

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**OCTOBER 15, 2013**  
**7 P.M.**

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

**PRESENT:** Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

**ABSENT:** Councilmembers Baker, Cox, Saliga

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 October 15, 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**

September 3, 2013	7 p.m.	Pre-Meeting Conference
September 9, 2013	7 p.m.	Regular Meeting
September 25, 2013	6:45 p.m.	Special Meeting

Motion was made by Councilmember Wenson Maier and seconded by Councilmember Bresenhan to accept and approve the above listed minutes.

**YES:** Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

**ABSENT:** Councilmember Bakers, Cox, Saliga

Council President Brown declared the motion carried.

4. **PRESENTATIONS**

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

6. **REPORTS OF COUNCIL COMMITTEES**

Council President Brown removed O-47-13 from the agenda.

Council President Brown moved to place O-48-13 on the Agenda.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Farrar seconded by Councilmember Mione to adopt the Consent Agenda, and was adopted by the following vote:

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**9. ORDINANCES - First Reading**

**O-42-13** City Clerk Jotz read ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PARKING PROHIBITED CERTAIN HOURS.

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

**O-43-13** City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

**O-44-13** City Clerk Jotz read 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.

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

**O-45-13**

City Clerk Jotz read 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.

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

**O-46-13**

City Clerk Jotz read 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.

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

**O-48-13** City Clerk Jotz read AN ORDINANCE AMENDING ARTICLE XIV OF THE CODE OF THE CITY OF RAHWAY (COUNCIL PROCEDURES).

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

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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 Tuesday, November 12, 2013 at 7 p.m.

## **10. RESOLUTIONS**

**\*AR-210-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF CLARK (MUNICIPAL COURT).

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-211-13** Councilmember Giacobbe presented and moved A RESOLUTION URGING VOTERS TO VOTE YES ON BALLOT QUESTION #2 TO RAISE NEW JERSEY'S MINIMUM WAGE.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-212-13** Councilmember Farrar presented and moved A RESOLUTION APPROVING A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE (HIGHWAY SAFETY FUND 2013) PROJECT.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-213-13** Councilmember Mione presented and moved A RESOLUTION REAPPOINTING AN MEMBER TO THE RAHWAY HOUSING AUTHORITY (ROBERT PARSON).

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-214-13** Councilmember Giacobbe presented and moved A RESOLUTION DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE ALL NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TREATMENT WORKS APPROVAL PERMIT APPLICATION ENDORSEMENTS (FORMS TWA-1 & WQM-003 AS REQUIRED).

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-215-13** Councilmember Brown presented and moved A RESOLUTION COMMENDING WILL MARSH.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-216-13** Councilmember Steinman presented and moved A RESOLUTION COMMENDING HARRY MCDOWELL AND THE RAHWAY ENVIRONMENTAL COMMISSION.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-217-13** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING FEES TO THE MERCHANTS & DROVERS TAVERN ASSOCIATION.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-218-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO A JUDGEMENT OF THE UNION COUNTY TAX BOARD.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-219-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2013 CALENDAR YEAR.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-220-13** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.



- \*AR-221-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-222-13** Councilmember Farrar presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF GIVING APPROVAL FOR THE FILING OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY FOR AN “ASSISTANCE TO FIREFIGHTERS GRANT” TO PURCHASE A NEW PUMPER ENGINE FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-223-13** Councilmember Giacobbe presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF GIVING APPROVAL FOR THE FILING OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY FOR AN “ASSISTANCE TO FIREFIGHTERS GRANT” TO PURCHASE BREATHABLE RESCUE DRY SUITS FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-224-13** Councilmember Wenson Maier presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF GIVING APPROVAL FOR THE FILING OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY FOR AN “ASSISTANCE TO FIREFIGHTERS GRANT” TO PURCHASE ONE NEW INFLATABLE BOAT WITH INTERLOCKING ALUMINUM FLOOR BOARDS PLUS A BOAT TRAILER AND MOTOR FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-225-13** Councilmember Mione presented and moved A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR STREETScape SECTION VII - 2014 - RAHWAY.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-226-13** Councilmember Mione presented and moved A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR VARIOUS STREETS- 2014 - RAHWAY.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-227-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO WHITMAN COMPANY FOR PERMIT# 07-12-636 DATED 07/16/12 FOR 6 (SIX) SOIL BORING HOLES/TEMPORARY WELLS.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-228-13** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO ALDO ARELLANO FOR PERMIT# 09-11-529 DATED 10/12/11 FOR CURB AT 951 WEST LAKE AVENUE.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-229-13** Councilmember Brown presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO THE RAHWAY CITY HALL SITE.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-230-13** Councilmember Wenson Maier 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 Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

