

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**JUNE 12, 2013**  
**7 P.M.**

1. Council President Steinman called the meeting to order at 7:09 p.m. and asked for a Roll Call.

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

**ABSENT:** Councilmember Wenson Maier

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 June 12, 2013 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the Union County *Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2013 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

**2. PLEDGE OF ALLEGIANCE**

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

**3. APPROVAL OF MINUTES**

May 7, 2013	7 p.m.	Pre-Meeting Conference
May 13, 2013	7 p.m.	Regular Meeting

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

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

**ABSENT:** Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**4. PRESENTATIONS**

Swearing in of Fire Battalion Chief Richard Misita  
 Swearing in of Fire Captain Allan Palmer, Jr.  
 Swearing in of Fire Captain John Stephan, Jr.  
 Swearing in of Firefighter Charles Crowell  
 Swearing in of Firefighter James Thornton  
 Commend the RHS Debate Team  
 Commend the RHS Robotics Team

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

**6. REPORTS OF COUNCIL COMMITTEES**

Council member Mione moved to place AR-136-13 on the Agenda.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

Councilmember Farrar moved to place AR-137-13 on the Agenda.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

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

**8. CONSENT AGENDA**

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

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**9. ORDINANCES - First Reading**

**O-26-13** City Clerk Jotz read AN ORDINANCE AUTHORIZING AN OPEN PUBLIC SALE BY AUCTION OF CITY OWNED PROPERTY LOCATED ON WESCOTT DRIVE, NOT NEEDED FOR PUBLIC USE KNOWN AS BLOCK 277 LOT 10 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY.

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

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

ABSENT: Councilmember Wenson Maier

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 Combined Council Meeting at Monday, July 8, 2013 at 7 p.m.

**O-27-13** City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC).

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

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

ABSENT: Councilmember Wenson Maier

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 Combined Council Meeting at Monday, July 8, 2013 at 7 p.m.

**O-28-13** City Clerk Jotz 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 Cox, seconded by Councilmember Brown and adopted by the following vote:

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

ABSENT: Councilmember Wenson Maier

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 Combined Council Meeting at Monday, July 8, 2013 at 7 p.m.

## **10. RESOLUTIONS**

**\*AR-119-13** Councilmember Brown presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO THE LOWER ESSEX REDEVELOPMENT SITE.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-120-13** Councilmember Bresenhan presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO THE FORMER DOMBROWSKI PROPERTY (A.K.A. TRAIN STATION PLAZA) SITE.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-121-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF A 1986 M923 5-TON WATER RESCUE VEHICLE FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-122-13** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR 2013.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-123-13** Councilmember Bresenhan 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, Bresenhan, Brown, Cox, Farrar, Mione, Saliga, Steinman

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-124-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO REDEMPTIONS AFTER THE TAX LIEN SALE.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-125-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A 2013 TAX LIEN CERTIFICATE PAID IN ERROR.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-126-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-127-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-128-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-129-13** Councilmember Bresenhan presented and moved A RESOLUTION COMMENDING THE PARTICIPANTS OF “AFRICAN AMERICAN LIVES: THE KNOWN AND THE FORGOTTEN” AT RAHWAY HIGH SCHOOL

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-130-13** Councilmember Bresenhan presented and moved A RESOLUTION COMMENDING THE RAHWAY HIGH SCHOOL PRODUCTION OF “PIPPIN”.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-131-13** Councilmember Farrar 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).

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.



- \*AR-132-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF FIRE PREVENTION FEES.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

- \*AR-133-13** Councilmember Brown presented and moved A RESOLUTION REQUESTING A NO COST CHANGE ORDER FOR TIME EXTENSION FOR THE PROJECT ENTITLED “STORM WATER PUMP STATION REPAIRS PROJECT”.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

- \*AR-134-13** Councilmember Farrar presented and moved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY TO AUTHORIZE A GRANT APPLICATION FOR A “HISTORY EDUCATION ARTS REACHING THOUSANDS” (HEART) GRANT TO THE UNION COUNTY BOARD OF CHOSEN FREEHOLDERS.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**\*AR-135-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ENTER INTO A GRANT AGREEMENT WITH THE COUNTY OF UNION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**AR-136-13** Councilmember Mione 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).

The motion was seconded by Councilmember Saliga

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**AR-137-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION TO HELP FUND THE 2013 "LEADERS OF TOMORROW" SUMMER ENRICHMENT CAMP PROGRAM.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Baker, Bresenhan, Cox, Farrar, Mione, Saliga, Steinman

ABSTAIN: Councilmember Brown

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.

