

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

1. Council President Brown called the meeting to order at 7:04 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Baker, Bresenhan, Cox, Farrar, Giacobbe, Mione, Saliga, Wenson Maier, Brown

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 November 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, Council President Brown offered an invocation.

3. APPROVAL OF MINUTES

October 8, 2013	6:45 p.m.	Special Meeting
October 8, 2013	7 p.m.	Pre-Meeting Conference
October 15, 2013	7 p.m.	Regular Meeting

Motion was made by Councilmember Baker and seconded by Councilmember Cox to accept and approve the above listed minutes.

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

Council President Brown declared the motion carried.

4. PRESENTATIONS

Commend Will Marsh

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Bresenhan moved to place AR-248-13 on the Agenda.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

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

8. CONSENT AGENDA

Motion made by Councilmember Wenson Maier seconded by Councilmember Baker to adopt the Consent Agenda, and was adopted by the following vote:

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

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-49-13 City Clerk Jotz read AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RAHWAY GRANTING AN EASEMENT ON CITY PROPERTY (MAIN STREET AND MONROE STREET RIGHTS OF WAY) TO ALLOW FOR THE PLACEMENT AND MAINTENANCE OF LANDSCAPING FOR THE DEVELOPMENT OF THE MERIDIA, LAFAYETTE VILLAGE RESIDENTIAL REDEVELOPMENT PROJECT ON TAX BLOCK 320, LOT 1.02.

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

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

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Monday, December 9, 2013 at 7 p.m.

10. RESOLUTIONS

- *AR-235-13** Councilmember Wenson Maier presented and moved A RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT.

The motion was seconded by Councilmember Bresenhan.

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

Council President Brown declared the motion carried.

- *AR-236-13** Councilmember Brown presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF AUTHORIZING A GRANT APPLICATION TO THE NY/NJ SNOWFLAKE YOUTH FOUNDATION FUND OF THE COMMUNITY FOUNDATION OF NEW JERSEY.

The motion was seconded by Councilmember Farrar.

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

Council President Brown declared the motion carried.

- *AR-237-13** Councilmember Baker presented and moved A RESOLUTION OF SUPPORT FROM THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE SUSTAINABLE JERSEY GRANT FUNDED BY WAL-MART.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-238-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNION COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE MUNICIPAL ALLIANCE GRANT FOR THE PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-239-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-240-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

- *AR-241-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2012 AND 2013 CALENDAR YEARS.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-242-13** 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 Farrar.

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

Council President Brown declared the motion carried.

- *AR-243-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE ASSIGNMENT OF THE FINANCIAL AGREEMENT FOR PAYMENT OF IN LIEU OF TAXES BY AND BETWEEN THE CITY OF RAHWAY AND LANDMARK AT RAHWAY, LLC FOR PROPERTY KNOWN AS TAX BLOCK 157, LOTS 1.01, 1.02 AND 1.03 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

- *AR-244-13** Councilmember Baker presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR SUPPLEMENTAL ENGINEERING CONSULTING SERVICES RELATIVE TO THE WATER TREATMENT PLANT UPGRADE UNDER A FAIR AND OPEN PROCESS.

The motion was seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

***AR-245-13** Councilmember Saliga presented and moved A RESOLUTION TO AWARD A NON FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING CONSULTING SERVICES RELATIVE TO THE PREPARATION OF A NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST (NJEIT) LOAN APPLICATION FOR THE WATER TREATMENT PLANT UPGRADE PROJECT.

The motion was seconded by Councilmember Bresenhan.

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

Council President Brown declared the motion carried.

***AR-246-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “STORM WATER PUMP STATION REPAIRS PROJECT” TO MBE MARK III ELECTRIC, INC..

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-247-13** Councilmember Baker presented and moved A RESOLUTION EXCUSING THE ABSENCE OF A COUNCILMEMBER IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:16-1 ET.SEQ.

The motion was seconded by Councilmember Bresenhan.

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

Council President Brown declared the motion carried.

AR-248-13 Councilmember Bresenhan presented and moved A RESOLUTION APPROVING THE SETTLEMENT PROPOSAL OF APPEALS FILED BY RAHWAY OFFICE CENTER, LLC.