**\*AR-231-13** Councilmember Brown presented and moved A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF THOMAS MANCUSO TO THE POSITION OF TAX ASSESSOR.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-232-13** Councilmember Mione presented and moved A RESOLUTION AMENDING THE CY 2013 CAPITAL BUDGET.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

- \*AR-233-13** Councilmember Giacobbe presented and moved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE SETTLEMENT OF TAX APPEAL LITIGATION ENTITLED LANDMARK AT RAHWAY, LLC V.THE CITY OF RAHWAY FOR PROPERTY KNOWN AS TAX BLOCK 157, LOTS 1.01, & 1.02.

The motion was seconded by Councilmember Bresenhan.

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.

## **11. ORDINANCES – SECOND READING**

- O-40-13** 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 125, “ALARM SYSTEMS,”  
OF THE CODE OF THE CITY OF RAHWAY**

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

**Section 1.Amending Section 125-1, of the City Code.**

Section 125-1, “Definitions,” of the City Code is hereby amended by deleting the text enclosed in brackets and marked with a double strike-through, to read as follows:

§ 125-1. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

**ALARM BUSINESS**

Any person who:

- A. Installs alarm systems, other than a principal; or
- B. Pursuant to an agreement with a principal, communicates the presence of an emergency, which is sounded or signaled by an alarm system, to the Rahway Police Department Communications Center (RPDCC) in any manner or by any means.

**ALARM SYSTEM**

Any device (other than a device installed upon premises occupied by the City) to detect, deter, sound, prevent, or signal an intrusion or other criminal activity, fire, rescue, or other emergency situation (collectively "emergency") which, when activated, employs the use of:

- A. An audible annunciator; or
- B. A visual signal or other means to alert the RPDCC of an emergency, whether directly or indirectly.

**AUDIBLE ANNUNCIATOR**

That part of an alarm system which, when activated, sounds or signals an emergency by means of a bell, siren, buzzer or similar sound-producing device, which is audible at a distance of 50 feet from the protected premises.

~~**COORDINATOR**~~

~~The Mayor of the City of Rahway, New Jersey or his/her designee authorized to perform such duties imposed by this chapter.]~~

**FALSE ALARM**

Any alarm that is activated on purpose or by accident, or by system malfunction when there is no intrusion, fire, smoke, or medical emergency. The City shall have full authority and discretion to determine those situations and/or circumstances that may constitute a false alarm, but which are not set forth below.

- A. Error or mistake: any action by any person, firm, corporation, or other entity owning or operating any dwelling, building, or place, or any action of an agent or employee thereof, which results in the activation of any alarm system when no emergency exists.
- B. Malfunction: any unintentional activation of any alarm system caused by a mechanical malfunction, flaw in design, installation or maintenance of the system; Any activation caused by extraordinary violent conditions of nature, such as tornadoes, floods, or earthquakes, shall not be considered a malfunction.

C. Intentional misuse: any intentional activation of an alarm system when no burglary, hold-up, fire, or other emergency exists or is in progress.

D. Alarms that are cancelled by the Alarm Company, responsible party or resident prior to the dispatch of a police unit shall not be classified as false alarms.

### **PRINCIPAL**

The person, firm, partnership, association, corporation, company, or organization whose premises are or will be protected by an alarm system. If the premises are leased, the principal shall be the person in possession or control of the protected premises, unless more than one tenant is served by a single alarm system, in which event, "principal" shall mean the owner of the protected premises.

### **PROTECTED PREMISES**

The area that is or will be covered by an alarm system.

