

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**JUNE 13, 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 Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

**ABSENT:** Councilmembers Cox Rachlin, Scaturro

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 13, 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**

Rev. Dr. James W. Ealey, Pastor of 2<sup>nd</sup> Baptist Church, offered an invocation.

**3. APPROVAL OF MINUTES**

May 8, 2012	7 p.m.	Pre-Meeting Conference
May 14, 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 Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

**ABSENT:** Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**4. PRESENTATIONS**

Swearing-In of Police Sergeant Richard Long  
 Commend Rev. Dr. James W. Ealey  
 Commend Dion Ray Dawkins

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

Councilmember Steinman moved to place AR-163-12 on the Agenda and the Consent Agenda.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

Councilmember Steinman moved to place AR-164-12 on the Agenda and the Consent Agenda.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

## **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 Brown to adopt the Consent Agenda, and was adopted by the following vote:

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

**9. ORDINANCES - First Reading**

**O-17-12** City Clerk Jotz AN ORDINANCE OF THE CITY OF RAHWAY ESTABLISHING RULES, REGULATIONS AND LICENSING REQUIREMENTS AND FEES FOR OUTDOOR SIDEWALK CAFES

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

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

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 Monday, July 9, 2012 at 7 p.m.

**10. RESOLUTIONS**

**\*AR-148-12** Councilmember Baker presented and moved A RESOLUTION COMMENDING THE RAHWAY HIGH SCHOOL SPIT (STRONG, POWERED, INSPIRATIONAL TEENS) PROGRAM.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

- \*AR-149-12** Councilmember Brown presented and moved A RESOLUTION SUPPORTING SENATE BILL NO. 2805 AND ASSEMBLY BILL NO. 960, "THE JESSICA LUNSFORD ACT".

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

- \*AR-150-12** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

- \*AR-151-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 TRANSITIONAL YEAR.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

Council President Steinman declared the motion carried.

**\*AR-152-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2012 CALENDAR YEAR.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**\*AR-153-12** Councilmember Baker 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, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**\*AR-154-12** Councilmember Baker 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, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**\*AR-155-12** Councilmember Baker 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, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

**\*AR-156-12** Councilmember Baker 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, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

**\*AR-157-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturo

Council President Steinman declared the motion carried.

- \*AR-158-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Saliga.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturio

Council President Steinman declared the motion carried.

- \*AR-159-12** Councilmember Saliga presented and A RESOLUTION AUTHORIZING THE REFUND OF BUILDING PERMIT FEE # 11-1313 TO ANCO ENVIRONMENTAL SERVICES, INC..

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturio

Council President Steinman declared the motion carried.

- \*AR-160-12** Councilmember Brown presented and moved A RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING THE AWARD OF A CONTRACT TO AUCTION LIQUIDATION SERVICES AND THE SALE ON AN ONLINE AUCTION WEBSITE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturio

Council President Steinman declared the motion carried.

**\*AR-161-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**\*AR-162-12** Councilmember Steinman presented and moved A RESOLUTION AMENDING THE CHANGE FUND FOR THE TAX COLLECTION OFFICE.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

**\*AR-163-12** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING EXECUTION OF THE LETTER TO STATE SENATOR AND ASSEMBLYPERSONS IN THE ACTION ENTITLED NJDEP v. OCCIDENTAL CHEMICAL CORPORATION, ET AL.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.



- \*AR-164-12** Councilmember Steinman presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO VALUE RESEARCH GROUP, LLC FOR TAX ASSESSOR CONSULTING SERVICES.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.

## **11. Ordinances – Second Reading**

- O-17-12** 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 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**

**WHEREAS**, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the City has the power to acquire and/or sell any real property or interests therein for a public purpose; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13(b)(5) a municipality may convey, by private sale, an easement to an owner of real property contiguous to the real property interest being conveyed and pursuant to N.J.S.A. 40A:12-13(b)(5) a municipality may convey, by private sale, an easement to a private developer when acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, the City of Rahway (the “City”) and the Rahway Redevelopment Agency (the “Agency”) have undertaken various projects (with and without private redevelopers) within the Lower Main Street Urban Renewal Area, including the construction of the Rahway Library/Office Condominium on Block

305, Lot 8.03 (the “Condominium Property”), which Condominium Property is owned by the Rahway River Condominium Association, Inc.; and

**WHEREAS**, the Agency is 50% owner of the Condominium Property and the other 50% is owned by Rahway Office Center, LLC (“Rahway Office”); and

**WHEREAS**, the City is the owner of Block 305, Lot 8.31 (the “City Property”); and

**WHEREAS**, Meridia, Water’s Edge Urban Renewal, Rahway, LLC is the owner of certain property shown and designated as Lot 5.04 in Block 305 (“Lot 5.04”) on the tax map of the City of Rahway, Union County, New Jersey, located in the Lower Main Street Urban Renewal / Redevelopment Area; and

**WHEREAS**, on December 14, 2011, Meridia, Water’s Edge Urban Renewal, Rahway, LLC and the Rahway Redevelopment Agency entered into a Redevelopment Agreement for the Meridia, Water’s Edge Redevelopment Project on Lot 5.04 located in the Lower Main Street Urban Renewal / Redevelopment Area; and

**WHEREAS**, Lot 5.04, the City Property and the Condominium Property are all contiguous and the City Property is undersized; and

