

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MAY 14, 2012**  
**7 P.M.**

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

**PRESENT:** Councilmembers Brown, Cox, Mione, Rachlin, Saliga, Wenson Maier, Steinman

**ABSENT:** Councilmembers Baker, Scaturo

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 May 14, 2012 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Progress* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on December 30, 2011 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

**2. PLEDGE OF ALLEGIANCE**

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

**3. APPROVAL OF MINUTES**

April 3, 2012	7 p.m.	Pre-Meeting Conference
April 9, 2012	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 Brown, Cox, Mione, Rachlin, Saliga, Wenson Maier, Steinman

**ABSENT:** Councilmembers Baker, Scaturo

Council President Steinman declared the motion carried.

Councilmember Mione asked that AR-143-12 be removed from the Consent Agenda.

**4. PRESENTATIONS**

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

**6. REPORTS OF COUNCIL COMMITTEES**

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

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

**8. CONSENT AGENDA**

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

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**9. ORDINANCES - First Reading**

**O-17-12** City Clerk Jotz read AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RAHWAY GRANTING AND AUTHORIZING THE EXECUTION OF AN EASEMENT ON CITY PROPERTY (TAX BLOCK 305, LOT 8.31) TO ALLOW FOR ADDITIONAL PARKING FOR THE RAHWAY RIVER CONDOMINIUM ASSOCIATION, INC. (TAX BLOCK 305, LOT 8.03), WHICH EASEMENT WILL FACILITATE THE DEVELOPMENT OF THE MERIDIA, WATERS EDGE RESIDENTIAL REDEVELOPMENT PROJECT ON TAX BLOCK 305, LOT 5.04.

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

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

ABSENT: Councilmembers Baker, Scaturro

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 Meeting on Wednesday, June 13, 2012 at 7 p.m.

**O-18-12** City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE PUMPER TRUCK AND THE COMPLETE REBUILD OF A STREET SWEEPER, BY AND FOR THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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 Brown, Cox, Mione, Rachlin, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Baker, Scaturro

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 Meeting on Wednesday, June 13, 2012 at 7 p.m.

## **10. RESOLUTIONS**

**\*AR-126-12** The Entire Council presented and moved A RESOLUTION COMMENDING REV. DR. JAMES W. EALEY.

The motion was seconded by the Entire Council.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-127-12** Councilmember Mione presented and moved A RESOLUTION SUPPORTING THE EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY EMPLOYER SUPPORT GUARD AND RESERVES.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-128-12** Councilmember Rachlin presented and moved A RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 21 - JUNE 3, 2012.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-129-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Rachlin.

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

Council President Steinman declared the motion carried.

- \*AR-130-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmembers Baker, Scaturo

Council President Steinman declared the motion carried.

- \*AR-131-12** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING REFUND OF HART STREET PARK FEES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturo

Council President Steinman declared the motion carried.

- \*AR-132-12** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmembers Baker, Scaturo

Council President Steinman declared the motion carried.

**\*AR-133-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO AUGUSTYN GAJDA FOR PERMIT #07-10-297 DATED 7/12/10 AT 776 RODGERS COURT/KMAK PLACE FOR A CURB.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**\*AR-134-12** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BONDS TO PARK TERRACE RAHWAY, LLC. FOR BLOCK 212, LOT 2, SCHOOL STREET.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**\*AR-135-12** Councilmember Brown presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "BASKETBALL COURT RENOVATIONS PROJECT" FOR THE CITY OF RAHWAY TO HALECON, INC.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-136-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A 2012 TAX LIEN CERTIFICATE PAID IN ERROR.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-137-12** Councilmember Wenson Maier presented and A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2012 CALENDAR YEAR.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-138-12** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR THE C/Y 2012.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**\*AR-139-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**\*AR-140-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

**\*AR-141-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.



- \*AR-142-12** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO REDEMPTIONS AFTER THE TAX LIEN SALE.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- AR-143-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2012 "LEADERS OF TOMORROW" SUMMER ENRICHMENT CAMP PROGRAM .

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Cox, Mione, Rachlin, Saliga, Wenson Maier, Steinman

ABSTAIN: Councilmember Brown

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-144-12** Councilmember Cox presented and moved A RESOLUTION AMENDING THE CY 2012 CAPITAL BUDGET.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmembers Baker, Scaturro

Council President Steinman declared the motion carried.

- \*AR-145-12** Councilmember Mione presented and moved A RESOLUTION AWAR­DING A CONTRACT TO UNITED WATER OPERATIONS, INC FOR SEWER BILLING, COLLECTION AND DATA PROCESSING SERVICES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmembers Baker, Scaturó

Council President Steinman declared the motion carried.

