

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MARCH 11, 2013**  
**7 P.M.**

1. Council President Steinman called the meeting to order at 7:02 p.m. and asked for a Roll Call.

**PRESENT:** Councilmembers Baker, Bresenhan, Brown, Cox, Farrar, Mione, Saliga, Wenson  
Maier, Steinman

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 March 11, 2013 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, 2013 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 Brown offered an invocation.

**3. APPROVAL OF MINUTES**

February 5, 2013	7:30 p.m. Pre-Meeting Conference
February 11, 2013	7 p.m. Regular Meeting

Motion was made by Councilmember Steinman and seconded by Councilmember Brown to accept and approve the above listed minutes.

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

Council President Steinman declared the motion carried.

**4. PRESENTATIONS**

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

**6. REPORTS OF COUNCIL COMMITTEES**

Council President Steinman moved to place AR-69-13 on the Agenda and on the Consent Agenda.

The motion was seconded by Councilmember Brown.

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

Council President Steinman declared the motion carried.

Council President Steinman asked that AR-47-13 be removed from the Consent Agenda.

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

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

**AR-70-13** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF COUNCIL at 7:06 p.m. to discuss personnel matters and litigation concerning Pelissier v. City of Rahway.

The motion was seconded by Councilmember Brown.

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

Council President Steinman declared the motion carried.

Motion was made by Councilmember Steinman seconded by Councilmember Brown to adjourn from Executive Session at 7:33 p.m.

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

Council President Steinman declared the motion carried.

Council President Steinman asked for a Roll Call to return from Executive Session at 7:36 p.m.

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

## **8. CONSENT AGENDA**

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

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

Council President Steinman declared the motion carried.

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

**O-13-13** City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PERMIT PARKING.

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 Baker, Bresenhan, Brown, Cox, Farrar, Mione, Saliga, Wenson Maier, Steinman

Council President Steinman: 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 Council Meeting at Monday, April 8, 2013 at 7 p.m.

**O-14-13** City Clerk Jotz 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 Cox, seconded by Councilmember Brown and adopted by the following vote:

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

Council President Steinman: 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 Council Meeting at Monday, April 8, 2013 at 7 p.m.

**O-15-13** City Clerk Jotz read AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A: 4-53 FUNDING OF TERMINAL PAY FOR RETIRED EMPLOYEES.

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

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

Council President Steinman: 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 Council Meeting at Monday, April 8, 2013 at 7 p.m.

**O-16-13** City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 0-35-12 FINALLY ADOPTED BY THE CITY COUNCIL ON DECEMBER 10, 2012, TO INCREASE THE APPROPRIATION THEREIN BY \$400,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$380,952 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF.

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

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

Council President Steinman: 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 Council Meeting at Monday, April 8, 2013 at 7 p.m.

## **10. RESOLUTIONS**

**AR-46-13** Councilmember Baker presented and moved A RESOLUTION APPROVING THE CY 2013 SPECIAL ASSESSMENT ROLL FOR THE RAHWAY CENTER SPECIAL IMPROVEMENT DISTRICT.

The motion was seconded by Councilmember Mione.

Council President Steinman 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 Steinman closed the Public Hearing.

Roll Call for AR-46-13:

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

Council President Steinman declared the motion carried.

**AR-47-13** Councilmember Mione presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY 2013 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Saliga.

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

ABSTAIN: Councilmember Steinman

Council President Steinman declared the motion carried.

**\*AR-48-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF CY 2012 TAXES DUE TO A JUDGMENT OF THE UNION COUNTY BOARD OF TAXATION.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

- \*AR-49-13** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Mione.

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

Council President Steinman declared the motion carried.

- \*AR-50-13** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- \*AR-51-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- \*AR-52-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BALANCE OF PERFORMANCE BOND TO MARGARET NAJJAR, 289 MAPLE AVENUE, BLOCK 100, LOT 10.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- \*AR-53-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO FRANK SEVERINO/BUNKER HILL HOMES INC. PERMIT# 01-12-568 DATED 1/27/12 FOR ROADWAY OPENING FOR UTILITIES TO INSTALL SEWER SERVICE FROM MAIN AT 1706 LAWRENCE STREET.

The motion was seconded by Councilmember Cox.

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

Council President Steinman declared the motion carried.

- \*AR-54-13** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES TO ST. JOHN THE BAPTIST RUSSIAN ORTHODOX CHURCH.

The motion was seconded by Councilmember Farrar.

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

Council President Steinman declared the motion carried.

