



	ERRONEOUSLY ISSUED TAX CERTIFICATE ( <b>Giacobbe, Brown</b> )
<b>*AR-175-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENTS DUE TO SUCCESSFUL JUDGMENTS IN THE TAX COURT OF NEW JERSEY ( <b>Bresenhan, Miles</b> )
<b>*AR-176-16</b>	RESOLUTION AUTHORIZING ACCEPTANCE OF JONES ACT TAX SALE BIDS & DIRECTING ISSUANCE OF RESTRICTED ASSIGNMENTS OF RAHWAY MUNICIPAL TAX SALE CERTIFICATES ( <b>Brown, Farrar</b> )
<b>*AR-177-16</b>	A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY ( <b>Giacobbe, Mojica</b> )
<b>*AR-178-16</b>	A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO BERTO CONSTRUCTION, INC. FOR SANITARY SEWER REPAIR AT THIRZA PLACE PURSUANT TO N.J.S.A. 40A:11-6 ( <b>Brown, Miles</b> )
<b>AR-179-16</b>	A RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2016 STATEWIDE CRACKDOWN
<b>AR-180-16</b>	A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2016 CALENDAR YEAR
<b>AR-181-16</b>	A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE "2014 ROADWAY RESURFACING PROJECT" TO STILO EXCAVATION, INC.
<b>AR-182-16</b>	A RESOLUTION OF THE MUNICIPAL COUNCIL CONCERNING THE AUDIT REPORT FOR CALENDAR YEAR 2015

**11. ORDINANCES - Second Reading**

<b>O-23-16</b>	AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PERMIT PARKING ONLY IN DESIGNATED RESIDENTIAL AREAS ( <b>Brown, Miles</b> )
<b>O-24-16</b>	AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 73, PERSONNEL POLICIES, OF THE CODE OF THE CITY OF RAHWAY ( <b>Wenson Maier, Mojica</b> )

**12. MISCELLANEOUS**

**13. Communications - Hearing of Citizens on Any Item.**  
(Five Minutes per Speaker)

**14. Council Comment**  
(Three Minutes per Member)

**15. ADJOURNMENT**

# **ORDINANCE**

## **CITY OF RAHWAY, NEW JERSEY**

No.     O-25-16    

**GUARANTY ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY REGARDING THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON CERTAIN CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$14,000,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY IN CONNECTION WITH THE AUTHORITY'S AFOREMENTIONED BONDS**

**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by a resolution duly adopted on June 5, 1986 by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Laws of New Jersey of 1960, and the acts amendatory thereof and supplemental thereto (the "Act"); and

**WHEREAS**, the County has created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and development projects within the County; and

**WHEREAS**, pursuant to the terms of the Act, the Authority is authorized to provide public facilities, as such term is defined therein, within the County, including the financing of the acquisition of same; and

**WHEREAS**, the City of Rahway (the "City"), in the County, is entering into a "Services Agreement for the Operation, Management, Maintenance and Repair of the City of Rahway's Water Supply System" (the "Operating Agreement") with the operator named therein (the "Operator") for the operation, management, maintenance and repair of the City's water supply system (the "Water System"); and

**WHEREAS**, pursuant to the terms of the Operating Agreement, the Operator will pay to the City an annual concession fee in the amount of \$1 million for the 20 year term of the Operating Agreement (the "Concession Fee Payment"); and

**WHEREAS**, in order to assist with the provision of the Water System and the financing of same, the Authority has agreed to issue not to exceed \$14,000,000 City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) (the "Bonds"), the proceeds of which will be loaned from the Authority to the City (the "Loan") pursuant to a loan agreement dated as of the first day of the month of issuance

of the Bonds (the "Loan Agreement") and used by the City to provide water and tax rate stabilization; and

**WHEREAS**, pursuant to the terms of the Loan Agreement, the City will use the Concession Fee Payment to repay the Loan to the Authority; and

