

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
APRIL 11, 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, Saliga, Scaturro, Steinman, Brown

ABSENT: Councilmembers Rachlin, Wenson Maier

City Clerk Jean D. Kuc announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

This meeting of April 11, 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

Councilmember Rachlin arrived at 7:04 p.m.

In the absence of a member of the Clergy, Councilmember Mione offered an invocation.

3. APPROVAL OF MINUTES

March 8, 2011	7 p.m.	Pre-Meeting Conference
March 14, 2011	7 p.m.	Regular Meeting

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

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

ABSENT: Councilmember Wenson Maier

Council President Brown declared the motion carried.

Councilmember Wenson Maier arrived at 7:16 p.m.

4. PRESENTATIONS

Commending Mary Peter as 2010 Outstanding Senior of the Year
 Commending Rahway Junior Service League

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

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 Baker to adopt the Consent Agenda, and was adopted by the following vote:

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

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-14-11 City Clerk Jean D. Kuc read A REFUNDING BOND ORDINANCE PROVIDING FOR TAX REFUNDING PAYMENTS OF AMOUNTS OWING TO PROPERTY OWNERS IN THE CITY OF RAHWAY, AND APPROPRIATING \$1,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,650,000 REFUNDING BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF 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 Wenson Maier and adopted by the following vote:

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

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, May 9, 2011 at 7 p.m.

O-15-11 City Clerk Jean D. Kuc read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

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

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, May 9, 2011 at 7 p.m.

O-16-11 City Clerk Jean D. Kuc read AN ORDINANCE CREATING A NEW CHAPTER 346 ENTITLED "SMOKING" OF THE CODE OF THE CITY OF RAHWAY IN ORDER TO BAN SMOKING IN GOVERNMENT BUILDINGS, PUBLIC FACILITIES AND RECREATIONAL AREAS THROUGHOUT THE CITY OF RAHWAY.

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

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

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, May 9, 2011 at 7 p.m.

10. RESOLUTIONS

***AR-95-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE CREATION OF A WARD COMMISSION.

The motion was seconded by Councilmember Steinman.

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

Council President Brown declared the motion carried.

***AR-96-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

***AR-97-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-98-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-99-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

- *AR-100-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-101-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO PARTICIPATE IN THE UNION COUNTY COOPERATIVE PRICING AGREEMENT.

The motion was seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

- *AR-102-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF VEHICLES UNDER STATE CONTRACT FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

- *AR-103-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF ONE RAYCO RG1545 SELF-PROPELLED STUMP CUTTER UNDER A GOVERNMENT SERVICES CONTRACT.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-104-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF HART STREET PARK FEES.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-105-11** Councilmember Baker presented and moved A RESOLUTION AMENDING AR-83-11.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-106-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INDEMNIFICATION AND HOLD HARMLESS AGREEMENT FOR THE USE OF 537 BRAMHALL ROAD, RAHWAY FOR FIRE DEPARTMENT TRAINING AND RELATED ACTIVITIES.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-107-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE FILING OF LIENS AGAINST CERTAIN PROPERTIES TO RECOVER CLEANUP COSTS INCURRED BY THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 151-4 OF THE CODE OF THE CITY OF RAHWAY AND N.J.S.A. 40:48-2.14.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

- *AR-108-11** Councilmember Saliga presented and moved A RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR SEXUALLY TRANSMITTED DISEASE SERVICES.

The motion was seconded by Councilmember Steinman.

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

Council President Brown declared the motion carried.

- *AR-109-11** Councilmember Cox presented and moved A RESOLUTION ENTERING INTO AN AGREEMENT WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH FOR TUBERCULOSIS DISEASE SERVICES.

The motion was seconded by Councilmember Scaturro.

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

Council President Brown declared the motion carried.

- *AR-110-11** Councilmember Brown 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, Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Wenson Maier, Brown

Council President Brown declared the motion carried.