- \*AR-55-13** Councilmember Cox presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR the PROJECT ENTITLED "DONALD AVENUE STORM SEWER IMPROVEMENT PLAN" FOR THE CITY OF RAHWAY TO JO-MED CONTRACTING, CORP..

The motion was seconded by Councilmember Farrar.

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

Council President Steinman declared the motion carried.

- \*AR-56-13** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION.

The motion was seconded by Councilmember Farrar.

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

Council President Steinman declared the motion carried.

**\*AR-57-13** Councilmember Cox presented and moved A RESOLUTION SUPPORTING A BILL TO AMEND THE DEFINITION OF HAZARDOUS SUBSTANCES WITHIN THE SPILL COMPENSATION AND CONTROL ACT, N.J.S.A. 58:10-23.11(B).

The motion was seconded by Councilmember Farrar.

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

Council President Steinman declared the motion carried.

**\*AR-58-13** Councilmember Brown 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 Steinman.

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

Council President Steinman declared the motion carried.

**\*AR-59-13** Councilmember Brown presented and moved A RESOLUTION APPOINTING A COUNCILMEMBER AS AN ALTERNATE TO THE UNION COUNTY COMMUNITY DEVELOPMENT REVENUE SHARING COMMITTEE (RODNEY FARRAR).

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.



- \*AR-60-13** Councilmember Baker presented and moved A RESOLUTION GRANTING PERMISSION FOR THE RAHWAY CENTER PARTNERSHIP TO HOLD THE 11th ANNIVERSARY HOT RODS AND HARLEYS EVENT.

The motion was seconded by Councilmember Mione.

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

Council President Steinman declared the motion carried.

- \*AR-61-13** Councilmember Baker presented and moved A RESOLUTION HONORING ANGELO SERVEDIO AS THE OUTSTANDING RAHWAY SENIOR CITIZEN OF THE YEAR FOR 2012.

The motion was seconded by Councilmember Cox.

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

Council President Steinman declared the motion carried.

- \*AR-62-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

- \*AR-63-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2012 BUDGET APPROPRIATION RESERVES.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

- \*AR-64-13** Councilmember Baker presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO JOSEPH R. LORING & ASSOCIATES, INC. FOR ELECTRICAL ENGINEERING CONSULTING SERVICES RELATIVE TO THE ELECTRICAL UPGRADES TO VARIOUS CITY-OWNED BUILDINGS AND FACILITIES.

The motion was seconded by Councilmember Mione.

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

Council President Steinman declared the motion carried.

- AR-65-13** Councilmember Steinman presented and moved A RESOLUTION PROVIDING FOR THE COMPUTATION OF RESERVE FOR UNCOLLECTED TAXES FOR THE 2013 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Brown.

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

Council President Steinman declared the motion carried.

- \*AR-67-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING EXECUTION OF THE CONSENT JUDGMENT FOR SETTLEMENT IN THE ACTION ENTITLED, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, v. OCCIDENTAL CHEMICAL CORPORATION, ET AL, DOCKET NO. ESX-L-9868-05 (PASR).

The motion was seconded by the Entire Council.

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

Council President Steinman declared the motion carried.

**AR-68-13** Councilmember Steinman presented and moved A RESOLUTION INTRODUCING THE CY 2013 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Brown.

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

Council President Steinman declared the motion carried.

**\*AR-69-13** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING A TEMPORARY CAPITAL BUDGET.

The motion was seconded by Councilmember Brown.

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

Council President Steinman declared the motion carried.

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

**O-2-13** Council President Steinman: 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 MUNICIPAL COUNCIL OF THE CITY OF  
RAHWAY AMENDING THE CENTRAL BUSINESS DISTRICT  
REDEVELOPMENT PLAN RELATIVE TO BLOCK 167, LOT 1  
PURSUANT TO N.J.S.A. 40A:12A-7**

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

**SECTION I** Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), by an ordinance approved on March 9, 1998, the Rahway City Council (“City Council”), adopted a Redevelopment Plan for the Central Business District Redevelopment Area (the “Redevelopment Plan”).

**SECTION II** Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), by subsequently approved ordinances, the City Council has amended the Redevelopment Plan.

**SECTION III** In furtherance of redeveloping the Central Business District Redevelopment Area, the City Council has prepared further amendments to the Redevelopment Plan for Block 167, Lot 1, which shall be referred to the Rahway Planning Board (the “Planning Board”) for its consideration pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION IV** The section of the Redevelopment Plan entitled “Proposed Redevelopment Area Land Uses and Building Requirements” is hereby amended to include a provision for land uses and building requirements to overlay existing zoning applicable to the following properties located within the Redevelopment Area: Block 167, Lot 1. The new provision and map, which are hereby made part of this Ordinance and part of the Redevelopment Plan, are attached.

