

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
DECEMBER 9, 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, Wenson
Maier, Brown

ABSENT: Councilmember 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 December 9, 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

November 6, 2013	Special Meeting	7 p.m.
November 6, 2013	Pre-Meeting Conference	7:30 p.m.
November 12, 2013	Regular Meeting	7 p.m.

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

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

4. PRESENTATIONS

Swearing In of Police Captain James Connolly
 Swearing In of Police Officer Conor McGrath
 Swearing In of Police Officer Frank Pauling
 Swearing In of Police Officer Evelyn Lozano

Commend Harry McDowell & Rahway Environmental Commission

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Baker moved to place AR-264-13 on the Agenda and on the Consent Agenda.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

Councilmember Giacobbe moved to place AR-265-13 on the Agenda and on the Consent Agenda.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

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

Patrick Cassio 1971 Barnett Street O-50-13, AR-257-13

Councilmember Farrar asked that AR-258-13 from the agenda.

8. CONSENT AGENDA

Motion made by Councilmember Cox seconded by Councilmember Bresenhan to adopt the Consent Agenda, and was adopted by the following vote:

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-50-13 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF AM RADIO, VOIP PHONE AND DESKTOP COMPUTER EQUIPMENT, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$118,750 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 Bresenhan, seconded by Councilmember Wenson Maier and adopted by the following vote:

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

ABSENT: Councilmember 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 Monday, January 14, 2014 at 7 p.m.

O-51-13 City Clerk Jotz read AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN EXISTING LEASE BETWEEN THE CITY OF RAHWAY AND AT&T WIRELESS FOR USE OF PROPERTY LOCATED AT THE WESTFIELD AVENUE WATER TOWER, BLOCK 201, LOT 2 IN THE CITY OF RAHWAY FOR THE SITING OF WIRELESS COMMUNICATIONS EQUIPMENT.

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

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

ABSENT: Councilmember 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 Monday, January 14, 2014 at 7 p.m.

10. RESOLUTIONS

- *AR-249-13** Councilmember Baker presented and moved A RESOLUTION ESTABLISHING 2014 MUNICIPAL COUNCIL MEETING DATES.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-250-13** Councilmember Mione presented and moved A RESOLUTION REVISING RESOLUTION AR-195-12 AUTHORIZING AN EXTENSION OF THE AGREEMENT WITH THE UNION COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE MUNICIPAL ALLIANCE GRANT FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2014.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-251-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-252-13** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-253-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2013 CALENDAR YEAR.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-254-13** Councilmember Farrar presented and moved A RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2013 YEAR END HOLIDAY STATEWIDE CRACKDOWN.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-255-13** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A PERFORMANCE BOND TO MYERS SENIOR RESIDENCE, INC., 1447 ESTERBROOK AVENUE, BLOCK152, LOT 5.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-256-13** Councilmember Baker presented and moved A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948).

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-257-13** Councilmember Brown presented and moved A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS TO THE BOARD OF ALCOHOLIC BEVERAGE CONTROL (MATTHEW J. DOBROWOLSKI III), REDEVELOPMENT AGENCY (VANNIE D. PARSON, DANIEL J. GARAY) AND BOARD OF ADJUSTMENT (RICHARD P. WILLIS).

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- AR-258-13** Councilmember Baker presented and moved A RESOLUTION REAPPOINTING AN MEMBER TO THE RAHWAY HOUSING AUTHORITY KRISTINE DEJESUS).

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

- *AR-260-13** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING A LABOR CONTRACT WITH P.B.A. LOCAL #31.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

***AR-261-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING A LABOR CONTRACT WITH F.M.B.A. LOCAL #33.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

***AR-262-13** Councilmember Brown presented and moved A RESOLUTION AMENDING THE CY 2013 CAPITAL BUDGET.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

***AR-263-13** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2013 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Saliga

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

***AR-264-13** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE RAHWAY FIRE OFFICERS ASSOCIATION LOCAL 233.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

***AR-265-13** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION OF CY 2013 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.