**WHEREAS**, the Bonds shall be issued pursuant to the terms of the Act, the Authority's general bond resolution entitled "Resolution Authorizing the Issuance of Not Exceeding \$14,000,000 of City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) of The Union County Improvement Authority and Determining Other Matters Related Thereto" as the same may be further supplemented and amended by a certificate of the Executive Director of the Authority (collectively, the "Bond Resolution"), and other applicable law; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds shall be secured, on a parity basis, by valid and binding loan payments made by the City to the Authority under the Loan Agreement; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds, shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$14,000,000 in accordance with the terms of a guaranty ordinance of the City finally adopted by the City Council of the City (the "City Guaranty"), a guaranty agreement by and between the Authority and the City (the "City Guaranty Agreement"), and by a guaranty certificate (collectively, the "Bond Guaranty") to be executed by the Mayor of the City on the face of each Bond, all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) which City Guaranty shall provide for payments in amounts sufficient to pay in a timely manner the principal of (including mandatory sinking fund installments, if any), and the interest on the Bonds, pursuant to the terms of which City Guaranty the City shall be obligated, if necessary, to make such guaranty payments from the levy of *ad valorem* taxes upon all of the taxable property within the City, without limitation as to rate or amount; and

**WHEREAS**, the City has prepared a supplemental debt statement and a copy of such supplemental debt statement has been filed with the clerk of the Division of Local Governmental Services prior to final adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY** (not less than two thirds of the full membership thereof affirmatively concurring) as follows:

Section 1. This City Guaranty ordinance shall be adopted by the governing body of the City in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Laws of New Jersey of 1960, as amended (the "Local Bond Law"), codified as N.J.S.A. 40A:2-1, et seq.

Section 2. Pursuant to and in accordance with the terms of the Act, specifically Section 37 of the Act (N.J.S.A. 40:37A-80), the City is hereby authorized to and hereby shall

unconditionally and irrevocably guarantee the punctual payment of the principal of (including sinking fund installments, if any) and interest on the Bonds in an aggregate principal amount not exceeding \$14,000,000, which Bonds are to be issued for the purpose described in the preambles hereof, on such terms and conditions as may be agreed to by and between the City and the Authority. The term "Bonds" shall include all Bonds issued for or with respect to these purposes or any bonds issued to refund the Bonds issued for these purposes, provided that the total amount of Bonds outstanding entitled to the benefits of the City Guaranty shall not exceed \$14,000,000. Any Bonds that are no longer considered outstanding under the Bond Resolution shall not be considered outstanding for the purpose of this City Guaranty. Upon the endorsement of the Bonds referred to in Section 3 below, the City shall be unconditionally and irrevocably obligated to pay the principal of (including sinking fund installments, if any) and interest on the Bonds, when due, in the same manner and to the same extent as in the case of bonds issued by the City and accordingly, the City shall be unconditionally and irrevocably obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment thereof without limitation as to rate or amount when required under the provisions of applicable law.

Section 3. The Mayor, Chief Financial Officer, or such other officer authorized by the City (the "Financial Officer") shall, by manual or facsimile signature, execute an endorsement on each of the Bonds evidencing this City Guaranty by the City as to the punctual payment of the principal of and interest thereon. The endorsement on each Bond shall be in substantially the following form, and absent the fully executed endorsement in such following form on any such Bond, such Bond shall not be entitled to the benefits of this City Guaranty ordinance:

#### GUARANTY OF THE CITY OF RAHWAY, STATE OF NEW JERSEY

The payment of the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the within Bond to the extent considered outstanding under the Bond Resolution is hereby fully and unconditionally guaranteed by the City of Rahway, New Jersey (the "City"), and the City is unconditionally liable for the payment, when due, of the principal of and interest on this Bond if such payment is not available from revenues of the Authority.

IN WITNESS WHEREOF, the City of Rahway, New Jersey has caused this Guaranty to be executed by the manual or facsimile signature of its Mayor.

CITY OF RAHWAY, NEW JERSEY

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Mayor

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

(a) The maximum principal amount of Bonds of the Authority which are hereby and hereunder guaranteed as to the punctual payment of the principal thereof and interest thereon is \$14,000,000.

(b) A supplemental debt statement of the City 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 of the State of New Jersey, and such debt statement shows that while the gross debt of the City, as defined in the Local Bond Law, is increased by this City Guaranty ordinance by \$14,000,000 in accordance with the provisions of the Act, the principal amount of the Bonds guaranteed by this City Guaranty ordinance shall be deducted and is declared to be and to constitute a deduction from the gross debt of the City under and for all purposes of the Local Bond Law (a) from and after the time of issuance of said Bonds until the end of the fiscal year beginning next after the completion of acquisition or construction of the facility to be financed from the proceeds of such Bonds and (b) in any annual debt statement filed pursuant to said Local Bond Law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the City in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal (including mandatory sinking fund installments, if any) of and interest on all such guaranteed Bonds pursuant to this City Guaranty ordinance.