**SECTION V** This amendment to the Redevelopment Plan is substantially consistent with the Master Plan of the City of Rahway.

**SECTION VI** Prior to the adoption of the Amendments to the Redevelopment Plan for Block 167, Lot 1, Planning Board shall, within 45 days after referral, transmit to the City Council, a report containing its recommendation concerning the Amendments to the Redevelopment Plan for Block 167, Lot 1 pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION VII** Upon receipt of the Planning Board’s recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the City Council shall act upon this Ordinance adopting the Amendments to the Redevelopment Plan for Block 167, Lot 1 pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION VIII** Upon adoption of this Ordinance, the Amendments to the Redevelopment Plan for Block 167, Lot 1 shall include the date of adoption of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

Council President Steinman 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 Steinman closed the Public Hearing.

Roll Call for O-2-13:

NO: Councilmembers Baker, Bresenhan, Brown, Cox, Farrar, Mione,  
Saliga, Wenson Maier, Steinman

Council President Steinman declared the motion defeated.

- O-6-13** Council President Steinman: 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 MUNICIPAL COUNCIL OF THE CITY OF  
RAHWAY AMENDING AND SUPPLEMENTING THE CENTRAL  
BUSINESS DISTRICT REDEVELOPMENT PLAN PURSUANT TO  
N.J.S.A. 40A:12A-7**

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

**SECTION I** Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.) (the “Redevelopment Law”), by an ordinance approved on March 9, 1998, the Rahway City Council (“City Council”), adopted a Redevelopment Plan for the Central Business District Redevelopment Area (the “Redevelopment Plan”).

**SECTION II** Pursuant to the Redevelopment Law, by subsequently approved ordinances, the City Council has amended the Redevelopment Plan.

**SECTION III** In furtherance of redeveloping the Central Business District Redevelopment Area, the Rahway Redevelopment Agency has prepared an Amended and Supplemented Redevelopment Plan, a copy of which is attached hereto and made part of this Ordinance, which it has recommended to City Council for consideration.

**SECTION IV** Upon introduction of this Ordinance to adopt the Amended and Supplemented Redevelopment Plan, it shall be referred to the Rahway Planning Board (the “Planning Board”) for its consideration pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION V** This Amended and Supplemented Redevelopment Plan is substantially consistent with the Master Plan of the City of Rahway.

**SECTION VI** Prior to the adoption of the Amended and Supplemented Redevelopment Plan, Planning Board shall, within 45 days after referral, transmit to the City Council, a report containing its recommendation concerning the Amended and Supplemented Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION VII** Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the City Council shall act upon this Ordinance adopting the Amended and Supplemented Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION VIII** Upon adoption of this Ordinance, the Amended and Supplemented Redevelopment Plan shall supersede and replace the Redevelopment Plan and any subsequent amendments, and include the date of adoption of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect twenty (20) days after approval in accordance with applicable law.

Council President Steinman 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 Steinman closed the Public Hearing.

Councilmember Steinman made a motion to table this ordinance until it has received review from the Planning Board.

The motion was seconded by Councilmember Brown.

Roll Call for O-6-13:

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

ABSTAIN: Councilmember Steinman

Council President Steinman declared the motion carried.

**O-7-13** Council President Steinman: 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 29 Maple Ave

North Side - beginning at a point 77 Feet West of the intersection of Broad 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 President Steinman 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 Steinman closed the Public Hearing.

Roll Call for O-7-13:

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

Council President Steinman: 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-8-13** Council President Steinman: 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 AUTHORIZING THE GUARANTY BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, OF NOT EXCEEDING \$5,250,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED PARKING REVENUE REFUNDING BONDS, SERIES 2013 OF THE PARKING AUTHORITY OF THE CITY OF RAHWAY**

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

State of New Jersey known as the "Parking Authority of the City of Rahway" (the "Authority"); and

**WHEREAS**, the Authority duly adopted on December 3, 2003 a resolution entitled "Resolution Authorizing the Issuance of Parking Revenue Bonds of the Parking Authority of the City of Rahway, N.J." (the "General Bond Resolution"), as amended and supplemented by a resolution entitled "Supplemental Resolution No. 2003-1 Authorizing \$5,800,000 City Guaranteed Parking Revenue Bonds, Series 2003" (the "Supplemental Resolution" and together with the General Bond Resolution, the "Bond Resolution"); and