The motion was seconded by Councilmember Cox

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

Council President Brown declared the motion carried.

11. ORDINANCES – SECOND READING

O-42-13 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PARKING PROHIBITED CERTAIN HOURS

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

401-72 Schedule XIV: Parking prohibited Certain Hours

DELETE

<i>Name of Street</i>	<i>Side</i>	<i>Hours/Days</i>	<i>Location</i>
Stanley Pl. Entire Length	Both	7am-12 Mon	

ADD

<i>Name of Street</i>	<i>Side</i>	<i>Hours/Days</i>	<i>Location</i>
Stanley Pl. Both		6am-9am Mon	Entire Length

**ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY
REPEALED.**

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE
AND PUBLICATION AS PROVIDED BY LAW.**

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

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

Roll Call for O-42-13:

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

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

O-43-13

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

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

In front of 1054 Jaques Ave

West Side - beginning at a point 105 Feet South of the intersection of Maple Ave extending to a point 22 feet South thereof.

**ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY
REPEALED.**

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE
AND PUBLICATION AS PROVIDED BY LAW**

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

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

Roll Call for O-43-13:

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

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

O-44-13 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

A BOND ORDINANCE PROVIDING FOR THE 2013 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$700,000 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$665,000 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 \$700,000, which sum includes \$200,630 as the amount of a

grant received or expected to be received from the New Jersey Department of Transportation (the “NJDOT Grant”) and \$136,000 as the amount of a grant received from the Community Development Block Grant Program (the “CDBG Grant” and together with the NJDOT Grant, the “Grants”), which CDBG Grant is inclusive of \$35,000 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 moneys held by the City and previously contributed for such purpose other than by the City (through the CDBG Grant).

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$700,000 appropriation not provided for by application hereunder of said Grants and down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$665,000 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 \$665,000 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 2013 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: Copobianco Plaza from Leesville Avenue to Elston Street, Montgomery Street from East Scott Avenue to East Grand Avenue, Coddington Street from St. Georges Avenue to Bryant Street, Walters Street from Jacques Avenue to Bryant Street, Midwood Drive from Lakeside Drive to Milton Boulevard, Bedford Street from Broadway to Westfield Avenue, and repairs of various curbs, sidewalks and roadways damaged by Superstorm Sandy, 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 \$665,000.

(c) The estimated cost of said improvement or purpose is \$700,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$35,000, is comprised of the Grants

in the amount of \$336,630, which Grants are inclusive of the down payment in the amount of \$35,000 for said improvement or purpose.

SECTION 4. Except for the Grants, 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, 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 \$665,000 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 \$154,000 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 \$665,000. 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 Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-44-13:

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

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

O-45-13 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR A FLOOD CONTROL
MITIGATION PROJECT, BY AND IN THE CITY OF RAHWAY, IN THE
COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING
\$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000
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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the “City”) as a general improvement. For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$300,000 from the Water Utility of the City. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), no down payment is required as the Water Utility is self-liquidating.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the said \$300,000 appropriation, negotiable bonds of the Water Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$300,000 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 an aggregate principal amount not exceeding \$300,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is a flood control mitigation project along various sections of the Rahway Flood Control Levee in the City, including but not limited to, raising and restoring the level of the levee to its original as-built elevation of 13.7 feet MSL (NGVD 1929), repairing and/or replacing the flood/slucice gates, and repairing and/or replacing the pump float controls at the storm pump stations.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$300,000.

(c) The aggregate estimated cost of said improvement or purpose is \$300,000.