- *AR-111-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE SETTLEMENT PAYMENT OF THE OPEN WATER BILL FOR 1697 ELIZABETH AVENUE, RAHWAY, NEW JERSEY.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

AR-112-10 Councilmember Mione presented and moved A RESOLUTION APPOINTING A COUNCILMEMBER TO THE RAHWAY HUMAN SERVICES ADVISORY BOARD (JAMES BAKER).

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

AR-113-10 Councilmember Steinman presented and moved A RESOLUTION AWARDDING A SERVICE CONTRACT FOR CONSTRUCTING AN INTERIM PARKING LOT ADJACENT TO PARKING LOT 'B'.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

O-6-11 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)

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

401-70 Schedule XII: Parking prohibited at all times

ADD

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
W. Main St.	South	From a point west 87 feet of the westerly curb Line of Coach St Extending 188 feet west thereof
W. Main St.	North	From a point east 183 feet of the easterly curb Line of Irving St Extending 152 feet east 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-6-11:

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

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-7-11 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 AUTHORIZING THE CITY OF RAHWAY TO
REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL
YEAR**

BE IT ORDAINED by the City Council of the City of Rahway that pursuant to N.J.S.A. 40A:4-3.1, that the City shall commence operating on a Calendar Fiscal Year beginning with Calendar Year 2012, and

BE IT FURTHER ORDAINED that this ordinance shall take effect upon approval of the Local Finance Board of the application as required by law.

**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-7-11:

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

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-8-11 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 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**

**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 including the sum of \$10,000 as the down payment from the Capital Improvement Fund, or other legally available funds of the City. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the City and is currently available for down payment or capital improvement purposes, as

required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the “Law”).

Section 2. For the financing of the improvement or purpose and to meet the part of the \$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 \$190,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$190,000 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 \$190,000, 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	Down Payment	Maximum Amount of Bonds/Notes	Useful Life (Years)
Improvements to various basketball courts including but not limited to Grover Cleveland School, Flanagan Field, Howard Field, Madden Field, Stein Field, Williams Field, Tully Field, and Brennan Field, to include, but not limited to milling as required, resurfacing, restriping, hoops, poles, backstops, and to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$200,000	\$10,000 (Capital Improvement fund)	\$190,000	15

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

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is property or an improvements 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 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 \$190,000 and obligations authorized hereunder will be within all debt limitations prescribed by

the Law.

(d) Amounts not exceeding \$55,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

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

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

Section 9. The City reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds and/or notes authorized by this ordinance with the proceeds of such bonds and/or notes. No funds from sources other than the bonds and/or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City,

within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City 's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds and/or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

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

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

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

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

Roll Call for O-8-11:

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

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

O-9-11 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 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

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 improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the City of Rahway, County of Union, New Jersey (hereinafter referred to as the "City"). For the improvements or purposes set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$350,000, 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"), which sum includes \$200,000 as the amount of a Transit Village Grant expected to be received (the "Grant"). The down payment requirements set forth in the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") are not applicable to this ordinance by virtue of the exception thereto set forth in section 37(c) of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended.

Section 2. For the financing of the improvements or purposes and to meet the part of the \$350,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$150,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$150,000 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 \$150,000, 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 improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

Improvement/Acquisition	Estimated Cost	Transit Village Grant	Maximum Amount of Bonds/Notes	Useful Life (Years)
Phase VI of various streetscape improvements to be undertaken in the Central Business District Redevelopment Area of the City, including but not limited to Poplar Street, Coach Street and Elizabeth Avenue between Main Street and Irving Street the repairing, replacing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, drainage work, roadway painting, the acquisition, replacement of and installation of decorative lighting, street lighting, pole relocation, improving pedestrian ways, and various amenities, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$350,000	\$200,000	\$150,000	10

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

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

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

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the City and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in the Law is increased by this bond ordinance by \$150,000 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 purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced accordingly.