**WHEREAS**, the General Bond Resolution authorizes the issuance by the Authority, from time to time, of additional bonds, in one or more series, for the authorized purposes of the Authority, such bonds to be authorized and issued pursuant to a supplemental resolution; and

**WHEREAS**, pursuant to the Act, the Authority has determined to refund, on an advanced basis, the \$4,630,000 Outstanding (as defined in the General Bond Resolution) aggregate principal amount of Guaranteed Parking Revenue Bonds, Series 2003, dated December 1, 2003 and maturing on November 15 in the years 2014 through and including 2018, 2023, 2028, and 2033 (the "Refunded Bonds"), together with interest accrued and to accrue thereon to the date fixed for redemption (the "Refunding Project"), which Refunding Project will benefit the inhabitants of the City and the users of the Authority's parking facilities; and

**WHEREAS**, the Authority now seeks to issue not to exceed \$5,250,000 aggregate principal amount of City Guaranteed Parking Revenue Refunding Bonds, Series 2013 (the "Refunding Bonds") to (i) fund the costs of the Refunding Project, (ii) fund the Bond Reserve Requirement for the Refunding Bonds, to the extent required, (iii) fund the Project Reserve Requirement for the Refunding Bonds, to the extent required, and (iv) pay costs of issuing the Refunding Bonds; and

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

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

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



SECTION 1. Pursuant to and in accordance with Section 22 of the Act, the City is hereby authorized to, and does hereby, unconditionally guarantee the punctual payment of the principal of and interest on the Refunding Bonds (the “City Guaranty”), which bonds, notes or obligations shall be in the aggregate principal amount of not exceeding \$5,250,000 at any one time Outstanding to be issued for the purpose of providing funds to (i) finance the costs of the Refunding Project, (ii) fund the Bond Reserve Requirement for the Refunding Bonds, to the extent required, (iii) fund the Project Reserve Requirement for the Refunding Bonds, to the extent required, and (iv) pay costs of issuing the Refunding Bonds; such Refunding Bonds, notes or other obligations to be dated, to be in such form, to mature, and to bear such rate or rates of interest and to be otherwise as provided or established in or by a resolution or resolutions of the Authority authorizing the issuance thereof which is consistent with the exercise of its public responsibility. The City Guaranty authorized herein shall be given solely in accordance with the Guaranty Agreement (as defined below). The full faith and credit of the City is hereby unconditionally and irrevocably pledged for the full and punctual performance of said City Guaranty.

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

"GUARANTY BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY

Pursuant to the provisions of the Act referred to in the within Bond, the City of Rahway, in the County of Union, State of New Jersey (the “City”) hereby FULLY AND UNCONDITIONALLY GUARANTEES the punctual payment of the principal of and interest on the within Bond according to its terms and the City is unconditionally liable for the punctual payment, when due, of the principal of and interest on the within Bond according to its terms.

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

(SEAL) CITY OF RAHWAY, IN THE  
COUNTY OF UNION, STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_ By: \_\_\_\_\_  
CITY CLERK MAYOR

SECTION 3. The Mayor is hereby authorized and directed to execute and deliver an agreement evidencing such City Guaranty of the Refunding Bonds in an aggregate principal amount not to exceed \$5,250,000 (the "Guaranty Agreement"), a copy of which is attached hereto and incorporated by this reference herein, on behalf of the City, and the City Clerk is hereby authorized and directed to affix and attest the seal of the City thereon, and said Mayor, Chief Financial Officer, City Clerk and all other officers of the City (the "City Representatives") are hereby authorized and directed to execute and deliver any and all further instruments and documents, and to do and perform such other acts and things as may be necessary and proper, and to perform all obligations of the City under the Guaranty Agreement and to fully effectuate the same and the purpose of this ordinance. The Mayor or the Chief Financial Officer of the City, upon the issuance of the Refunding Bonds by the Authority, shall report in writing to the City Council, setting forth the principal amount and interest rate(s) of the obligations so issued. The authorization of the

Mayor to execute the Guaranty Agreement is contingent upon (a) the issuance of positive findings by the Local Finance Board in the Division of Local Government Services of the New Jersey Department of Community Affairs on the Authority's application for the issuance of the Refunding Bonds, including approval of and consent to the adoption of this guaranty ordinance and the guaranty of the Refunding Bonds by the City, (b) the Authority adopting the supplemental resolution authorizing the issuance of the Refunding Bonds, and (c) the issuance of the Refunding Bonds by the Authority.