**11. ORDINANCES – SECOND READING**

**O-21-13** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

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

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

**401-79 Schedule XXI: Handicapped Parking**

**Add:**

**623 Cora Place**

**One space in the center parking lot of Cora Place located on the northeast corner of the lot.**

**401-80 Schedule XXII: Entrances and Exits**

**Add:**

<b>Name of Area</b>	<b>Entrance/Exit</b>	<b>Location</b>
<b>Rahway Senior Citizens Center 1306 Esterbrook Ave</b>	<b>Entrance</b>	<b>The curb opening located on Esterbrook Ave west side, 299 feet south of Elm Ave.</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-21-13:

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

ABSENT: Councilmember Wenson Maier

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-22-13** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR INVESTIGATION OF  
GROUNDWATER CONTAMINATION AND REMEDIATION AT CITY  
HALL AND TRAIN STATION PLAZA, BY AND IN THE CITY OF  
RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY;  
APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$190,400 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 \$200,000, which sum includes \$9,600 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 \$200,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$190,400 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 \$190,400 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 site investigation of off-site sources of volatile organic contamination of the groundwater in the City and the subsequent remediation of such contamination in the areas of City Hall and the Train Station Plaza in the City, including but not limited to all testing, investigative studies and remediation of the affected areas, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$190,400.

(c) The estimated cost of said improvement or purpose is \$200,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$9,600, is comprised of the down payment for said improvement or purpose.

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

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver

them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$190,400 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 \$200,000 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 \$190,400. 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 if and to the extent such bonds or notes are issued as tax-exempt obligations.

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

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

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

Roll Call for O-22-13:

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

ABSENT: Councilmember Wenson Maier

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-23-13** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-30-12 FINALLY ADOPTED BY THE CITY COUNCIL ON NOVEMBER 7, 2012, TO INCREASE THE APPROPRIATION THEREIN BY \$750,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$714,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF**

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

**SECTION 1.** The bond ordinance of the City of Rahway, in the County of Union, State of New Jersey (the "City"), heretofore finally adopted by the City Council on November 7, 2012, number O-30-12, entitled: "A BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE WATER MAIN ON HAMILTON STREET, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$625,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$595,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:



**SECTION 2.** For the improvement or purpose described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$750,000, said sum being inclusive of \$36,000 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), now available therefor by virtue of 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. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$750,000 from \$625,000 and shall equal the amount of \$1,375,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby, including the total amount of down payment increased by \$36,000 from \$30,000 to equal \$66,000. The total appropriation including the total amount of down payment is \$1,375,000.

**SECTION 3.** In order to finance the additional cost of the improvement or purpose set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Water Utility of the City in the amount of \$714,000 are hereby authorized to be issued by the City for such improvement or purpose in Section 3(a) of the Original Ordinance, as amended and supplemented, such that the total authorization of negotiable bonds or notes to be issued by the Water Utility of the City for the improvement or purpose stated in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$714,000 from \$595,000 and shall equal the amount of \$1,309,000.

**SECTION 4.** The Capital Budget of the Water Utility of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program of the Water Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 5.** The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$714,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

**SECTION 6.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 7.** The City reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “Controlled Group” as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 7 is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures toward the cost of the improvement or purpose set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the City for any expenditures toward the cost of the improvement or purpose set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to “refund” an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds “replacement proceeds”, within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the City for any expenditure or payment that was originally paid with the proceeds of any obligation of the City (other than borrowing by the City from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the City for any expenditures toward the cost of the improvement or purpose set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$1,309,000. The

costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be “capital expenditures” in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

**SECTION 8.** The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

**SECTION 9.** Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

**SECTION 10.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

Roll Call for O-23-13:

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

ABSENT: Councilmember Wenson Maier

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-24-13** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-35-12 FINALLY ADOPTED BY THE CITY COUNCIL ON DECEMBER 10, 2012, AS PREVIOUSLY AMENDED, TO INCREASE THE APPROPRIATION THEREIN BY \$220,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$209,520 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION THEREOF**

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

**SECTION 1.** The bond ordinance of the City of Rahway, in the County of Union, State of New Jersey (the "City"), heretofore finally adopted by the City Council on December 10, 2012, number O-35-12, entitled: "A BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS TO THE RECREATION CENTER, LIBRARY, CITY HALL AND DEPARTMENT OF PUBLIC WORKS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$714,285 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF", as previously amended and supplemented by a bond ordinance finally adopted by the City Council on April 8, 2013 (collectively, the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

**SECTION 2.** For the improvements or purposes described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$220,000, said sum being inclusive of \$10,480 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$220,000 from \$1,150,000 and shall equal the amount of \$1,370,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby, including the total amount of down payment increased by \$10,480 from \$54,763 to equal \$65,243. The total appropriation including the total amount of down payment is \$1,370,000.