- \*AR-146-12** Councilmember Steinman presented and moved A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) NJ Division of Highway Traffic Safetyó Click it or Ticket - \$4,000.00.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmembers Baker, Scaturó

Council President Steinman declared the motion carried.

- \*AR-147-12** Councilmember Wenson Maier presented and moved A RESOLUTION COMMENDING DION RAY DAWKINS.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Baker, Scaturó

Council President Steinman declared the motion carried.

**11. Ordinances – Second Reading**

**O-9-12** 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.

**ADD:**

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
Broad St	South	From 6 am to 8 pm Mon thru Sat	From Irving St to W Cherry St

**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-9-12:

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

ABSENT: Councilmembers Baker, Scaturro

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

**O-10-12** 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:

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

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

**401-82 Schedule XXIV: Parking Meter Zones**

Name of Street	Side	Hours/Days	Time Limit/Rate	Location or Meter Number
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**Current:**

Broad Street	Both	7:00 a.m. to 7:00 p.m./Mon. through Sat.	12 hrs./\$6 per day	F 1, F 2, BD 2, BD 3, BD 4, BD 6, BD 8, BD 10, BD 12, BD 13, BD 14, BD 16, BD 18, BD 20, BD 22, BD 24, BD 26, BD 28, BD 30, BD 32, BD 34, BD 36, BD 37
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**Amend to:**

Broad Street	Both	7:00 a.m. to 7:00 p.m./Mon. through Sat.	12 hrs./\$6 per day	F 1, F 2, BD 3, BD 13, BD 16, BD 18, BD 20, BD 22, BD 24, BD 26, BD 28, BD 30, BD 32, BD 34, BD 36, BD 37
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**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-10-12:

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

ABSENT: Councilmembers Baker, Scaturro

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-11-12** 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) - PARKING BY PERMIT ONLY IN DESIGNATED RESIDENTIAL AREAS 401-50**

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

**401-83 SCHEDULE XXV: Parking by Permit Only.**

**ADD:**

<i>Name of Street</i>	<i>Side</i>	<i>Hours/Days</i>	<i>Location</i>
<b>Lenox Place</b>	<b>Both</b>	<b>8:00 a.m. to 6:00 p.m./</b> <b>Monday through Friday</b>	<b>From East Milton Ave. to Washington St.</b>

**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-11-12:

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

ABSENT: Councilmembers Baker, Scaturro

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

**O-12-12** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE OF THE CITY OF RAHWAY ESTABLISHING  
REGULATIONS, LICENSING REQUIREMENTS AND FEES FOR BODY  
ART PROCEDURES**

**BE IT ORDAINED**, by the Municipal Council of the City of Rahway that it hereby establishes and adopts rules and regulations for body art procedures in the City of Rahway pursuant to Title 8 of the New Jersey Administrative Code, specifically all of the applicable provisions of Chapter VIII of the State Sanitary Code, N.J.A.C. 8:27-1 et seq., entitled "Body Art Procedures".

**BE IT FURTHER ORDAINED**, that the City of Rahway hereby establishes licensing requirements and fees for body art procedures as follows:

Section I. License required; fee; term; is hereby established as follows:

A. It shall be unlawful for any person or corporation to conduct or perform body art procedures as defined in Chapter VIII of the State Sanitary Code, N.J.A.C. 8:27-1 et seq. without first procuring a license from the Division of Health or appropriate licensing authority or without complying with any or all of the provisions

contained in Chapter VIII of the State Sanitary Code, N.J.A.C. 8:27-1 et seq.

- B. The following fees shall be charged in connection with any application made for such a license:
- (1) Plan review of establishment performing body art procedures: \$100.00.
  - (2) Annual licensing inspection of establishment performing tattooing or permanent cosmetics: \$200.00.
  - (3) Annual licensing inspection of establishment performing body piercing: \$200.00.
  - (4) Annual licensing inspection of establishment performing tattooing or permanent cosmetics and body piercing: \$200.00.
  - (5) Temporary license of establishment performing body art procedures (maximum three days): \$1,000.00.
- C. All licenses issued hereunder shall expire on the 31<sup>st</sup> day of December of each year, unless such license is temporary, then its expiration shall be upon the closing of the event for which it was issued or as otherwise stated on the license.
- D. Applications for temporary establishments performing body art procedures must be submitted to the Division of Health or appropriate licensing authority at least fifteen (15) days prior to the event.
- E. No license or permit issued under this ordinance may be transferred to another person, corporation or location.