This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is

required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

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

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

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

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

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

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

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

Roll Call for O-9-11:

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

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

O-10-11 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 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

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 \$1,150,000, being inclusive of all appropriations heretofore made therefor including the sum of \$47,951 as the down payment from the Capital Improvement Fund, or other legally available funds of the City. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the City and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law").

Section 2. For the financing of the improvement or purpose and to meet the part of the \$1,150,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$911,066 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$911,066 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 \$911,066, 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	Down Payment	Grants	Maximum Amount of Bonds/Notes	Useful Life (Years)
2011 Roadway Resurfacing Program including but not limited to Jefferson Avenue (Hamilton Street to Stone Street), Trussler Place (Madison Avenue to Jefferson Street), East Emerson (Pierce Street to Fulton Street), Seminary Avenue (Church Street to Fernote Street), West Lake Avenue (Madison Avenue to Jefferson Street), Linden Avenue (St. Georges Avenue to Hulick Place), Jefferson Avenue (Stone Street to Nicholas Place, East Elm Avenue to Jefferson Avenue Bridge, and Bramhall Road to West Inman Avenue), Madison Avenue (Intersections of Terrace Street, Murray Street, Concord Street and Orchard Street to West Inman Avenue), West Lake Avenue 9125' west of Pierpont Street), Elm Avenue (250' East of St. Georges Avenue), Campbell Street (West Cherry Street to Elm Avenue), Richard Blvd. (At High School Drive), Main Street (East Milton Avenue to City Hall Drive), Maple Avenue (Southerly side, Madison Avenue to Old Lake Avenue), Broadway (Valley Road to Clark Twp.), Greslin Terrace (at intersection of Revoir Drive), and City Hall Plaza (behind City Hall), to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$1,150,000	\$47,951 (Capital Improvement fund)	\$190,983 (Transportation Trust Fund Grant)	\$911,066	10

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

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

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

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the City and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in the Law is increased by this bond ordinance by \$911,066 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$275,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

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

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

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

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

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

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

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

Roll Call for O-10-11:

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

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

O-11-11 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 DEMOLITION AND IMPROVEMENTS TO VARIOUS PROPERTIES WITHIN A DULY DESIGNATED REDEVELOPMENT AREA IN THE CITY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY

BE 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. Pursuant to Section 37 of the Local Redevelopment and Housing Law (codified at N.J.S.A. 40A:12A-1 *et seq.*, and as amended or supplemented from time to time, the "Act"), no down payment is required because the improvement or purpose set forth in Section 3 are Redevelopment Projects under the Act, notwithstanding the requirements of Section 11 of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 *et seq.* (the "Law").

Section 2. For the financing of the improvement or purpose and to meet the part of the \$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 \$200,000 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)
Demolition of 65 Cherry Street and improvements thereto, improvements to Dornoch I property and to Dornoch II (Parking Lot B), to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$200,000	\$200,000	10

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

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

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

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the City and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in the Law is increased by this bond ordinance by \$200,000 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$55,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

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

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

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

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

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

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

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

Roll Call for O-11-11:

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

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-12-11 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 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

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

SECTION 1. Bond Ordinance No. O-7-10, adopted March 8, 2010, and titled: “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 ” be and is hereby amended in its entirety to read as follows:

A BOND ORDINANCE PROVIDING FOR VARIOUS ACQUISITIONS AND IMPROVEMENTS WITHIN A DULY DESIGNATED REDEVELOPMENT AREA IN THE CITY APPROPRIATING \$10,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,100,000 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

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 \$10,100,000, 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 \$10,100,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$10,100,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$10,100,000 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 \$10,100,000, 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)
1. Renovation of the Bell Building for use as Black Box Theater and dance studio, 2.Acquisition of Block 167, Lot 1as set forth on the Tax Maps of the City of Rahway, known as the Gas Company Building, 3. Construction of the Amphitheater, 4. Acquisition of arts center related equipment, 5. Acquisition of 318-320 Hamilton Street, 332-336 Hamilton Street, and 342-344 Hamilton Street, all of the forgoing to include all site work, equipment, costs, improvements and appurtenances necessary therefore or related thereto	\$10,100,000	\$10,100,000	24.45

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 24.45 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 \$10,100,000 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$1,000,000 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.