Section 5. The City is hereby authorized, to the extent necessary, to enter into a guaranty agreement with the Authority and the Bond trustee to effectuate the City Guaranty authorized by this City Guaranty ordinance in substantially the form presented to the City Council and filed with the City Clerk with such changes, insertions and omissions thereto as necessary or desirable for the execution thereof. The Mayor of the City is hereby authorized to execute and deliver such agreement upon satisfaction of all of the conditions precedent to the closing of the Bonds by the Authority.

Section 6. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED: September 12, 2016**

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**ADOPTED ON SECOND READING**

**DATED:**

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**RAYNA E. HARRIS,**  
**Clerk of the City of Rahway**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

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**SAMSON STEINMAN,**  
**Mayor**

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-26-16    

**A LOAN ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE UNION COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE OF SECURING THE PAYMENT OF NOT TO EXCEED \$14,000,000 CITY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2016 (CITY OF RAHWAY WATER SYSTEM PROJECT)**

**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by a resolution duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act"); and

**WHEREAS**, the County has created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and development projects within the County; and

**WHEREAS**, pursuant to the terms of the Act, the Authority is authorized to provide public facilities, as such term is defined therein, within the County, including the financing of the acquisition of same; and

**WHEREAS**, the City of Rahway, New Jersey (the "City") is entering into a "Services Agreement for the Operation, Management, Maintenance and Repair of the City of Rahway's Water Supply System" (the "Operating Agreement") with the operator named therein (the "Operator") for the operation, management, maintenance and repair of the City's water supply system (the "Water System"); and

**WHEREAS**, pursuant to the terms of the Operating Agreement, the Operator will pay to the City an annual concession fee in the amount of \$1 million for the 20 year term of the Operating Agreement (the "Concession Fee Payment"); and

**WHEREAS**, in order to assist with the provision of the Water System and the financing of same, the Authority has agreed to issue not to exceed \$14,000,000 City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) (the "Bonds"), the proceeds of which will be loaned from

the Authority to the City (the "Loan") pursuant to a loan agreement dated as of the first day of the month of issuance of the Bonds (the "Loan Agreement") and used by the City to provide water and tax rate stabilization (the "Water Rate and Tax Stabilization Project"); and

**WHEREAS**, pursuant to the terms of the Loan Agreement, the City will use the Concession Fee Payment to repay the Loan to the Authority for the 2016 Project; and

**WHEREAS**, the Bonds shall be issued pursuant to the terms of the Act, the Authority's general bond resolution entitled "Resolution Authorizing the Issuance of Not Exceeding \$14,000,000 of "City Guaranteed Governmental Loan Revenue Bonds (City of Rahway Water System Project), Series 2016 (Federally Taxable) of The Union County Improvement Authority and Determining Other Matters Related Thereto" as the same may be further supplemented and amended by a certificate of the Executive Director of the Authority (collectively, the "Bond Resolution"), and other applicable law; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds shall be secured, on a parity basis, by valid and binding loan payments made by the City to the Authority under the Loan Agreement; and

**WHEREAS**, the principal of (including mandatory sinking fund installments, if any), redemption premium, if any, and interest on the Bonds, shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$14,000,000 in accordance with the terms of a guaranty ordinance of the City finally adopted by the City Council of the City (the "City Guaranty"), a guaranty agreement by and between the Authority and the City (the "City Guaranty Agreement"), and by a guaranty certificate (collectively, the "Bond Guaranty") to be executed by the Mayor of the City on the face of each Bond, all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A 80) which City Guaranty shall provide for payments in amounts sufficient to pay in a timely manner the principal of (including mandatory sinking fund installments, if any), and the interest on the Bonds, pursuant to the terms of which City Guaranty the City shall be obligated, if necessary, to make such guaranty payments from the levy of *ad valorem* taxes upon all of the taxable property within the City, without limitation as to rate or amount.