(d) The above improvement and purpose set forth in Section 3(a) is more particularly described in documents on file in the Office of the City Clerk and shall also include, but is not limited to, the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction observation and inspection, contract and construction 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 improvement or 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, 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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 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 \$300,000 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 \$90,000 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 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 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 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 \$300,000. 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 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 Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-45-13:

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

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

O-46-13 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

AN ORDINANCE TO CONVEY AN EASEMENT WITHIN AN EXISTING RIGHT-OF-WAY ON LANDS OWNED BY THE CITY OF RAHWAY, UNION COUNTY, NEW JERSEY TO ST. MARY'S ROMAN CATHOLIC CHURCH RAHWAY FOR THE PURPOSE OF PROVIDING DRAINAGE TO ST. MARY'S ROMAN CATHOLIC CHURCH RAHWAY LOCATED AT 232 CENTRAL AVENUE , RAHWAY, NEW JERSEY AND MYERS SENIOR RESIDENCE, INC., LOCATED AT 1447 ESTERBROOK AVENUE , RAHWAY, NEW JERSEY

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, St. Mary's Roman Catholic Church Rahway is the owner of certain property shown and designated as Lot 5.01 in Block 152 (the "Property") on the tax map of the City of Rahway, Union County, New Jersey; and

WHEREAS, Myers Senior Residence, Inc. is the owner of certain property shown and designated as Lot 5.02 in Block 152 (the “Property”) on the tax map of the City of Rahway, Union County, New Jersey; and

WHEREAS, both Properties have frontage along Esterbrook Avenue, a public street owned by the City of Rahway (the “City Right-of-Way (ROW)”); and

WHEREAS, Myers Senior Residence, Inc. obtained site plan approval for the development of the Myers Senior Housing Facility on Lot 5.02 from the Planning Board of the City of Rahway by resolution dated April 18, 2011; and

WHEREAS, Myer’s Senior Residence, Inc.’s approved site plan, as reviewed and approved by the City of Rahway shows construction of drainage infrastructure serving St. Mary’s Roman Catholic Church Rahway and Myers Senior Residence, Inc., that crosses both properties and enters the City Right-of-Way (ROW); and

WHEREAS, Myers Senior Residence, Inc. desires to construct the drainage infrastructure and St. Mary’s Catholic Church Rahway and Myers Senior Residence, Inc. shall maintain the drainage infrastructure within a portion of the City Right of Way (ROW) and require a permanent easement for such drainage infrastructure (the “Easement”); 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 convey the aforesaid Easement.

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 of the Easement (as more fully described on the map and the legal description attached hereto and made a part hereof as Exhibit "A") to St. Mary’s Roman Catholic Church Rahway and Myers Senior Residence, Inc. is hereby authorized for compensation in the amount of One Hundred Dollars and 00/100 (\$100.00) and other good and valuable consideration.
2. The Mayor and Municipal Clerk are hereby authorized and directed execute a deed of easement in substantially the same form as that attached hereto and made a part hereof as Exhibit “B” and 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 Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-46-13:

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

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

O-48-13 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

(COUNCIL PROCEDURES)

BE IT ORDAINED, By the City Council of the City of Rahway that Article XIV of the Code of the City of Rahway is hereby amended as follows:

I. Section 5-59 of the Code of the City of Rahway is hereby amended to read as follows:

A. All meetings of the Council, regular and special, shall be held in the Council Chamber of the City Hall in the City of Rahway, except in the case of the destruction thereof or other emergency proclaimed by the Mayor.

B. Regular and special meetings shall be open to the public, except that the Council, upon the consideration of any nominations made by the Mayor, shall, and upon the motion of any member with respect to a question of privilege may, go into executive session from which all persons other than members of the Council may be excluded.

C. The municipality shall be responsible for the videotaping of all publicly advertised meetings of the City Council, and the municipal taping system will be designated as the sole videotaping system permitted in the Council Chambers. The guidelines for videotaping shall be as follows:

(1) The City shall be solely responsible for the official audio-taping and videotaping of all public Council meetings.

(2) Only one video system will be permitted in the Council chambers during any open public meeting of the City Council.