### **Section 2. Amending Section 125-4(B) of the City Code.**

Paragraph B of Section 125-4, "Permit application fee; termination and renewal," of the City Code is hereby deleted in its entirety, and replaces with the following:

#### **B. Permit Fees.**

(1) Along with a permit application the principal shall remit a permit fee in the amount of \$25, payable to the City, and, if not paid within 30 days of notice, a late charge of \$25 shall be applied. An additional late charge of \$25 shall be imposed on the first of the each month thereafter that the permit fee remains unpaid.

(2) In the case of renewal permits, the \$25 permit fee must be paid prior to the first day of March in each year. A late charge of \$25 shall be applied if the fee is not paid by that date, and an additional late charge of \$25 shall be applied on the first of each month thereafter while the fee remains unpaid (e.g. If the fee is not paid until May 1, a late charge of \$75 (\$25 for each of March, April, and May) shall be due in addition to the permit fee).

### **Section 3. Amending Section 125-4(D) of the City Code.**

Paragraph D of Section 125-4, "Permit application fee; termination and renewal," of the City Code is hereby deleted in its entirety, and replaced with a new Paragraph D, to read as follows:

D. The term of any permit shall expire on the earlier of:

- (1) December 31 of the year in which the permit is issued; or
- (2) Whenever there is a change of the principal.

**Section 4. Amending Section 125-9(D) of the City Code.**

Paragraph D of Section 125-9, "Suspension or revocation of license or permit," of the City Code is hereby amended by deleting the text enclosed in brackets and marked with a double strike-through, to read as follows:

D. If any permit is revoked pursuant to this chapter, the permit holder shall immediately surrender the permit to the City [~~Clerk~~].

**Section 5. Amending Section 125-10 of the City Code.**

Section 125-10, "Appeal procedure," of the City Code is hereby deleted in its entirety and replaced with a new Section 125-10, "Appeal procedure," to read as follows:

§ 125-10. Appeal procedure.

A. An alarm system owner who receives a notice of a false alarm may appeal the notice to the Police Chief in the case of a burglar alarm or to the Fire Chief in the case of all other alarms within 30 days of receiving the notice. The Police Chief or Fire Chief may determine the false alarm should be chargeable or nonchargeable against the alarm system owner on the information contained in the appeal form or schedule a hearing, if necessary.

B. The Police Chief or Fire Chief, as appropriate, may act as the hearing officer or designate another individual to serve as hearing officer. If another individual is designated as hearing officer, the hearing officer's decision shall be a recommendation to the Police Chief or Fire Chief, as appropriate, which decision the respective Chief shall affirm, reject, or modify.

C. If the false alarm is determined to be chargeable, the penalty, if any, shall be paid in full within 30 days of the date of the respective Chief's determination.

**Section 6. Designating the Chief of Police as the enforcing agent.**

Chapter 125, Alarm Systems, is hereby amended to add a new Section 125-14, entitled "Administration and Enforcement," immediately following the existing Section 125-13, "Violations and Penalties," to read as follows:

§ 125-14. Administration and Enforcement.



Except as otherwise provided, this Chapter shall be administered and enforced by the Rahway Police Department, and, except where a contrary meaning is clear from the context, every reference to the City's designee in this chapter shall mean the Chief of Police or his designee.

**Section 7. Severability.**

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

**Section 8. Repealer.**

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

**Section 9. Effective Date.**

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

Council President 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-40-13:

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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-41-13** 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 OF THE CITY COUNCIL OF THE CITY OF RAHWAY GRANTING AND AUTHORIZING THE EXECUTION OF AN EASEMENT ON CITY PROPERTY (TAX BLOCK 305, LOT 8.31) TO ALLOW FOR AN ENCROACHMENT OF A STRUCTURE, ACCESS TO THE STRUCTURE AND IMPROVEMENTS REQUIRED BY STATE (NJDEP) PERMIT TO FACILITATE THE DEVELOPMENT OF THE MERIDIA, WATERS EDGE RESIDENTIAL REDEVELOPMENT PROJECT ON TAX BLOCK 305, LOT 5.04**