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

(a) The aggregate maximum principal amount of Refunding Bonds of the Authority hereby and hereunder guaranteed as to the payment of principal and interest shall not exceed \$5,250,000 in Refunding Bonds at any one time Outstanding;

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

(c) the Refunding Bonds shall mature no later than November 15, 2033;

(d) the City Guaranty authorized herein shall remain effective until the Refunding Bonds shall have been paid or payment duly provided for in accordance with their terms and the terms of the Resolution (as hereinafter defined) notwithstanding the occurrence of any other event;

(e) A supplemental debt statement of the City has been made and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Division of Local Government Services, New Jersey Department of Community Affairs, and said statement shows that while the gross debt of the City, as defined in the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), is increased \$5,250,000 by this ordinance, upon satisfaction of the conditions set forth in N.J.S.A. 40:11A-22(2), the net debt of the City is not increased by this ordinance, and the obligations of the City authorized by or incurred pursuant to this ordinance is permitted by an exception to the debt limitations of the Local Bond Law, which exception is contained in the Act.

SECTION 5. This ordinance may be adopted notwithstanding any statutory or other debt limitation of the City, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of Refunding Bonds guaranteed pursuant to this ordinance for the Project, being an amount not to exceed \$5,250,000, shall be reflected in the debt statements of the City in the manner provided in N.J.S.A. 40:11A-22(2). The principal amount of Refunding Bonds guaranteed pursuant to this ordinance and included in the gross debt of the City, is deemed to be a deduction from such gross debt under and for all purposes of the Local Bond Law (a) from and after the date of adoption of this ordinance authorizing such guaranty and until the end of the fifth fiscal year beginning next thereafter and (b) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fifth fiscal year or any subsequent fiscal year if

the City shall not have been required to make any payment in such fiscal year on account of the principal of or interest on the portion of the Refunding Bonds guaranteed pursuant to this ordinance.

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

SECTION 7. The City hereby agrees to comply with the requirements of Rule 15c2-12, as amended and supplemented (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Guaranty Agreement. The Mayor and Chief Financial Officer of the City or any other City Representative are each hereby authorized and directed to approve and "deem final" the preliminary and final official statements of the Authority to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

SECTION 8. The Clerk of the City is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing

thereon and final adoption thereof, which public hearing shall be held at the public meeting of the City Council to be held on March 11, 2013.

SECTION 9. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in a resolution duly adopted by the Authority on December 3, 2003 entitled "Resolution Authorizing the Issuance of Parking Revenue Bonds of the Parking Authority of the City of Rahway, N.J." (the "General Bond Resolution"), as amended and supplemented by a resolution entitled "Supplemental Resolution No. 2003-1 Authorizing \$5,800,000 City Guaranteed Parking Revenue Bonds, Series 2003" (the "Supplemental Resolution" and together with the General Bond Resolution, the "Bond Resolution"), and as further amended and supplemented by a first supplemental resolution to be duly adopted by the Authority (the "First Supplemental Resolution" and together with the Bond Resolution, the "Resolution").

SECTION 10. This ordinance shall take effect twenty (20) days after the first publication hereof after final adoption as provided by law.

Council President Steinman 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 Steinman closed the Public Hearing.

Roll Call for O-8-13:

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

Council President Steinman: 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-9-13** Council President Steinman: 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 PROVIDING FOR VARIOUS 2013 CAPITAL IMPROVEMENTS AND ELECTRICAL UPGRADES TO VARIOUS CITY-OWNED BUILDINGS AND FACILITIES, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,380,945 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,450,000, said sum being inclusive of the sum of \$69,055 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,450,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$1,380,945 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$1,380,945 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3. (a)** The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p><b>(i) <u>City Hall</u></b> – acquisition, installation and replacement of an emergency generator; upgrading and reconfiguration of the electrical system, including the acquisition and installation of a connection for a portable emergency generator to power the Emergency Call Center; acquisition and installation of two (2) sanitary sewer backflow preventor check valves and two (2) by-pass ejector pump systems at City Hall;</p>	\$389,800	\$371,237	\$18,563	15 years
<p><b>(ii) <u>Dock Street Sanitary Sewer Station</u></b> – acquisition, installation and replacement of an emergency natural gas generator; replacement of electrical wiring throughout the building; relocation and elevation of electrical equipment at the Dock Street Sanitary Sewer Station;</p>	\$235,331	\$224,124	\$11,207	15 years
<p><b>(iii) <u>Milton Avenue Pump Station</u></b> – acquisition, installation and replacement of an emergency generator and relocation and elevation of same at</p>	\$92,493	\$88,088	\$4,405	15 years