All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY 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.** (a) The Water Rate and Tax Stabilization Project described in the preamble hereof and in Exhibit B attached to this loan ordinance and by this reference

made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the City. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$14,000,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$14,000,000 appropriation, a loan from the Authority to the City is hereby authorized in a not to exceed amount of \$14,000,000 pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the Water Rate and Tax Stabilization Project described in the preamble hereof and in Exhibit B attached hereto is \$14,000,000.

(e) The estimated cost of said general capital improvements or purposes is a not to exceed amount of \$14,000,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

**Section 2.** Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the City is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for general capital improvements for the purposes described in the preambles hereof to be financed with the proceeds of the Bonds. The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the City), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the City and bond counsel to the Authority.

**Section 3.** The full faith and credit of the City are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the City under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the City as a result of payments made by the City on behalf of the City under the Loan Agreement pursuant to the City Guaranty, including City Guaranty Costs, and (iii) all direct and indirect costs of the Authority and the City related to the enforcement of the Loan Agreement and the City Guaranty ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the City, not subject to annual appropriation by the City pursuant to the County Improvement Authorities Law, and unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized City Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the City in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the City is hereby authorized to attest to such signature and affix the seal of the City thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the City are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

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

(a) The maximum Loan Payment Obligation for which the City shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the general capital improvements for the purposes described in the preambles hereof and in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the City's general capital improvements for the purposes described in the preambles hereof, and (c) pay the City's share of the costs of issuance, Authority Administrative Expenses, Additional Loan Payments, City Guaranty Costs and all other amounts required to be paid by the City under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than 40 years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the City under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed 40 years.

(f) 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 loan provided for in this loan ordinance by \$14,000,000 and the said

loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$1,000,000 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 general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached hereto.

**Section 5.** To the extent the City is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the City hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized City Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the City on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

**Section 6.** The Mayor, Clerk, Chief Financial Officer of the City or other Authorized City Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the general capital improvements for the purposes described in the preambles hereof and all related transactions contemplated by this ordinance.

**Section 7.** Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the City as to its Loan Payment Obligation authorized herein shall cease to exist.

**Section 8.** The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board 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 is on file with the Clerk of the City and is available for public inspection.

**Section 9.** The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

**Section 10.** The City reasonably expects to reimburse any expenditures toward the costs of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the general capital improvements for the purposes described in the preambles hereof and in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

**Section 11.** The Clerk of the City is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

**Section 12.** This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

**ADOPTED ON FIRST READING  
DATED: September 12, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**ADOPTED ON SECOND READING  
DATED: October 11, 2016**

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**RAYNA E. HARRIS,  
Clerk of the City of Rahway**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-173-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES – SEPTEMBER 2016

**IT IS HEREBY RESOLVED**, by the Municipal Council of the City of Rahway that the Treasurer is authorized and directed to refund the following amount to the following people for fees incurred with the Department of Parks & Recreation:

<u>Name/Company</u>	<u>Address</u>	<u>Amount</u>	<u>Event</u>
Donna Ross	166 New Brunswick Ave., Apt. 215	\$ 120.00	Stony Hill Trip
Agape Family Worship Center	P. O. Box 1623	\$ 100.00	Security
Judy Rochet	809 Holl Place	\$ 120.00	Stony Hill Trip
<b>Total</b>		<b>\$ 340.00</b>	

**BE IT FURTHER RESOLVED**, the refunds be sent to the above names and addresses listed above.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-174-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE CANCELLATION AND DISCHARGE ERRONEOUSLY ISSUED TAX CERTIFICATE

**WHEREAS**, the Collector of Taxes advises that the City of Rahway had a Tax Certificate erroneously issued a property that was classified as an exempt property:

<u>BLOCK</u>	<u>LOT</u>	<u>CERTIFICATE HELD BY:</u>	<u>CERT. NO.</u>	<u>AMOUNT</u>
381	4	City of Rahway	01-00003	\$ 1,517.52

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the City of Rahway that the appropriate Municipal Officers be, and they are hereby authorized to execute a cancellation and discharge of the Aforementioned Tax Sale Certificates.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-175-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENTS DUE TO SUCCESSFUL JUDGMENTS IN THE TAX COURT OF NEW JERSEY

