

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
MARCH 14, 2011
7 P.M.

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

PRESENT: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Deputy 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 14, 2011 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 January 2, 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.

3. APPROVAL OF MINUTES

February 8, 2011	7 p.m.	Pre-Meeting Conference
February 14, 2011	7 p.m.	Regular Meeting
February 14, 2011	7:25 p.m.	Executive Session

Motion was made by Councilmember Baker and seconded by Councilmember Cox to accept and approve the above listed minutes.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown 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

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

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

8. CONSENT AGENDA

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-6-11 Deputy City Clerk Jeffrey J. Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC).

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-7-11 Deputy City Clerk Jeffrey J. Jotz read AN ORDINANCE AUTHORIZING THE CITY OF RAHWAY TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-8-11

Deputy City Clerk Jeffrey J. Jotz read A BOND ORDINANCE PROVIDING FOR BASKETBALL COURT RENOVATIONS, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-9-11

Deputy City Clerk Jeffrey J. Jotz read A BOND ORDINANCE PROVIDING FOR STREETScape IMPROVEMENTS PHASE VI, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$150,000 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-10-11

Deputy City Clerk Jeffrey J. Jotz read A BOND ORDINANCE PROVIDING FOR THE 2011 ROAD RESURFACING PROJECT, APPROPRIATING \$1,150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$911,066 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-11-11

Deputy City Clerk Jeffrey J. Jotz read A 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-12-11

Deputy City Clerk Jeffrey J. Jotz read A BOND ORDINANCE AMENDING BOND ORDINANCE NO. O-7-10, ADOPTED MARCH 8, 2010, ENTITLED “BOND ORDINANCE PROVIDING FOR VARIOUS ACQUISITIONS AND IMPROVEMENTS WITHIN A DULY DESIGNATED REDEVELOPMENT AREA IN THE CITY APPROPRIATING \$8,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,500,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF AND MAKING THE DOWN PAYMENT FOR SAID VARIOUS ACQUISITIONS AND 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/OR NOTES TO \$10,100,000 AND TO MAKE SUCH OTHER CONFORMING CHANGES AS ARE NECESSARY.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

O-13-11

Deputy City Clerk Jeffrey J. Jotz read A BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, April 11, 2011 at 7 p.m.

10. RESOLUTIONS

- *AR-68-11** Councilmember Saliga presented and moved A RESOLUTION HONORING MARY PETER AS THE OUTSTANDING RAHWAY SENIOR CITIZEN OF THE YEAR FOR 2010.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

- *AR-69-11** Councilmember Baker presented and moved A RESOLUTION COMMENDING THE RAHWAY JUNIOR SERVICE LEAGUE.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

- *AR-70-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-71-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF UNION (PRINTING & SIGNAGE SERVICES).

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-72-11** Councilmember Rachlin presented and moved A RESOLUTION SUPPORTING BILLS S2427/A3541.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-73-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE RAHWAY SCHOOL TRAFFIC GUARDS ASSOCIATION (RSTGA).

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

- *AR-74-11** Councilmember Rachlin presented and moved A RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING THE AWARD OF A CONTRACT TO AUCTION LIQUIDATION SERVICES AND THE SALE ON AN ONLINE AUCTION WEBSITE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

- *AR-75-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

Council President Brown declared the motion carried.

ABSENT: Councilmembers Steinman, Wenson Maier

- *AR-76-11** Councilmember Scaturro presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A FEDERAL AID AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT FOR FUNDING THE PROJECT ENTITLED "STREETSCAPE SECTION IIIA PROJECT".

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-77-11** 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 Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-78-11** 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 Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-79-11** 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 Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-80-11** Councilmember Rachlin presented and moved A RESOLUTION REAPPOINTING AN ALTERNATE MEMBER TO THE RAHWAY ENVIRONMENTAL COMMISSION (ALEXANDER PARKER).

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-81-11** Councilmember Scaturo presented and moved A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF A MEMBER TO THE MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE CONTROL (VLADIMIR CALDERON).

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-82-11** Councilmember Rachlin presented and moved A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF A MEMBER TO THE RAHWAY REDEVELOPMENT AGENCY (WILLIAM RACK).

The motion was seconded by Councilmember Scaturo.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-83-11** 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 Saliga.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-84-11** Councilmember Baker presented and moved A RESOLUTION OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:4-3.1.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-85-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY TO ACCEPT A MUNICIPAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE (EMAA) GRANT FOR SFY 2011.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-86-11** Councilmember Rachlin presented and moved A RESOLUTION CORRECTING RESOLUTION AR-49-09 (CONFIRMING THE MAYOR'S APPOINTMENT OF ROMAN A. MONTES AS MAGISTRATE).

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-87-11** Councilmember Mione presented and moved A BOND RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE GENERAL OBLIGATION BONDS OF THE CITY OF RAHWAY IN THE AMOUNT NOT TO EXCEED \$11,650,000 GENERAL IMPROVEMENT BONDS, SERIES 2011A AND DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS AUTHORIZED IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-88-11** Councilmember Rachlin presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "SANITARY SEWER SYSTEM INFLOW & INFILTRATION INVESTIGATION" FOR THE CITY OF RAHWAY TO ADS, LLC.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-89-11** Councilmember Cox presented and A RESOLUTION CREATING AN EMERGENCY APPROPRIATION AS PER N.J.S.A. 40A:4-46 – DOWN PAYMENTS ON IMPROVEMENTS.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-90-11** Councilmember Scaturo presented and moved A RESOLUTION AMENDING THE SFY CAPITAL BUGDET.