<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
the Milton Avenue Pump Station;				
<b>(iv) <u>East Hazlewood Storm Pump Station</u></b> – acquisition, installation and replacement of an emergency generator and relocation and elevation of same at the East Hazlewood Storm Pump Station;	\$128,008	\$121,912	\$6,096	15 years
<b>(v) <u>Stearns Street Storm Pump Station</u></b> – acquisition, installation and replacement of an emergency generator and relocation and elevation of same at the Stearns Street Storm Pump Station;	\$141,277	\$134,549	\$6,728	15 years
<b>(vi) <u>Totten Street Storm Pump Station</u></b> – repair, relocation and elevation of an existing electrical control panel and the installation of an elevated connection for a mobile emergency generator at the Totten Street Storm Pump Station;	\$28,099	\$26,760	\$1,339	15 years
<b>(vii) <u>East Cherry Street Police Station</u></b> – reconfiguration of the electrical system and the acquisition and installation of a connection for a portable emergency generator at the East Cherry Street Police Station;	\$22,323	\$21,260	\$1,063	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p><b>(viii) <u>Main Street Fire Station</u></b> – reconfiguration of the electrical system and the acquisition and installation of a connection for a portable emergency generator at the Main Street Fire Station;</p>	\$39,495	\$37,614	\$1,881	15 years
<p><b>(ix) <u>Maple Avenue Fire Station</u></b> – acquisition, installation and replacement of an existing generator with an elevated outdoor generator; reconfiguration of the electrical system for full generator backup, including the acquisition and installation of a connection for a portable emergency generator at the Maple Avenue Fire Station;</p>	\$69,546	\$66,234	\$3,312	15 years
<p><b>(x) <u>Traffic Signals at Intersections</u></b> – acquisition of emergency generators on trailers and associated equipment and emergency power connections for use at traffic signals at intersections;</p>	\$46,832	\$44,601	\$2,231	15 years
<p><b>(xi) <u>Trash Pump</u></b> – acquisition of one (1) six-inch trash pump with 16-gallon fuel tank and associated hoses; and</p>	\$38,246	\$36,424	\$1,822	15 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<b>(xii) <u>Portable Generators</u></b> – acquisition of two mobile generators (one 200kW and one 50kW) on trailers with wire sets for use in various City-owned buildings and facilities.	\$218,550	\$208,142	\$10,408	15 years
<b>TOTALS</b>	\$1,450,000	\$1,380,945	\$69,055	

**(b)** The above improvements or purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the City Clerk and shall also include, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto;

**(c)** The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$1,380,945.

**(d)** The aggregate estimated cost of said purposes is \$1,450,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$1,380,945, is the aggregate down payments for said purposes in the amount of \$69,055.

**SECTION 4.** In the event the United States of America, the State of New Jersey and/or the County of Union make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Union. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Union shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City (the “Chief Financial Officer”), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall

determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the City Clerk and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the 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 bonds or notes provided for in this bond ordinance by \$1,380,945 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$525,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

**SECTION 8.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,380,945. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance.

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

Council President Steinman 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 Steinman closed the Public Hearing.

Roll Call for O-9-13:

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

Council President Steinman: 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-10-13** Council President Steinman: 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 PROVIDING FOR THE ACQUISITION OF POLICE BALLISTIC EQUIPMENT, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$40,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$40,000, which sum includes \$2,000 as the amount of down

payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$40,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$38,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$38,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition of police ballistic equipment, including but not limited to, police ballistic helmets and shields and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$38,000.

(c) The estimated cost of said improvement or purpose is \$40,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$2,000, is comprised of the down payment for said improvement or purpose.

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

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that

no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond



ordinance by \$38,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$2,500 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The City reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$38,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.



- A. Schedule I: Water supplied through a meter shall be charged for at a rate of \$ 35.79 per thousand cubic feet. Commercial and industrial accounts with meters larger than one inch will be billed monthly. The minimum charge shall be as per meter size as follows:

<b>Meter Size (inches)</b>	<b>Minimum Monthly Charges</b>	<b>Minimum Quarterly Charges</b>
5/8	\$ 13.12	\$ 39.37
3/4	20.28	60.84
1	33.40	100.21
1 1/2	65.60	196.81
2	104.96	314.88
3	214.69	644.08
4	328.01	984.02
6	656.02	1,968.07
8	990.01	2,970.02
10	2,027.74	6,083.21
12	2,361.72	7,085.16

- B. Schedule IA: Rates for Manufactured Water and Non Manufactured Supplied Water.