**SECTION 3.** In order to finance the additional cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the City in the amount of \$209,520 are hereby authorized to be issued by the City for such improvements or purposes in Section 3(a) of the Original Ordinance, as amended and supplemented, such that the total authorization of negotiable bonds or notes to be issued by the City for the improvements or purposes stated in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$209,520 from \$1,095,237 and shall equal the amount of \$1,304,757.

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

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
“(i) <b>Recreation Center</b> – acquisition, installation and replacement of the floor at the City Recreation Center and repair of the HVAC system;	\$905,000	\$861,900	\$43,100	10 years”

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

**SECTION 6.** The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$209,520 and the said obligations authorized herein will be within all debt limitations prescribed by law.

**SECTION 7.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The

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

**SECTION 8.** The City reasonably expects to reimburse any expenditures toward the cost of the improvements or purposes described in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “Controlled Group” as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 8 is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures toward the cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the City for any expenditures toward the cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to “refund” an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds “replacement proceeds”, within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the City for any expenditure or payment that was originally paid with the proceeds of any obligation of the City (other than borrowing by the City from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the City for any expenditures toward the cost of the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$1,304,757. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be “capital expenditures” in accordance with the meaning of Section 150 of the Code and

Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

**SECTION 9.** The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

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

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

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

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

Roll Call for O-24-13:

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

ABSENT: Councilmember Wenson Maier

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-25-13** Council President Steinman: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE AMENDING SECTION 5-74, "SPECIAL POLICE," OF THE CODE OF THE CITY OF RAHWAY**

**BE IT ORDAINED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1. Amending Section 5-74 of the City Code.**

Section 5-74, Special Police, of the Code of the City of Rahway is hereby deleted in its entirety, and replaced with a new Section 5-74, entitled “Special Police,” to read as follows:

§ 5-74 Special Police.

Special police officers, also known as special law enforcement officers shall be appointed as follows in accordance with the Special Law Enforcement Officers' Act of 1985, N.J.S.A. 40A:14-146.8 et seq.:

A. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

(1) “Emergency” means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel, as shall be determined by the Police Director or his/her designee. Vacations, shortages in police personnel caused by vacancies unfilled by the City Council for more than 60 days or any other condition which could reasonably have been anticipated or foreseen shall not constitute an emergency. However, an emergency may continue when a vacancy remains unfilled for more than 60 days and when, on application of the City Council, the County Prosecutor grants an extension for one or more sixty-day periods upon a showing by the City Council of a diligent, good faith effort to fill the vacancy.

(2) “Special police officer” or “special law enforcement officer” shall mean Any person appointed pursuant to N.J.S.A. 40A:14-146.8 et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department, or to provide assistance to the Police Department during unusual or emergency circumstances.

B. Creation of position. The appointing authority may appoint special law enforcement officers as it deems necessary for the preservation of peace and good order in the City of Rahway. They shall be under the supervision and direction of the Chief of Police, or in the absence of the chief, the chief law enforcement officer of the City

C. Qualifications. No person may be appointed as a special law enforcement officer unless such person:

(1) Is a resident of the State of New Jersey during the term of appointment.

(2) Residents of the City of Rahway shall be given preference for appointments as special officers. Nonresidents certified as special officers by the New Jersey Police Training Commission may be considered for appointment at the discretion of the appointing authority.



(3) Is able to read, write and speak the English language well and intelligently and has a high school diploma or equivalent.

(4) Is sound in body and of good health.

(5) Is of good moral character.

(6) Has not been convicted of any offense involving dishonesty or which would make him/her unfit to perform the duties of the office of special law enforcement officer.

(7) Has successfully undergone the same psychological testing that is required of all full-time police officers.

(8) Complies with all other requirements set forth in N.J.S.A. 40A:14-146.8 et seq., the administrative rules and regulations of the Department of Police, and the general ordinances of the City of Rahway.

D. Classification. Only Class Two officers, as defined in N.J.S.A. 40A:14-146.11, shall be appointed. Class Two Officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by a Class Two special law enforcement officer may be authorized only after the officer shall have been fully certified as successfully completing training as prescribed by the Police Training Commission and having complied with the rules and regulations of the Police Department.

E. Training course. No person shall commence duties as a special law enforcement officer until having successfully completed a training course approved by the Police Training Commission. In addition, no Class Two special law enforcement officer shall be issued a firearm prior to having successfully completed the basic firearms course required by the Police Training Commission for permanent, regularly appointed police and annual requalification examinations.