**WHEREAS**, the Collector of Taxes advises that the following Taxpayer and/or their agents have successful judgments in the Tax Court of New Jersey and are entitled to refunds of taxes already paid

**NOW, THEREFORE, BE IT RESOLVED**, that the City Clerk be and is hereby authorized and directed to draw a warrant on the Chief Financial Officer in the following names and amounts, to refund said overpayments, and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer deliver the check to the Municipal Tax Collector to be delivered to said taxpayer after proper notation of the refund has been made on the Tax record

<u>YEAR</u>	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER/ ATTORNEY</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
2014	167	29	492 Hamilton, LLC	492 Hamilton Street	\$ 1,513.78
2015					\$ 1,541.35
				<b>Total</b>	<b>\$ 3,055.13</b>

**Check payable to:**  
Michael I. Schneck, Trustee for 492 Hamilton, LLC

**Mail check to:**  
Schneck Law Group LLC  
301 South Livingston Avenue  
Suite 105  
Livingston, NJ 07039

2009	282	1.01	Rahway Industrial Sites, L.P.	970 New Brunswick Avenue	\$ 24,495.00
2010					\$ 25,640.00
2011					\$ 28,825.00
2012					\$ 29,205.00
2013					\$ 30,235.00
2014					\$ 31,020.00
2015					\$ 31,585.00
				<b>Total</b>	<b>\$ 201,005.00</b>

**Check payable to:**  
Florio Perrucci Steinhardt & Fader Trust Account c/o Rahway Industrial Sites, Inc.

**Mail check to:**  
FPSF LLC  
218 Rt. 17N, Suite 410  
Rochelle Park, NJ 07662

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-176-16

Date of Adoption: \_\_\_\_\_

### RESOLUTION AUTHORIZING ACCEPTANCE OF JONES ACT TAX SALE BIDS & DIRECTING ISSUANCE OF RESTRICTED ASSIGNMENTS OF RAHWAY MUNICIPAL TAX SALE CERTIFICATES

**WHEREAS**, the City of Rahway has held tax sales, but having no bidders for various properties, certain Tax Sale Certificates have been struck off to the City; and

**WHEREAS**, certain Tax Sale Certificates (“TSC”) have high monetary receivable values in comparison to the actual value of the properties, or the properties are apparently contaminated or unusable, making them undesirable to the general public or the investment community, and therefore remain held by the City; and

**WHEREAS**, in an effort to improve the financial integrity of the City, and facilitate the potential economic development and/or environmental remediation of certain reportedly contaminated properties, the sale of such Tax Sale Certificates is warranted; and

**WHEREAS**, N.J.S.A 54:5-114 et seq. (the “Jones Act”) permits a municipality to sell an entire Tax Sale Certificate to the highest bidder, which may be for an amount less than the full amount due on the Tax Sale Certificate, subject to all of the provisions of the “Jones Act” statute, and subject to confirmation by this governing body; and

**WHEREAS**, a public Jones Act Tax Sale Auction was conducted on **August 19, 2016** at 10:00 AM. by Richard Lorentzen, the Rahway Tax Collector, in the Tax Collector’s offices at 1 City Hall Plaza, Rahway, as authorized and directed by this governing body, by Resolution **AR-128-16** dated **June 13, 2016**, and publicly advertised as per the Jones Act, with all bids received then being subject to review and approval or rejection by this governing body, in accordance with N.J.S.A. 54:5-114 et seq; and

**WHEREAS**, the following represents the highest bids received on these Tax Sale Certificates:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>	<u>TSC</u>	<u>High Bid</u>	<u>High Bidder</u>
389	21.01	2053 Rt 1	Thomas Murphy	2015-78	\$200	Cherokee
148	25, Qual C0301	54 West Cherry St, #301	Loren Cherensky	2013-53	\$300	Cherokee
344	8	844 E. Hazelwood Ave	Tyler & Brown	2014-96	\$100	Cherokee
384	13.01	Brady Court	Paulick & Lyman	2015-75	\$100	Windsor
284	19	Iva Avenue	TFI Jersey Holdings	2015-46	\$100	Cherokee

**NOW, THEREFORE BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF RAHWAY:**

That all six (6) of the aforesaid bids are hereby **ACCEPTED**; and the Tax Collector is directed to issue a **Restricted Assignment** of each of the aforesaid Tax Sale Certificates to the winning bidders; **provided:**