11. ORDINANCES – SECOND READING

O-49-13 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 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

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 Central Business District Redevelopment Area.

Section 4. The City is the owner of the rights-of-ways for Main Street and Monroe Street (the “City Property”).

Section 5. Meridia, Lafayette Village Urban Renewal, Rahway, LLC is the owner of certain property shown and designated as Lot 1.02 in Block 320 (“Lot”) on the tax map of the City of Rahway, Union County, New Jersey, located in the Central Business District Redevelopment Area.

Section 6. On October 3, 2012, Meridia, Lafayette Village Urban Renewal, Rahway, LLC (“Meridia”) and the Rahway Redevelopment Agency entered into a Redevelopment Agreement for the Meridia’s Redevelopment Project on Lot 1.02 in Block 320 located in the Central Business District Redevelopment Area.

Section 7. Meridia proposes to construction a market rate residential project consisting of 115 units and 1,000 square feet of commercial space in a building over parking (the “Project”).

Section 8. On July 31, 2012, Meridia obtained preliminary and final site plan approval from the Rahway Planning Board for the Project, which approval was amended by the Rahway Zoning Board of Adjustment due to NJDEP permit requirements for a redesign of the building (the “Approvals”).

Section 9. Lot 1.02 in Block 320 and the City Property are contiguous.

Section 10. The City previously vacated a portion of Dock Street to facilitate the Project.

Section 11. The easement requested is for the installation and maintenance of landscaping along the building frontages on Main Street and Monroe Street, which will be located within the rights-of-ways for Main Street and Monroe Street

and are necessitated by a redesign of the building due to NJDEP permit requirements, as depicted on Exhibit A attached hereto and made part of this ordinance.

Section 12. 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 Central Business District Redevelopment Area through the development of the 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, Lafayette Village 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's Project in accordance with applicable approvals.

Section 2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary deed(s) 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-49-13:

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

ABSENT: Councilmember 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

Patrick Cassio 1971 Barnett Street

Wished everyone Merry Christmas and Happy New Year. Congratulated Council and Administration for reaching labor agreements with police and fire unions. Questioned qualifications of new member of Redevelopment Agency. Congratulated new police hires. Reminded everyone that there will be an election for Mayor, At-Large Council and the filling of the 6th Ward Council seat in 2014. Wished the new Business Administrator good luck.

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

14. COUNCIL COMMENT

Councilmember Baker: Union County has funds available for homeowners and renters affected by Hurricane Sandy. Please call him at (908) 527-4843 if interested. Congratulated new hires; wished everyone Merry Christmas and Happy New Year.

Councilmember Giacobbe: Answered speaker's question on new Redevelopment Agency Commissioner. Said that the appointee is 30 years old and holds a bachelor's and master's degree, is active in Rahway and comes from a family that owns real estate in the city.

Councilmember Farrar: Wished everyone Happy Holidays.

Councilmember Cox: Congratulated new hires. Wished everyone Happy Holidays.

Councilmember Bresenhan: Congratulated new hires and Environmental Commission. Welcomed Mr. Cassio back. Wished everyone Happy Holidays. Thanked Fire Chief and Battalion Chiefs for assistance with distributing aid to the Philippine typhoon victims. Announced that the Police Department is conducting a food drive until Friday to assist Food for Friends.

Councilmember Wenson Maier: Thanked Administration for hearing Council's concerns and reaching a fair contract. Thanked public safety unions for negotiating and saving the City money on legal fees. Wished everyone Happy Holidays.

Council President Brown: Announced that on Jan. 20, the Martin Luther King celebration will be held at Second Baptist Church. The march to MLK Park begins at 10 a.m. on Jan. 18, there will be a basketball game between Rahway High School and the Roselle Rams at 3 p.m. Congratulated new police officers and wished everyone Happy Holidays.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:55 p.m. was made by Councilmember Mione and seconded by Councilmember Bresenhan:

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

ABSENT: Councilmember Saliga

Council President Brown declared the motion carried.