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

***AR-91-11** Councilmember Brown presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO THE PROJECT AGREEMENT (CONTRACT) FOR THE GREEN ACRES PROJECT KNOWN AS ESSEX STREET RIVERFRONT PARK (#2013-97-016).

The motion was seconded by Councilmember Scaturo.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

Council President Brown declared the motion carried.

AR-92-11 Councilmember Saliga presented and moved RESOLUTION OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 (MERCK TAX APPEAL).

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

AR-93-11 Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF WOODBRIDGE FOR TAX COLLECTION SERVICES.

The motion was seconded by Councilmember Scaturo.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

AR-94-11 Councilmember Saliga presented and moved A RESOLUTION AWARDDING A SERVICE CONTRACT FOR INSTALLING FENCING AROUND THE DORNOCH I PROPERTY ALONG MAIN, MONROE AND DOCK STREETS.

The motion was seconded by Councilmember Scaturro.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

O-3-11 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

A BOND ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE CREATION OF A PARK ON ESSEX STREET AS AUTHORIZED BY ORDINANCE No. O-21-06, APPROPRIATING AN ADDITIONAL \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$100,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST FOR SAID IMPROVEMENT, 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 \$100,000, being inclusive of all appropriations heretofore made therefor in accordance with the provisions of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 *et seq.* (the "Law"). 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 Law.

Section 2. For the financing of the improvements or purposes and to meet the part of the \$100,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$100,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$100,000 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 \$100,000, 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:

Improvement/Acquisition	Estimated Cost	Maximum Amount of Bonds/Notes	Useful Life (Years)
Supplemental Appropriation for the creation of a Park on Essex Street, designated as Block 330, Lots 1 through 13 and Block 305, Lot and a portion of Lot 3 on the tax maps of the City, such park creation shall include, but is not limited to, environmental remedial investigation and remedial action at such park site, including but not limited to, removal, analysis and disposal of contaminated soil, installation of geotextile fabric, site preparation, excavation, tree removal, placement of topsoil, grading, fertilizing and seeding, and the construction of bike/walking paths and a parking lot and the acquisition and installation of various park amenities, including but not limited to, benches, bicycle racks, lighting, waste baskets and signage, and landscaping and other aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing, analysis and disposal and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$100,000	\$100,000	15

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

- (a) The purpose as 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 benefited thereby.
- (b) The period of usefulness is within the limitations of the Law, N.J.S.A. 40A: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 15 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 \$100,000 and

obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$100,000 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 purpose 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 accordingly.

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 Acontrol 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 improvement or purpose 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.

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

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

Roll Call for O-3-11:

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

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

O-4-11 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

A BOND ORDINANCE PROVIDING FOR GROUND WATER REMEDIATION AT THE CARRIAGE CITY SITE, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST FOR SAID IMPROVEMENT, 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 \$200,000, being inclusive of all appropriations heretofore made therefor in accordance with the provisions of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law"). 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 Law.

Section 2. For the financing of the improvements or purposes and to meet the part of the \$200,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$400,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$200,000 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 \$200,000, 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:

Improvement/Acquisition	Estimated Cost	Maximum Amount of Bonds/Notes	Useful Life (Years)
Monitoring Well sampling, Remedial Investigation, remedial action, NJDEP reporting and NJDEP permitting, to include all costs, improvements and appurtenances necessary therefore or related thereto	\$200,000	\$200,000	20

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

- (a) The purpose as 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 20 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 \$200,000 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.
- (d) Amounts not exceeding \$200,000 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 purpose 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 accordingly.

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 improvement or purpose 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.

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

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

Roll Call for O-4-11:

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

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

O-5-11 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

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

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

401-79 Schedule XXI: Handicapped Parking

Add:

Across from 317 Cottage Pl

South Side - beginning at a point 39 feet west of the intersection of Newton 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 Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-5-11:

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

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

***12. MISCELLANEOUS**

13. COMMUNICATIONS - Hearing of Citizens

Dick Campbell 83 Ridge Road

Said that July will be his 50th anniversary of moving to Rahway. Spoke on budget and tax increases; they are difficult for those on fixed incomes.

Shirley J. Palmer 1659 Columbus Place

Read letter from Rahway Branch NAACP announcing Board of Education Candidates' Night on March 21 at 7 p.m. at Ebenezer A.M.E. Church on Central Ave.

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

14. COUNCIL COMMENT

Councilmember Cox Spoke on Friends of the Rahway Library book sale scheduled from April 7-9 and that donations are being accepted.

Councilmember Mione: Requested that Administration address Mr. Campbell's concerns about his tax bill.

Councilmember Brown: Spoke on tax bills and said that expenses are being cut to the bone.

ADJOURNMENT

Motion to adjourn the meeting at 7:32 p.m. was made by Councilmember Scaturo and seconded by Councilmember Mione.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturo, Brown

ABSENT: Councilmembers Steinman, Wenson Maier

Council President Brown declared the motion carried.