

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
APRIL 8, 2013
7 P.M.

1. Council President Steinman called the meeting to order at 7:03 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 April 8, 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

March, 5, 2013	7 p.m.	Pre-Meeting Conference
March 5, 2013	7: 14 p.m.	Executive Session
March 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

2012 Senior of the Year Angelo Servedio

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

6. REPORTS OF COUNCIL COMMITTEES

Council President Steinman moved to place AR-87-13 on the Agenda and AR-88-13 on the Agenda and 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.

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

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-17-13 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – LOADING ZONES.

Motion to introduce the above Ordinance on first reading was made by Councilmember Cox, seconded by Councilmember Bresenhan 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, May 13, 2013 at 7 p.m.

O-18-13 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - PARKING PROHIBITED AT ALL TIMES.

Motion to introduce the above Ordinance on first reading was made by Councilmember Bresenhan, 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-19-13 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - PARKING PROHIBITED CERTAIN HOURS.

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-20-13 City Clerk Jotz read AN ORDINANCE BY THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY VACATING A PORTION OF DOCK STREET BETWEEN MONROE STREET AND PROPERTY KNOWN AS TAX BLOCK 320, LOT 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY.

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-71-13 Councilmember Steinman presented and moved A RESOLUTION ADOPTING THE CY 2013 MUNICIPAL BUDGET

The motion was seconded by Councilmember Brown.

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.

Scott Cafee 756 W. Scott Ave.

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

Councilmember Steinman made a motion to table adoption of the budget until May 13, when it will be adopted as amended.

The motion was seconded by Councilmember Brown.

Roll Call to table adoption of CY 2013 Municipal Budget:

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

Council President Steinman declared the motion carried. The budget will be adopted as amended on May 13 at 7 p.m.

AR-72-13 Councilmember Wenson Maier presented and moved A RESOLUTION ADOPTING THE CITY OF RAHWAY 2013 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Baker.

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-72-13:

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

ABSTAIN: Councilmember Steinman

ABSENT: Councilmember Mione

Council President Steinman declared the motion carried.

***AR-73-13** Councilmember Baker presented and moved A RESOLUTION ENTERING INTO AN AGREEMENT WITH UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY ON BEHALF OF UNIVERSITY HOSPITAL-LATTIMORE PRACTICE AT UMDNJ.

The motion was seconded by Councilmember Mione.

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

Council President Steinman declared the motion carried.

***AR-74-13** Councilmember Mione presented and moved A RESOLUTION AWARDDING A SERVICE CONTRACT FOR CUTTING AND CONTROL OF VEGETATION ON THE RAHWAY FLOOD CONTROL LEVEE, BETWEEN MONROE STREET AND REGINA AVENUE.

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-75-13** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE BOND TO CAPODAGLI PROPERTY COMPANY,LLC FOR MERDIA WATER'S EDGE URBAN RENEWAL AT RAHWAY, 4 CITY HALL PLAZA, BLOCK 305, LOT 5.04.

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-76-13** Councilmember Brown presented and moved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE INSTITUTION OF AN IN-REM FORECLOSURE ON PROPERTY LOCATED AT 65 EAST CHERRY STREET ALSO KNOWN AS BLOCK 317, LOT 15 AS SHOWN ON THE OFFICIAL TAX MAPS 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-77-13** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Steinman declared the motion carried.

***AR-78-13** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

***AR-79-13** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

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-80-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF CERTIFICATE OF OCCUPANCY INSPECTION FEE TO SHANIESHA EVANS.

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-81-13** Councilmember Wenson Maier presented and moved A RESOLUTION COMMENDING BILLY BONNER.

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-82-13** Councilmember Bresenhan presented and moved A RESOLUTION COMMENDING KYLE DZIEDZIC.

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-83-13** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT FOR THE YEAR 2012.

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-84-13** Councilmember Bresenhan 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 Cox.

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

Council President Steinman declared the motion carried.

***AR-85-13** Councilmember Mione presented and moved A RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING AN AGREEMENT WITH CARFAX, INC..

The motion was seconded by Councilmember Baker.

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

Council President Steinman declared the motion carried.

***AR-86-13** Councilmember Baker presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "STORM WATER PUMP STATION REPAIRS PROJECT" FOR THE CITY OF RAHWAY.

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-87-13 Councilmember Steinman presented and moved A RESOLUTION AMENDING THE CY 2013 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Steinman declared the motion carried. The amended CY 2013 budget will come up for Public Hearing and further action at a Regular Council Meeting at Monday, May 13, 2013 at 7 p.m.

***AR-88-13** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.40A:4-53 FUNDING OF TERMINAL PAY FOR RETIRED EMPLOYEES.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Steinman declared the motion carried.

11. ORDINANCES – SECOND READING

O-13-13 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) – PERMIT PARKING

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

401-85 Schedule XXVII: Parking By Permit Only in Designated Business Areas:

In accordance with the provisions of [401-54](#), parking in the following locations shall be restricted to permit parking only.