Payment is remitted to the Tax Collector no later than fifteen (15) calendar days after this Resolution is passed by this governing body and communicated by the Tax Collector to the winning bidders; and

That the Restricted Assignments of the Tax Sale Certificates are subject to all of the provisions of the aforesaid Jones Act Tax Sale Law (N.J.S.A. 54:5-114 et seq), including the requirement to pay subsequent taxes; and

Subject to all the provisions described in the public notice, including the environmental conditions.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-177-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY

WHEREAS, certain property of the City of Rahway is no longer needed for public use.

NOW THEREFORE IT BE RESOLVED, the Municipal Council of the City of Rahway hereby authorizes a Public Auction to be held online from Saturday, September 24, 2016 from 9 a.m. to Wednesday, September 28, 2016 at 6 p.m. Inspection of the property to be auctioned will be available online at [www.usgovbid.com](http://www.usgovbid.com) and by appointment.

The following items intend to be sold:

<u>VEHICLE</u>	<u>VIN</u>
2008 Dodge Charger	2B37A43G38H279958
1999 Dodge Durango	1B4HS28Y2XF634515
2001 Dodge Durango	1B4HS28N51F616751
2000 Chevy Impala	2G1WF55K7Y9304629
1997 Ford Pick Up	3FTHF26HXVMA52055
1998 Ford Explorer	1FMZU34X4WZA81010
1995 Ford Dump	1FDYF80E7SVA53629
1995 Ford Dump	1FDYF80E9SVA52014
1997 Ford Dump	1FDYF80E7VVA29089
1998 CCC Garbage	1CYCGK484WT090471
2005 Elgin Sweeper	P4655S
1997 Vermeer	1VRC1114XV100377

- Lot of Miscellaneous electronics
- Audio Visual Cabinet w/ Panasonic VHS, TOA Series 500 Amplifier and Surgex Surge Suppressor.
- GoldStar 19 inch Television w/VHS
- Samsung DVD Player, Model# HT-C650W, S/N: 9FGN1HAZ400667D
- Samsung Blue Ray Player, Model# BD-E5900, S/N: ZUAGIT4C329021B
- Audiovox Twin 9 inch Screen DVD player, Model# PVS72901, S/N: YF280GD141554
- De La Rue- Brandt currency Counter, Model# 8625150, S/N: MAR04-0055856
- HP Deskjet 350 portable printer, Model # C2697A, S/N: SG0691213D
- Gardall Safe, S/N: S-276021, it measures 17" w x 24" h x 24" d.
- Lot of Gold Jewelry
- Lot of Silver Jewelry
- Lot of Costume Jewelry

**Bicycles to be auctioned**

<u>Make</u>	<u>Boys/Girls</u>	<u>Serial #</u>
Dynacraft	Boys	SL99602355
Ross	Boys	AC7B010060
Triton Trike	Boys	No Serial #
Roadmaster	Boys	8NFSD09E79924
BMX Style	Boys	HS110302527
Hyper	Boys	HSDM1304355
Avigo	Boys	2201327071GN
Viper	Boys	V07U34174
Schwinn	Boys	SNMNG11C35004
Mongoose	Boys	SNFSD09MB5195
Huffy	Girls	5685235811A
Trek	Girls	WTU123C0033E
Quest	Girls	0020722180
Pacific	Boys	HJ0103204
Huffy	Boys	903541171430
Schwinn	Boys	0810917

Mountain Bike	Boys	No Serial #
Schwinn	Boys	SNMNG15H18954

**Bicycle Frames Only**

Unk	Boys	DMG13C01
Silver Ridge	Girls	CT3111496
Nissho	Boys	ACY8C03822
Unk	Girls	AR5L15696
Havoc	Boys	DMG13C024
Huffy	Boys	ACY06A022868
Pacific	Girls	HJ0677466
Murray	Boys	M0P0121304

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-178-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY  
CONTRACT TO BERTO CONSTRUCTION, INC. FOR SANITARY SEWER  
REPAIR AT THIRZA PLACE PURSUANT TO N.J.S.A. 40A:11-6**

