

**BOROUGH OF RED BANK, NEW JERSEY**

**ORDINANCE NO. 2013-19**

**ORDINANCE AUTHORIZING A SPECIAL EMERGENCY  
APPROPRIATION PURSUANT TO *N.J.S.A. 40A:4-53(h)* FOR  
THE PAYMENT OF CONTRACTUALLY REQUIRED  
SEVERANCE LIABILITIES OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY**

**BACKGROUND**

Ms. Lee offered the following ordinance and moved its adoption on final reading:

**WHEREAS**, the Borough of Red Bank, County of Monmouth, New Jersey ("Borough") has accrued contractually required severance liabilities due and payable to certain employees of the Borough resulting from the retirement and/or layoff of such employees during the 2013 fiscal year of the Borough; and

**WHEREAS**, the New Jersey Local Budget Law (*N.J.S.A. 40A:4-1 et seq.*) ("Local Budget Law") and, in particular Section 53(h) thereof (*N.J.S.A. 40A:3-54(h)*), permits local units, including the Borough, to adopt ordinances authorizing special emergency appropriations to fund the costs of contractually required severance liabilities resulting from the retirement or layoff of employees of such local unit; and

**WHEREAS**, the Borough has determined to fund the costs of the accrued liabilities of those employees retiring or being laid off during fiscal year 2013 through the creation of a special emergency appropriation pursuant to and in accordance with the Local Budget Law; and

**WHEREAS**, the amount to be appropriated by the Borough for the purposes described above is \$362,000; and

**WHEREAS**, it is the desire of the Borough Council to adopt this ordinance to create said special emergency appropriation.

**BE IT ORDAINED** by the Borough Council of the Borough of Red Bank, County of Monmouth, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Budget Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Budget Law"), as follows:

**Section 1.** The sum of \$362,000 is hereby appropriated for the payment of contractually required severance liabilities resulting from the layoff or retirement of certain Borough employees, pursuant to *N.J.S.A. 40A:4-53(h)*.

**Section 2.** The appropriation shall be deemed a special emergency appropriation as defined and provided for in *N.J.S.A. 40A:4-55*.

**Section 3.** The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to *N.J.S.A. 40A:4-55*.

**Section 4.** The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes

**Section 5.** This Ordinance shall become effective immediately upon final passage and publication as required by law.

Seconded by Ms. Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	( x )	( )	( )	( )
Mr. Zipprich	( x )	( )	( )	( )
Mr. DuPont	( )	( )	( )	( x )
Ms. Horgan	( x )	( )	( )	( )
Ms. Lee	( x )	( )	( )	( )
Mr. Murphy	( x )	( )	( )	( )

Dated: August 28, 2013

First Reading/Introduction: August 14, 2013  
Second Reading/Public Hearing: August 28, 2013  
Adoption: August 28, 2013

I hereby certify the above to be a true copy.

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Pamela Borghi, Municipal Clerk