## Section II. Violations and penalties.

Any person who violates or refuses to comply with any provisions of this article, including Chapter VIII of the State Sanitary Code, N.J.A.C. 8:27-1 et seq. herein referred to, shall be punished by a fine not exceeding \$500.00 for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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

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

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

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

Roll Call for O-12-12:

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

ABSENT: Councilmembers Baker, Scaturro

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-13-12** 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 217, “FOOD ESTABLISHMENTS AND VENDORS, RETAIL” AND CHAPTER 221, “FOOD SERVICE PERSONNEL” OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO PROVIDE FOR THE LICENSING AND FEES OF TEMPORARY RETAIL FOOD ESTABLISHMENTS**

**BE IT ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 217 òFood Establishments and Vendors, Retailö, of the Code of the City of Rahway be and is hereby amended and supplemented to read as follows:

**SECTION I.** Article I, Section 217-1. Definitions is hereby amended by the addition of the following highlighted and underlined language:

RETAIL FOOD ESTABLISHMENT ó Any fixed or mobile restaurant; permanent or temporary; coffee shop; cafeteria; short-order café; luncheonette, grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; private, public or nonprofit organization or institution serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market or similar place in which food or drink is prepared for retail sale of for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided to the public, with or without charge, except that agricultural markets, covered dish suppers or similar type of



church or non-profit-type institution meal services shall meet the special provisions of Regulation 8.

**SECTION II.** Article I, Section 217-2. License required; fee; term; enforcement is hereby amended as follows by the highlighted cross out and additional underlined language:

- C. It shall be unlawful for any person or corporation to conduct a retail food establishment as defined in Section 217-1 without first procuring a license from the Division of Health or without complying with any or all of the provisions contained in Chapter ~~42~~ **24** of the State Sanitary Code, **N.J.A.C. 8:24-1 et seq.**
- D. **(6) Forty-five dollars for temporary retail food establishment.**
- E. All licenses issued hereunder shall expire on the 30<sup>th</sup> day of June in each year, **unless such license is for a temporary retail food establishment and its expiration shall be upon the closing of the event for which it was issued or as otherwise stated on the license.**
- F. **Applications for temporary retail food establishments must be submitted to the Division of Health or appropriate licensing authority at least fifteen (15) days prior to the event.**

**BE IT FURTHER ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 221 ðFood Service Personnelö, of the Code of the City of Rahway be and is hereby amended and supplemented to read as follows:

**SECTION III.** Section 221-1. Definitions is hereby amended by the addition of the following highlighted and underlined language:

RETAIL FOOD ESTABLISHMENT ó Any fixed or mobile restaurant; **permanent or temporary**; coffee shop; cafeteria; short-order café; luncheonette, grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; private, public or nonprofit organization or institution serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market or similar place in which food or drink is prepared for retail sale of for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided to the public, with or without charge.

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

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

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

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

Roll Call for O-13-12:

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

ABSENT: Councilmembers Baker, Scaturro

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-14-12** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$666,665 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$700,000, said sum being inclusive of the sum of \$33,335 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). The down payments are now available by virtue of a provision or

provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$700,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$666,665 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$666,665 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <b><u>Police Department</u></b> ó various capital improvements for the City Police Department, including but not limited to, the replacement, acquisition and installation of or improvements to, as applicable, communication equipment;	\$404,240	\$384,990	\$19,250	7 years
(ii) <b><u>Fire Department</u></b> ó various capital improvements for the City Fire Department, including but not limited to, the replacement, acquisition and installation of or improvements to, as applicable, communication equipment;	153,509	146,199	7,310	7 years
(iii) <b><u>Department of Public Works</u></b> ó various capital improvements for the Department of Public Works, including but not limited to, the replacement, acquisition and installation of or improvements to, as applicable, a gasbooy, generator and sliding door for City Hall; and	102,339	97,465	4,874	10 years
(iv) <b><u>Library</u></b> - various capital improvements for the City Library, including but not	39,912	38,011	1,901	7 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
limited to, the replacement, acquisition and installation of or improvements to, as applicable, lighting and computer hardware and software.				
<b>TOTALS</b>	\$700,000	\$666,665	\$33,335	

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

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$666,665.

(d) The aggregate estimated cost of said purposes is \$700,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$666,665, is the aggregate down payments for said purposes in the amount of \$33,335.