- (1) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**MANUFACTURED WATER** — Water that is produced, supplied, metered and billed for by the Division of Water of the City of Rahway.

**NONMANUFACTURED SUPPLIED WATER** — Water used by Rahway consumers that is not necessarily produced, supplied or metered by the City Division of Water but the use of which is arranged for or administered by and billed for by the City Division of Water, and includes any such water supplied to Rahway consumers from utilities other than the City Division of Water. It is hereinafter referred to as "NMS water."

- (2) Base rate. For any consumer whose water supply consists of manufactured water and NMS water, the base rate shall be \$35.79 per thousand cubic feet.
- (3) Surcharge. Any increase in costs of charges to the City for NMS water above current costs or charges to the City for NMS water shall be passed on in the form of a surcharge to users of NMS water, and users shall be liable in full for such increases, based on their usage of NMS water.

- C. Schedule II: Private Fire Service Rates:

- (1) Private fire service rates shall be as follows:

<b>Size of Service (inches)</b>	<b>Quarterly Charge</b>
2 or less	\$ 175.00
3	350.00
4	525.00
6	900.00
8	1,350.00
10	1,850.00
12	2,150.00

- (2) Testing.

- (a) No water shall be used through private fire service connections except for test purposes or in case of fire, and no charge shall be made for water so used.
- (b) Water for testing without charge is limited to a maximum of 1,000 cubic feet per quarter.

**D. Schedule IIA: Fire Hydrant Charges.**

- (1) Private fire hydrants. Private fire hydrants are installed and owned by the owner of the property on which they are installed. A charge of \$800.00 per year, per hydrant, will be billed to the property owner. The hydrants will be maintained by the Division of Water.
- (2) Leased fire hydrants. Leased fire hydrants are installed within the right-of-way of other municipalities. They are billed to the requesting municipal agency at a rate of \$325.00 per year, per hydrant. The hydrants are installed and maintained by the Division of Water.

**E. Schedule III: Water for Temporary Purposes.**

- (1) Water for temporary purposes supplied through meters shall be billed at the rates set forth in Schedule I, but a deposit of \$120 per inch of diameter or fraction thereof shall be required for the meter.
- (2) Water supplied for temporary purposes without meters shall be billed at the minimum quarterly rate in Schedule I for any use of three months or less. Charge for additional time will be at the same rate.
- (3) The Division of Water will provide adapters and hydrant wrenches for the above at a nonrefundable charge of \$30 per item. A separate deposit of \$200 will also be required.

**F. Schedule IV: Water Supply Installations. Charges for new water supply installations shall be as follows:**

- (1) Applicants seeking to install new water supply lines shall submit plans to the contract

manager for the Water Division and pay a permit fee of \$250 for plan review and inspection of the installation for any line up to two inches in diameter. No permit shall be issued until the Water Connection Fee has been paid in accordance with Section 411-4.

- (2) Applicants seeking to install new water supply lines in excess of two inches shall submit plans to the contract manager for the Water Division and pay a permit fee based upon actual costs for plan review and inspection of the installation.
- (3) Curb settings.
  - (a) When it is necessary that the meter be set outside the building, the contract manager for the Water Division will place a meter setting for services and meters one inch in diameter or less.
  - (b) The charge for the curb setting shall be at cost, including labor and materials. This charge is in addition to the permit fee for a new service installation as listed above.
- (4) The property owner shall submit plans for pit settings for meters one and one-half inches or longer and pay a permit fee of \$250 for plan review and inspection. These pits shall be constructed and maintained by the property owner.

G. Schedule V: Services Not Involving the Use of Water.

- (1) Removing, repairing or replacing lost or damaged meters due to negligence: The charge for meters of all sizes shall be at cost, including labor and materials.
- (2) Resumption of service after discontinuance for nonpayment of bills or violations of rules and regulations of the Water Division: \$30 per inch of diameter of meter or fraction thereof for the first shutoff and \$60 per inch of diameter of meter or fraction thereof for any additional shutoffs within two years.
- (3) Removing and replacing undamaged meters within a period of one year after installation at the request of a customer: \$30 per inch of diameter of meter or fraction thereof.
- (4) Relocation of hydrants, shutoff valves or other appurtenances of the water supply system at the request of the customer: The charge shall be fixed by the Superintendent of Water, based upon cost to the Water Division, and paid in advance.
- (5) Request for services of non emergency nature after normal working hours will be billed to customer. Charge will be equivalent to the cost incurred by the Division of Water.
- (6) Customer request for meter testing because of high bill: \$35
- (7) Deposits for meters installed outside of City limits.