**WHEREAS,** N.J.S.A. 40A:11-6 states that “Any contract may be...awarded for a contracting unit without public advertising for bids and bidding therefor...when an emergency affecting the public health, safety or welfare requires the immediate...performance of services ...”; and

**WHEREAS,** N.J.S.A. 40A:11-6(b) states that “Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ...”; and

**WHEREAS,** two (2) service laterals were separated from the 8” sanitary sewer main located on Thirza Place between Central Avenue and Stone Street resulted in disjointed service laterals, restricted flow downstream, and developed a sinkhole which collapsed the roadway; and

**WHEREAS,** an investigation had to be conducted to locate, identify, and remediate the cause of the breaks; and

**WHEREAS,** the repair included the removal and replacement of the sanitary sewer main and two service laterals at the location of the breaks and repair to the appropriate disturbed roadway sections; and

**WHEREAS,** the City’s Consulting Engineers contacted Berto Construction, Inc. (the “Contractor”) to undertake the repair of the sanitary sewer on an emergency basis; and

**WHEREAS,** the total award of the contract for services will not exceed the bid threshold pursuant to the Local Contracts Law (N.J.S.A. 40A:11-1, et. seq.) and therefore does not require competitive bids.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Rahway, County of Union and State of New Jersey, that a contract with Berto Construction, Inc. for the repair of the sanitary sewer main and laterals on Thirza Place between Central Avenue and Stone Street, Rahway, in an amount not to exceed nineteen thousand, two hundred twenty-four Dollars (\$19,224.00) is hereby ratified and authorized pursuant to N.J.S.A. 40A:11-6(b).

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-179-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION SUPPORTING THE *DRIVE SOBER OR GET PULLED OVER 2016 STATEWIDE CRACKDOWN*

**WHEREAS**, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

**WHEREAS**, impaired driving crashes cost the United States almost \$50 Billion a year, and

**WHEREAS**, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rahway declares it's support for the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-180-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2016 CALENDAR YEAR

**WHEREAS**, it has been found that the following 2016 C/Y taxes have been overpaid in error;

**NOW, THEREFORE, BE IT RESOLVED** that the City Clerk be and she is hereby authorized and directed to draw a \_\_\_\_\_ warrant on the Chief Financial Officer in the following names and amounts to refund said overpayments.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer deliver the checks to the Municipal Tax Collector to be delivered to said taxpayers after proper notation of the refund has been made on the tax records and Tax computer.

#### 2016 CALENDAR YEAR TAXES

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND</u>
105	16	Robert Dekarz 767 Jefferson Ave Rahway NJ 07065	767 Jefferson Ave	\$2019.56
246	66.01	Gretcha Harris Lereta Corp 1123 Parkview Drive Covina CA 91724	1040 Apgar Terrace	\$3,309.65
246	69	A & Drobuzyte Mikalasevicius 994 Apgar Terr Rahway NJ 07065	994 Apgar Terr	\$2190.28
318	22 C0302	Dornoch Rahway Cherry Street Properties 160 Hopper Ave Waldwick NJ 07463	1465-9 Irving Street	\$18.59
98	19	William & Eileen Piekarski Service Link Escrow Trust Account 21027178 4000 Industrial Blvd Aliquippa PA 15001	930 Bryant Street	\$559.41
385	18.01	Lidia Marin & Dino Andriuoli	1975 Rutherford Street	\$262.05

Foundation Title LLC-East Brunswick  
214 Highway 18 3<sup>rd</sup> Floor  
East Brunswick NJ 08816

176	23	Stephen & Mary Ann Chopey 510 East 80 <sup>th</sup> Street Apt 11C New York City NY 10075	712 Kaminski Drive	\$16.63
321	11	Jose & Amparo Velez 166 Lafayette Street Rahway NJ 07065	166 Lafayette Street	\$2082.06
205	04	Jerronn & Ryan Thompson 605 West Grand Ave Rahway NJ 07065	605 West Grand Ave	\$3190.62
191	8	John & Shirley Padilla 1368 Franklin Street Rahway NJ 07065	1368 Franklin Street	\$2290.42
168	38	Karen Woods 1443 Church Street Rahway NJ 07065	1443 Church Street	\$408.84

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-181-16

Date of Adoption \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL  
PAYMENT FOR THE “2014 ROADWAY RESURFACING PROJECT” TO  
STILO EXCAVATION, INC.**