**WHEREAS**, the Redeveloper proposed to use a portion of the Condominium Property for parking for the development of the Redeveloper’s Property and obtaining approvals for such use was a condition of the City Planning Board’s approval of the project; and

**WHEREAS**, the Redeveloper also required other easements on the Condominium Property and easements from the City, which easements the City has granted to the Redeveloper; and

**WHEREAS**, initially, the Redeveloper proposed to obtain an easement for use of the Condominium Property for parking and the Agency and Rahway Office have now agreed to sell a portion of the Condominium Property to the Redeveloper for parking, as well as to grant easements for access and storm sewer extension; and

**WHEREAS**, the Agency and Rahway Office have agreed to sell a portion of the Condominium Property to the Redeveloper and grant easements for access and storm water extension in consideration of the Redeveloper constructing additional parking on property owned by the City for which the Condominium Property owner is to request an easement from the City for the benefit of the Condominium Property; and

**WHEREAS**, the City has determined that it would benefit the citizens of the City of Rahway, County of Union and State of New Jersey to sell and grant an easement in order to support the continued redevelopment of the Lower Main Street Urban Renewal / Redevelopment Area through the development of the Meridia, Water's Edge Redevelopment Project.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Rahway, County of Union and State of New Jersey that:

1. The sale and conveyance of the easement (as shall be more fully described on maps and legal description to be reviewed and approved by the City Engineer and City Attorney) to Rahway River Condominium Association, Inc. is hereby authorized for compensation in the amount of One Dollar and 00/100 (\$1.00) and other good and valuable consideration for the development of the Meridia, Water's Edge Redevelopment Project in accordance with applicable approvals.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary deeds of easement in a form to be prepared, reviewed and approved by the City Engineer and City Attorney, as well as any other documents which may be required to convey the aforesaid interests.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect following adoption and approval in a time and manner prescribed 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.

Renee Thrash	161 Lawrence St.
Patrick Cassio	1971 Barnett St.
City Engineer James Houston	

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

Roll Call for O-17-12:

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, 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-18-12** 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 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**

**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 \$525,000, said sum being inclusive of the sum of \$25,000 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 \$525,000 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 \$500,000 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 \$500,000 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>Fire Department</u></b> – the acquisition of a fire pumper truck for use by the City Fire Department; and	\$472,500	\$450,000	\$22,500	10 years
(ii) <b><u>Department of Public Works</u></b> – the overhaul and rebuilding of a street sweeper for use by the Department of Public Works.	52,500	50,000	2,500	5 years
<b>TOTALS</b>	\$525,000	\$500,000	\$25,000	

(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 \$500,000.

(d) The aggregate estimated cost of said purposes is \$525,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$500,000, is the aggregate down payments for said purposes in the amount of \$25,000.

**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 9.05 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 \$500,000 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 \$25,000 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 \$500,000. 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 eighteen (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 three (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.

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

Scott Caffee                      765 W. Scott Ave.  
Fire Chief William Young

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

Roll Call for O-18-12:

YES:        Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier,  
                 Steinman

ABSENT: Councilmembers Cox, Rachlin, 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**

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

Scott Caffee                      756 W. Scott Ave.  
Questioned urgency of fire pumper truck purchase and purchase of rescue equipment.

Renee Thrash                      1616 Lawrence St.  
Said that many citizens were unaware of the redistricting on Election Day and requested that citizens be notified of changes. Asked about US Army Corps of Engineers presence in Rahway examining bridges. Inquired about absence of Business Administrator. Asked Councilmember Brown for a list of board members of the JFK Center.



Patrick Cassio 1971 Barnett St.

Asked about ward redistricting. Said that residents should have been notified by mail. Commented on guests being honored. Spoke on the Primary Election and the difficulty in finding polling places; the Clerk's Office has the rules concerning electioneering on file. Commented on Democratic lawn signs. Said he hopes that Mr. Farrar attends Council meetings and comments made by the 3<sup>rd</sup> Ward Democratic Council candidate. Thanked Democrats who tried to vote Republican on Election Day.

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

#### **14. COUNCIL COMMENT**

*Councilmember Baker:* Said he was confused by Mr. Caffee's questions on public safety and that the Fire Chief explained the need for a new pumper truck to the Council at past meetings.

*Councilmember Wenson Maier:* Thanked Council for its support of Jessica Lundsford Act.

*Councilmember Brown:* Spoke on redistricting. Stated that the Mayor serves on the flood control committee and that the candidates who ran with him in the Primary Election should have asked him about the US Army Corps of Engineers.

*Councilmember Steinman:* Asked the City Attorney and City Clerk to explain the ward redistricting process to the public. Said that Mr. Caffee does not understand the sense of urgency in purchasing the pumper truck and that the pumper truck will fail inspection if it is kept another year; a purchase of such a vehicle takes several months. Commented that the Mayor didn't pass on information on the pumper to the Council; he was contacted by the firefighters' union instead.

#### **15. ADJOURNMENT**

Motion to adjourn the meeting at 8:17 p.m. was made by Councilmember Mione and seconded by Councilmember Steinman.

YES: Councilmembers Baker, Brown, Mione, Saliga, Wenson Maier, Steinman

ABSENT: Councilmembers Cox, Rachlin, Scaturro

Council President Steinman declared the motion carried.