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

SECTION 3. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

Council 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-12-11:

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

ABSTAIN: Councilmember Steinman

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-13-11 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 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

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 improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the City of Rahway, County of Union, New Jersey (hereinafter referred to as the "City"). For the improvements or purposes set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$1,000,000, being inclusive of all appropriations heretofore made therefor including the sum of \$50,000 as the down payment from the Capital Improvement Fund, or other legally available funds of the City. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the City and is currently available for down payment or capital improvement

purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the “Law”).

Section 2. For the financing of the improvements or purposes and to meet the part of the \$1,00,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$950,000 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$950,000 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 \$950,000, 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 improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
1) Replacement of Police recording system including, but not limited to server replacement, car video recorders, and portable recording equipment, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$60,000	\$3,000	\$57,000	7
2)Construction and renovation of 52 East Cherry Street, including furniture, fixtures, technology equipment, video and security systems, and related improvements and equipment, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$165,000	\$8,250	\$156,750	15
3) Replacement of Toilet Fixtures in police cell block, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$8,000	\$400	\$7,600	5
4)Replacement of servers and infrastructure for downtown video surveillance system, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$15,000	\$750	\$14,250	7
5) In house dispatch paging system for fire houses, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$8,000	\$400	\$7,600	7

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
6) Acquisition of a Street Sweeper, Utility Trucks, Road Call Service Vehicle, and Mason Dump with spreader, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$400,000	\$20,000	\$380,000	5
7) Acquisition of a sewer camera, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$15,000	\$750	\$14,250	7
8) Acquisition of Stump Cutter, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$38,000	\$1,900	\$36,100	15
9) Acquisition of Dock Street Bar Screen, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$20,000	\$1,000	\$19,000	15
10) DPW Fuel Sump repairs, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$37,000	\$1,850	\$35,150	10
11) City Hall Finance Office Repairs, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$30,000	\$1,500	\$28,500	15
12) City Hall HVAC replacement, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$95,000	\$4,750	\$90,250	15

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
13) Dock Street Esbestos removal, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$12,000	\$600	\$11,400	5
14) Acquisition of metal detector for Municipal Court, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$21,000	\$1,050	\$19,950	15
15) Acquisition and installation for Municipal Court/Administration of camera and video related equipment, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$76,000	\$3,800	\$72,200	7
TOTALS:	\$1,000,000	\$50,000	\$950,000	

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the City may lawfully acquire or make as general improvements, 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 each such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average useful life is 9.26 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 \$950,000 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 purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

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

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

Section 9. The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds and/or notes authorized by this ordinance with the proceeds of such bonds and/or notes. No funds from sources other than the bonds and/or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City,

within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City 's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds and/or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

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

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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

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-13-11:

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

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

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

14. COUNCIL COMMENT

Councilmember Mione: Commented on audit report.

Councilmember Baker: Said that bond ordinances that were passed continues the improvement and maintenance of city roads, recreational facilities and reaffirms the Council's commitment to improve the City of Rahway.

Councilmember Steinman: Congratulated Mrs. Peter and thanked the members of the Jr. Service League for all they have done.

Councilmember Wenson Maier: Offered condolences to the family of Tony Gerpetti.

Councilmember Brown: Commented on the passing of former Fire Chief James Heller. Thanked the Jr. Service League for their years of service to the residents of Rahway. Congratulated Mary Peter and thanked her.

ADJOURNMENT

Motion to adjourn the meeting at 7:35 p.m. was made by Councilmember Scaturro and seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.