**WHEREAS,** attached is a Bohler Engineering letter dated September 9, 2016 with regard to the release of Stilo Excavation, Inc.’s Performance Bond and Final Payment; and

**WHEREAS,** the Maintenance Bond has been reviewed and approved by the City Attorney’s Office and Bohler Engineering recommends the release of Stilo Excavation, Inc.’s Performance Bond and final payment in the amount of \$13,898.84 and

**IT IS HEREBY RESOLVED** by the Municipal Council of the City of Rahway that the Treasurer is authorized and directed to return the Performance Bond and final payment in the amount of \$13,898.84 posted for the 2014 Roadway Resurfacing Project by Stilo Excavation, Inc.; and

**NOW, THEREFORE, BE IT RESOLVED,** the return of the Performance Bond and final payment in the amount of \$13,898.84 be returned to Stilo Excavation, Inc., 2907 South Clinton Avenue, South Plainfield, NJ 07080.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-182-16

Date of Adoption: \_\_\_\_\_

### A RESOLUTION OF THE MUNICIPAL COUNCIL CONCERNING THE AUDIT REPORT FOR CALENDAR YEAR 2015

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the City Council of the City of Rahway, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-23-16    

**AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF  
RAHWAY (VEHICLES AND TRAFFIC) – PERMIT PARKING ONLY IN  
DESIGNATED RESIDENTIAL AREAS**

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

**401-83 Schedule XXV: 4 hr. Parking Resident Permit Vehicles Excluded**

**AMEND**

<i>Essex St.</i>	<i>Side</i>	<i>Hours</i>	<i>Time</i>	<i>Location</i>
			<i>Limit</i>	
<b><u>From:</u></b> Essex St. from Bridge St.  to Monroe St.	Both	12:00 a.m. to 12:00 p.m./  Monday-Sunday		4 hrs.
<b><u>To:</u></b> Essex St. from Bridge St.  to Monroe St.	Both	6:00 a.m. to 6:00 p.m./  Monday-Sunday		4 hrs.

**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.**

**ORDINANCE**  
**CITY OF RAHWAY, NEW JERSEY**

No.     O-24-16    

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 73,  
PERSONNEL POLICIES, OF THE CODE OF THE CITY OF RAHWAY**

**WHEREAS**, the City of Rahway has adopted a Personnel Policies Ordinance to create and set forth the Personnel Policy for City employees; and

**WHEREAS**, said Ordinance provides for the continuation of the payment of health benefits to management employees after retirement from the City subject to certain conditions; and

**WHEREAS**, the cost of retirees' health benefits has risen significantly in recent years and will likely continue to increase in the future; and

**WHEREAS**, the City finds that it is no longer fiscally prudent to provide such lifetime benefits to management employees after they retire; and

**WHEREAS**, the City desires to no longer provide such lifetime benefits to management employees who are hired after the effective date of this Ordinance; and

**WHEREAS**, the City of Rahway desires to amend and supplement portions of Chapter 73, Personnel Policies, of the Code of the City of Rahway.

**NOW, THEREFORE**, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1.** "Chapter 73-7, Hospitalization and Medical Benefits, Article I, Management Employees," of the Code of the City of Rahway is amended to read as follows:

§ 73-7. Hospitalization and Medical Benefits.

A. Management employees shall be covered by City paid hospitalization and major medical insurance at a level not less than the highest coverage provided any other City employees. Said benefits as paid by the City shall cease upon retirement for management employees who are hired by the City after the effective date of this Ordinance. Said benefits shall continue after retirement for those management employees who have been employed by the City on or before the effective date of this Ordinance subject to the following:

- (1) This benefit is subject to the rules, regulations and provisions of the New Jersey Division of Pensions.

- (2) The retired management employee is eligible to enroll for said coverage through the New Jersey Division of Pensions and does so enroll.
- (3) The retired management employee is not eligible for significantly similar coverage by virtue of coverage through a family member.
- (4) The retired management employee is not eligible for government coverage through other programs; for example, Medicare.

C. In the event of the items in Subsection A(3) or (4) above, the retired management employee shall not enroll for any coverage that requires payment by the City.

**Section 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 3.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.** This Ordinance shall become effective after second reading and publication a required by law.