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

- Section 1. 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.
- Section 2. Pursuant to N.J.S.A. 40A:12-13(b)(5) a municipality may convey, by private sale, an easement to an owner of real property contiguous to the real property interest being conveyed and pursuant to N.J.S.A. 40A:12-13(b)(5) a municipality may convey, by private sale, an easement to a private developer when acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- Section 3. The City of Rahway (the “City”) and the Rahway Redevelopment Agency (the “Agency”) have undertaken various projects (with and without private redevelopers) within the Lower Main Street Urban Renewal Area.
- Section 4. The City is the owner of Block 305, Lot 8.31 (the “City Property”).
- Section 5. Meridia, Water’s Edge Urban Renewal, Rahway, LLC is the owner of certain property shown and designated as Lot 5.04 in Block 305 (“Lot 5.04”) on the tax map of the City of Rahway, Union County, New Jersey, located in the Lower Main Street Urban Renewal / Redevelopment Area.
- Section 6. On December 14, 2011, Meridia, Water’s Edge Urban Renewal, Rahway, LLC (“Meridia”) and the Rahway Redevelopment Agency entered into a Redevelopment Agreement for the Meridia,

Water's Edge Redevelopment Project on Lot 5.04 located in the Lower Main Street Urban Renewal / Redevelopment Area.

Section 7. Meridia proposes to construction a market rate residential project consisting of 108 units in a four story building over parking (the "Project").

Section 8. On November 29, 2011, Meridia obtained preliminary site plan approval from the Rahway Planning Board for the Project, which approval was amended and final site plan approval granted by the Rahway Planning Board on August 27, 2013 (the "Approvals").

Section 9. Lot 5.04 and the City Property are contiguous and the City Property is undersized.

Section 10. The Project has been partially constructed on the City Property (Encroachment) and access to the river side of the building is required and will be within the City Property.

Section 11. The Project and Approvals also includes an outdoor patio of approximately 20 feet wide and 60 feet long within the City Property.

Section 12. The Encroachment, access to the building and outdoor patio all lie within the City Property and will require the granting of an easement to Meridia, all of which have been reviewed by the City Engineer, who has determined that such easement will not have a detrimental impact on the City Property.

Section 13. The City previously granted a conservation easement to Meridia within the City Property as required by the waterfront development permit for the Project issued by the N.J. Department of Environmental Protection.

Section 14. The City has determined that it would benefit the citizens of the City of Rahway, County of Union and State of New Jersey to sell and grant an easement in order to support the continued redevelopment of the Lower Main Street Urban Renewal / Redevelopment Area through the development of the Meridia, Water's Edge Redevelopment Project.

**BE IT FURTHER ORDAINED,**

Section 1. The sale and conveyance of the easement (as shall be more fully described on maps and legal description to be reviewed and

approved by the City Engineer and City Attorney) to Meridia, Water's Edge Urban Renewal, Rahway, LLC is hereby authorized for compensation in the amount of One Dollar and 00/100 (\$1.00) and other good and valuable consideration for the development of the Meridia, Water's Edge Redevelopment Project in accordance with applicable approvals.

Section 2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary deeds of easement in a form to be prepared, reviewed and approved by the City Engineer and City Attorney, as well as any other documents which may be required to convey the aforesaid interests.

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

Council President 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-41-13:

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

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.

## **\*12. MISCELLANEOUS**

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

Anita Mederos 555 E. Hazelwood Ave.  
Said she is concerned about the condition of the Rahway River, specifically, trash and debris in the river and alleged that the City's water supply is contaminated. Spoke on her pets getting ill after drinking tap water. Requested that the City encourage the construction of a supermarket in town.



*Councilmember Wenson Maier:* Said that as the Council Liaison to the Environmental Commission, she is aware of the issues facing the Highlands.

*Councilmember Brown:* Said that this Council is a group that works together. Encouraged citizens to attend the meeting and respect each other; this meeting is not a place to yell and shout. Reminded everyone that tomorrow is an election for U.S. Senate in New Jersey.

**15. ADJOURNMENT**

Motion to adjourn the meeting at 7:42 p.m. was made by Councilmember Wenson Maier and seconded by Councilmember Mione:

YES: Councilmembers Bresenhan, Farrar, Giacobbe, Mione, Wenson Maier, Brown

ABSENT: Councilmembers Baker, Cox, Saliga

Council President Brown declared the motion carried.