Name of Street	Side	Hours/Days	Location
<u>From:</u>			
Broad St	South	From 6am to 8pm Mon thru Sat	From Irving St to W Cherry St
<u>To:</u>			
Broad St	South	From 7am to 7pm Mon thru Sun	From Irving St to W Cherry St
Broad St	North	From 7am to 7pm Mon thru Sun	From apex of W Cherry St heading east 44' extending 45'
<u>From:</u>			
Pierce St	East	From 6am to 8pm Mon thru Sat	From E Milton Ave east side of street heading South 504'
<u>To:</u>			
Pierce St	East	From 6am to 8pm Mon thru Sat	From apex of E Milton Ave east side of street heading South 100' extending 404'
Pierce St	West	From 6 am to 8 pm Mon thru Sat	From apex of E Milton Ave west side of street heading south 36' extending 146'

Name of Street	Side	Hours/Days	Location
Add:			
Campbell St	Both	From 7am to 7pm Mon thru Sun	From W Cherry St to Broad St Both Sides
W Cherry St	North	From 7am to 7pm Mon thru Sun	From Campbell St to Broad St
W Milton Ave	North	From 7am to 7pm Mon thru Sun	From apex of Broad St heading west 38' extending 144'

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-13-13:

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

Council President Steinman declared the motion defeated.

O-14-13 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 TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the City Council of the City of Rahway in the County of Union finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 1.5 % increase in the budget for said year, amounting to \$613,703 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Rahway in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the City of Rahway shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by up to 3.5 %, amounting to \$1,431,974, and that the CY 2013 municipal budget for the City of Rahway be approved and adopted in accordance with this ordinance; and,

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

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

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

Council President 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-14-13:

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

Council President Steinman declared the motion carried.

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

BE IT ORDAINED, by the Governing Body of the City of Rahway, County of Union and State of New Jersey, that pursuant to N.J.S. 40A:4-53 (Ch. 48, P.L. 1956 as amended by Ch. 144, P.L. 1965 and Ch. 38, P.L. 1969) the sum of \$1,120,000 is hereby appropriated for the payment of accumulated sick/vacation and terminal pay for retired employees, commonly referred as terminal pay, by the City of Rahway and shall be deemed a special emergency appropriation as defined and provided for in N.J.S. 40A:4-53(b); and

BE IT FURTHER RESOLVED that such emergency appropriation and/or the special emergency notes authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S. 40A:4-55).

This ordinance shall take effect at the time and in the manner 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-15-13:

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-16-13 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 AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-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

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 bond ordinance of the City of Rahway, in the County of Union, State of New Jersey (the "City"), heretofore finally adopted by the City Council on December 10, 2012, number O-35-12, entitled: "A BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS TO THE RECREATION CENTER, LIBRARY, CITY HALL AND DEPARTMENT OF PUBLIC WORKS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$714,285 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the improvements or purposes described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby

appropriated the additional sum of \$400,000, said sum being inclusive of \$19,048 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), 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. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$400,000 from \$750,000 and shall equal the amount of \$1,150,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby, including the total amount of down payment increased by \$19,048 from \$35,715 to equal \$54,763. The total appropriation including the total amount of down payment is \$1,150,000.

SECTION 3. In order to finance the additional cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the City in the amount of \$380,952 are hereby authorized to be issued by the City for such improvements or purposes in Section 3(a) of the Original Ordinance, as amended and supplemented, such that the total authorization of negotiable bonds or notes to be issued by the City for the improvements or purposes stated in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$380,952 from \$714,285 and shall equal the amount of \$1,095,237.

SECTION 4. Section 3(a)(i) of the Original Ordinance shall be amended to read in its entirety as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
“(i) Recreation Center – acquisition, installation and replacement of the floor at the City Recreation Center;	\$685,000	\$652,380	\$32,620	10 years”

SECTION 5. The Capital Budget of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. 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 and notes provided for in this amendatory and supplemental bond ordinance by \$380,952 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. 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 the Original Ordinance, as amended and supplemented hereby. 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 8. The City reasonably expects to reimburse any expenditures toward the cost of the improvements or purposes described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "Controlled Group" as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 8 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the City for any expenditures toward the cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the City for any expenditure or payment that was originally paid with the proceeds of any obligation of the City (other than borrowing by the City from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the City for any expenditures toward the cost of the improvements or purposes set forth in Section

3(a) of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$1,095,237. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be “capital expenditures” in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 9. 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 the Original Ordinance, as amended and supplemented hereby.

SECTION 10. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

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

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-16-13:

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.

***12. MISCELLANEOUS**

13. COMMUNICATIONS - Hearing of Citizens

Scott Caffee 756 W. Scott Ave.

Asked for copy of budget. Commented on Senior of the Year's comments that Rahway used to be a nice town. Spoke on remarks made by former Business Administrator. Said that new artist housing will add students to our public schools. Claimed that the Council is a bunch of liars and that it passes things sneakily; most of the Council was put there by former Mayor Kennedy. Said that he will run for office and that he will win and won't take a salary for two years.

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

14. COUNCIL COMMENT

Councilmember Cox: Said that he has no problems with speakers at Council meetings but takes affront to comments accusing him of being a liar. Asked to see documentation backing up the speaker's statements.

Councilmember Baker: Said that people are entitled to their opinions and that comments made by one individual doesn't take away the positive progress made in the City. Stated that Rahway isn't immune to the economic downturn but the City has been able to manage. Said that Rahway has had the lowest tax rate in Union County for the past 15 years.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:39 p.m. was made by Councilmember Steinman and seconded by Councilmember Cox:

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

Council President Steinman declared the motion carried.