F. Persons ineligible for appointment. No person shall be eligible to serve as a special law enforcement officer in the City of Rahway if that person serves or intends to serve as a special law enforcement officer in another municipality, nor shall any permanent, regularly appointed full-time police officer be permitted to simultaneously serve as a special law enforcement officer in the City. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the City or supervision of the Police Department shall be appointed as a special law enforcement officer.

G. Fingerprints. Every applicant for the position of special law enforcement officer shall, prior to appointment, have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

H. Powers and authority. The chief of police, or, in the absence of the chief of police, other chief law enforcement officer of the City, may authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanent, regularly appointed police officers, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of N.J.S.A. 40A:14-146.8 et seq., as may be established by the Code of the City of Rahway.

I. Appointment; term; revocation.

(1) A special law enforcement officer may be appointed for a term not to exceed one year. The powers and duties of a special law enforcement officer shall cease at the expiration of the term to which the special law enforcement officer shall have been appointed. At the expiration of such term, the appointing authority shall have absolute discretion in determining whether to reappoint.

(2) The appointment of a special law enforcement officer may be revoked for cause and after an administrative hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require the reappointment upon the expiration of the term. Special law enforcement officers shall not be classified as regular members of the Police Department entitled to tenure and other benefits of the Police Department.

J. Duty times. A special law enforcement officer shall be deemed to be on duty only while performing the public safety functions on behalf of the City pursuant to N.J.S.A. 40A:14-146.8 et seq., and when receiving compensation, if any, from the City at the rates or stipends as established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of N.J.S.A. 40A:14-146.8 et seq., while performing private security duties for private employers, which duties are not assigned by the chief of police, or in the absence of the chief, other chief law enforcement officer of the City, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police, or in the absence of the chief, other chief law enforcement officer of the City, to perform public safety functions for a private entity if the chief of police, or in the absence of the chief, other chief law enforcement officer of the City, supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the City is reimbursed for

the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

K. Hours of employment. No special law enforcement officer may be employed for more than twenty hours per week, except as follows:

(1) During an emergency there shall be no limitation as to the number of hours per week a special law enforcement officer may be employed.

(2) The City may designate one special law enforcement officer to whom the twenty hours per week limitation on hours shall not apply. That special law enforcement officer may be employed for more than twenty hours per week. The Appointing Authority may change this designation at will, and no special law enforcement officer shall have any right to appointment, reappointment, or retention of such designation.

L. Supervision; conduct.

(1) A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the City, and shall perform all duties solely with the City of Rahway, except when in fresh pursuit of any person, pursuant to N.J.S.A. 2A:156-1 et seq. or when authorized to perform those duties in another municipality pursuant to a mutual aid agreement enacted in accordance with N.J.S.A. 40A:14-156.1.

(2) A special police officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the City, as well as all rules and regulations applicable to the conduct and decorum of special law enforcement officers.

## **Section 2. Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

## **Section 3. Repealer.**

All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

## **Section 3. Effective Date.**

This ordinance shall take effect twenty days following adoption and publication in accordance with the laws of the State of New Jersey.

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-25-13:

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

ABSENT: Councilmember Wenson Maier

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

## **\*12. MISCELLANEOUS**

### **13. COMMUNICATIONS - Hearing of Citizens**

Scott Caffee 756 W. Scott Ave.

Stated that someone is doing a background check on him. Spoke on artist housing and that he brought information on the housing to the Council, yet the Council did nothing. Asked for an update on the handicapped curb planned for River Rd. & St. Georges Ave.

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

### **14. COUNCIL COMMENT**

*Councilmember Baker:* Commended the RHS Debate and Robotics teams.

*Councilmember Cox:* Asked City Engineer for an update on the handicapped curbs. Engineer responded by stating that the State is working north up Route 27 from Woodbridge and that he will ask the State for more information.

*Councilmember Bresenhan:* Said that Asplundh Tree Service and PSE&G are trimming trees in Rahway. Thanked Fire personnel and welcomed new members. Commended the RHS Debate and Robotics teams. Spoke about upcoming events in the Rahway Arts District.

*Councilmember Brown:* Read a letter from Rahway High School principal John Farinella on the RHS Debate and Robotics teams. Thanked DPW for a job well done at Friendship Baptist

Church. Thanked City Engineer James Houston for help with mold in Totten Street homes. Thanked Debra Partesi of the City Clerk's office for providing additional primary election results. Thanked 4<sup>th</sup> Ward Block Captains.

*Councilmember Steinman:* Commended the RHS Debate and Robotics teams.

## **15. ADJOURNMENT**

Motion to adjourn the meeting at 8 p.m. was made by Councilmember Steinman and seconded by Councilmember Brown:

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

ABSENT: Councilmember Wenson Maier

Council President Steinman declared the motion carried.