was about financial reporting.

*Councilmember Wenson Maier:* Responded to Shirley Palmer's comments. Said that questions asked were specific to Mayor and his actions and that this Council is 100% united in what is best for the City and its citizens.

*Councilmember Brown:* Said that the Rahway Public Schools are having a community meeting on February 16. On March 5, Wendell Rodgers will be speaking at the JFK Community Center on working with male youths. Commented that this Council works very hard and is willing to work with the Mayor and that the Council does what is best for the City.

**ADJOURNMENT**

Motion to adjourn the meeting at 7:45 p.m. was made by Councilmember Scaturo and seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Cox, Mione, Saliga, Scaturo, Wenson Maier

ABSENT: Councilmembers Rachlin, Steinman

Council Vice President Brown declared the motion carried.