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

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is

directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 7.44 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$666,665 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$140,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

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

**SECTION 9.** The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and

hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$666,665. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

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

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

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

Patrick Cassio

1971 Barnett St.

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

Roll Call for O-14-12:

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

ABSENT: Councilmembers Baker, Scaturro

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-15-12** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS TO THE WATER SYSTEM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$809,520 IN BONDS OR NOTES TO FINANCE THE COST THEREOF**

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City") as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$850,000 from the Water Utility of the City, said sum being inclusive of said sum being inclusive of a down payment in the aggregate amount of \$40,480 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of surpluses in the Water Utility capital fund or a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet part of the said \$850,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Water Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$809,520 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal

amount not exceeding \$809,520 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various Water Utility improvements, including but not limited to, the acquisition and installation, as applicable, of variable frequency drives for granular activated carbon booster pumps and mixers, the replacement of carbon and activated carbon in vessels, the replacement of media and maintenance and cleaning of aeration towers, the replacement of media in gravity filters, various upgrades to the supervisory control and data acquisition reporting system, various improvements to the chemical feed system and supervisory control and data acquisition system and the replacement of water mains in various locations throughout the City, including but not limited to, the removal and disposal of the existing water main and the installation of a new water main on Essex Street.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$809,520.

(c) The aggregate estimated cost of said improvements or purposes is \$850,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes.

(d) The above improvements and purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the City Clerk and shall also include, but are not limited to, the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

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

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



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

**SECTION 6.** The capital budget of the Water Utility of the City is hereby amended to conform with the provisions of this 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 programs of the Water Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.31 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$809,520 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$170,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by

this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an abusive arbitrage device under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the Code). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of replacement proceeds, including sinking funds, pledged funds or funds subject to a negative pledge (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a bona fide debt service fund (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$809,520. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be capital expenditures in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is placed in service (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

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

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

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

Patrick Cassio                      1971 Barnett St.

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

Roll Call for O-15-12:

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

ABSENT: Councilmembers Baker, Scaturro

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-16-12**      Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR THE 2012 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,125,000 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$741,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,125,000, which sum includes \$205,000 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation ( the "NJDOT Grant") and \$140,000 as the amount of a grant received or expected to be received from the Community Development Block Grant Program (the "CDBG Grant" and together with the NJDOT Grant, the "Grants to be Received") and \$39,000 as the amount of down payment for said improvement or

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

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,125,000 appropriation not provided for by application hereunder of said Grants to be Received and down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$741,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$741,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the 2012 Road Reconstruction and Resurfacing Program (the "Program"), said Program to include but is not limited to, improvements to the following portions of the following roadways: Campbell Street from West Cherry Street to Elm Avenue, West Lake Avenue from the Pierpoint intersection to 140 feet from the Pierpoint intersection, Greslin Terrace to the Reivoir Drive intersection, River Road from Church Street to Whittier Street, Lower Alden Drive from Williams Field Park to Knapp Drive, Alden Drive to 250 feet from the Lower Alden intersection, Seminary Avenue from Oliver Street to Irving Street, Seminary Drive from St. Georges Avenue to Fernote Street, Stone Street from Richard Boulevard to Kline Place, West Inman Avenue from Jaques Avenue to St. Georges Avenue, Grove Street from St. Georges Avenue to Jefferson Avenue, East Hazelwood Avenue from Edgewood Street to RVSA Driveway, Church Street from Hamilton Street to Seminary Avenue and Church Street from Seminary Avenue to West Grand Avenue, all within the City, which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement using Flexible Pavement as defined under the Local Bond Law, and where necessary, the sealing of pavement cracks, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings, drainage work, roadway painting, landscaping and aesthetic improvements including but not limited to seeding and installing top soil, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$741,000.

(c) The estimated cost of said improvement or purpose is \$1,125,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$384,000, is comprised of the Grants to be Received in the amount of \$345,000 and the down payment in the amount of \$39,000 for said improvement or purpose.

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

This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as matching local funds to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local

Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$741,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$225,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

**SECTION 9.** The City reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an abusive arbitrage device under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the Code). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a

manner that results in the creation of replacement proceeds, including sinking funds, pledged funds or funds subject to a negative pledge (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a bona fide debt service fund (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$741,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be capital expenditures in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is placed in service (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

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

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.

Patrick Cassio                      1971 Barnett St.

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

Roll Call for O-16-12:

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

ABSENT: Councilmembers Baker, Scaturro

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**





**ADJOURNMENT**

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

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

ABSENT: Councilmembers Baker, Scaturo

Council President Steinman declared the motion carried.