- (3) Those meetings or portions of meetings which are required by law to be closed to the public shall not be videotaped.
- (4) The location of the videotaping system will be in designated fixed positions. The City Council shall designate the exact location of any camera.
- (5) The taping (both audio and video) of all open public meetings will commence with the beginning of the meeting and terminate with the Council Comment portion of the meeting.
- (6) The taking of pictures during any open public meeting of the City Council will be permitted only during the presentation of awards section of the Council meeting.
- (7) The audio- and videotapes will become the sole property of the City of Rahway and will be archived in the City Clerk's office for a period of one year.
- (8) Public airing of any recorded City Council meeting will be permitted on the city's own TV access channel. The City Council meetings will be aired on the city's TV access channel at least one additional time subsequent to the live telecast of the City Council meeting.
- (9) The general public (inclusive of the media) may obtain a copy of the audio- or videotape by the payment of the fee set by this section. A copy of the videotape shall be provided to and available at the Rahway Free Public Library within 10 business days of the meeting.
- (10) The Administration shall be responsible for duplicating any videotape. Duplication of the videotape may be contracted out to a vendor if so approved by the City Council.
- (11) The fee for a copy of a videotape of a City Council meeting shall be \$15 per tape.

II. Section 5-62 of the Code of the City of Rahway is hereby amended to read as follows:

Promptly at the hour set for each meeting, the members of the Council and the City Clerk shall take their regular places in the Council chamber, and, except as may be otherwise provided by resolution of the Council, the business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Roll call.
- (2) Pledge of Allegiance to the flag.

- (3) Approval of minutes.
- (4) Presentation.
- (5) Communications from Mayor and reports of City officers.
- (6) Reports of Council committees.
- (7) Hearings of citizens on items on agenda, except ordinances on second readings (five minutes per speaker).
- (8) Consent agenda. ["Consent agenda" defined: All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.]
- (9) Ordinances, appropriations and claims.
- (10) Resolutions.
- (11) Ordinances on second reading, public hearings.
- (12) Miscellaneous.
- (13) Council comment (three minutes per member).
- (14) Communications, petitions and hearings of citizens on any item (five minutes per member).
- (15) Adjournment.

B. Unless a reading of the minutes of the previous meeting is requested by three Councilmen immediately following the roll call, such minutes when signed by the President of the Council and the City Clerk shall be considered approved without reading, provided that any Councilman may move to correct an error in the minutes of the previous meeting.

C. The City Clerk shall, at least two full working days preceding each meeting, transmit a copy of the minutes of the previous meeting to each member of the Council

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

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

Colin Gittens	664 Hamilton St.
Scott Caffee	756 W. Scott Ave.
Harvest Bryant	576 E. Grand Ave.

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

Roll Call for O-48-13:

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

ABSTAIN: Councilmember Baker

Council President Brown declared the ordinance defeated.

***12. MISCELLANEOUS**

13. COMMUNICATIONS - Hearing of Citizens

George Kochan 2304 Winfield St.

Said that since his street was narrowed, the City trees there are 80' high and are pushing the sidewalks up. Commented that the trees were affecting a high-pressure gas main. Requested that his street tree be removed.

The City Engineer stated that he will meet with the citizen at his house.

Scott Caffee 756 W. Scott Ave.

Welcomed new Administrator. Said that he has been in Rahway for 28 ears. Spoke on O-48-13. Said that he looked at the intersection of E. Grand Ave. & Route 1 and recommended a sign reminding motorists to stop completely before turning right on red.

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

14. COUNCIL COMMENT

Councilmember Cox: Congratulated Will Marsh.

Councilmember Bresenhan: Thanked citizens for coming out tonight. Spoke on citizen's concerns regarding his tree on Winfield Street.

Councilmember Wenson Maier: Wished everyone a Happy Thanksgiving.

Councilmember Saliga: Thanked citizens for their patience with her, as she missed several meetings due to illness.

Councilmember Mione: Welcomed Cherron Rountree as new Administrator.

Councilmember Baker: Welcomed new Administrator. Said that the Council agrees to disagree from time to time but that it agrees to grow the City and make it a good place to live, work and raise a family.

Councilmember Giacobbe: Welcomed new Administrator. Said that everyone has a right to speak at meetings.

Council President Brown: Welcomed Ms. Rountree. Said that he encourages respect between people. Wished everyone Happy Thanksgiving and that next week is the League of Municipalities Convention.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:45 p.m. was made by Councilmember Mione and seconded by Councilmember Bresenhan:

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

Council President Brown declared the motion carried.