**Size**  
**(inches) Charges**

5/8 x 3/4 \$ 50.00

3/4	75.00
1	100.00
1 1/2	200.00
2	250.00

H. Schedule VI. Effective on the dates indicated, all rates, fees and charges as set forth above in Schedules I through V, inclusive, shall be as follows:

(1) The following rates for metered consumption shall take effect on the dates indicated:

<b>Date</b>	<b>Rate</b>
January 1, 2013	\$35.79/kcf
January 1, 2014	\$36.51/kcf
January 1, 2015	\$37.24/kcf
January 1, 2016	\$37.98/kcf

(2) Minimum charges shall increase accordingly.

I. Schedule VII: Delinquent Water Utility Charges; Interest Rates.

(1) Grace period. Bills are due upon receipt. A grace period of 30 calendar days is provided, within which a payment of water utility charges may be hereafter received without any charge for interest, provided that such payment is received within said thirty-calendar-day period after the billing date upon which the amount becomes payable.

(2) Interest rates. After the above grace period, water utility charges shall be considered delinquent, and interest shall run against such delinquent charges at the rate of 8% on the first \$1,500 of the delinquent water utility charges and 18% on any delinquent sums in excess of \$1,500.

J. Schedule VIII: Bad Check Charge: Should the City receive a negotiable instrument from a customer, in payment of a bill, charge or deposit due, and such instrument is subsequently dishonored or uncollectible for any reason, the City shall charge the customer a handling charge of \$25

#### § 411-2 Nonprofit Organizations

A. For the purpose of this section, the term “nonprofit organization” shall be defined an any organization which qualifies under the terms of N.J.S.A. 12A:40A:12-21 (a) through (1) or such other statutes concerning aid by municipalities to private organizations.

B. All nonprofit organizations shall be billed for and be required to pay for all water consumed as per the terms of § 411-1 hereof.

- C. Any eligible nonprofit organization may apply for and receive reimbursement for water bills paid under the following terms and conditions:
- (1) That said organization has, at the conclusion of its fiscal year, submitted audited financial statements to the Division of Water.
  - (2) That said financial statements demonstrate that said nonprofit organization operated at a loss for the fiscal year submitted.
  - (3) That the sum of water bills paid for said fiscal year are equal to or more than 5% of the demonstrated losses as revealed by the financial statement.
  - (4) That when the organization is a component of, or subsidiary to, any other organization, the requirements and criteria established hereby shall be applied to any and all such organizations taken together as a whole. Any organization applying for free water by reimbursement must provide the required records for such other organizations also or a legal statement that it is not a component of, a division of, or subsidiary to, any other organization.
  - (5) Any reimbursements made hereunder shall be in full for the applicable fiscal year.
- D. The provisions of this section shall be administered by the Division of Water, which administration shall include the use of formal application forms. Actual approval or denial of reimbursement shall be done by a resolution of the Municipal Council of the City of Rahway as a matter of public record following the receipt of written reports from the Division of Water regarding the application. The Division of Water is authorized to adopt such other rules or regulations necessary to effectuate the terms of this section.

#### § 411-3 Special Rates for Senior Citizens

Special rates for senior citizens. For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be as follows:

- (1) One-family dwelling: \$5 per quarter for 1,100 cubic feet or less.
- (2) All other rate provisions, including excess usage rate, shall be set forth above.

**BE IT FURTHER, ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

**BE IT FURTHER, ORDAINED**, this ordinance shall take effect upon adoption and approval in accordance with applicable law.

Council President Steinman 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 Steinman closed the Public Hearing.

Roll Call for O-11-13:

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

Council President Steinman: 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-12-13** Council President Steinman: 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 381-14 OF THE CODE OF THE CITY OF RAHWAY (TAXI RATES)**

**BE IT ORDAINED**, by the City Council of the City of Rahway that Section 381-14 of the Code of the City of Rahway is hereby amended to read as follows:

No licensee or permittee shall charge any rate for transportation of passengers which exceeds the following rates:

A. For one or two passengers:

Zone	Rate
Zone 1	\$5.00
Zone 2	\$6.00
Zone 3	\$7.00

B. The rate for three or more passengers to any zone is \$2 per person.

C. Senior citizens discounts for authorized Rahway residents will be \$1 off the regular rate.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Council President Steinman 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.





